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No. 15

## House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, February 6, 2008, at 2 p.m.

## Senate

WEDNESDAY, JANUARY 30, 2008

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

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

Let us pray.

O God of light, in whom there is no darkness, thank You for Your light. You are a guide who gently leads us. You are a mystery but not a puzzle; profound but not incomprehensible. You are loving, patient, and long-suffering. O God, You are all things that we are not but need to be. You don't make promises to forget them. You, O God, with steadiness and perseverance move in the lives of people and in the life of our Nation and world.

Awaken our lawmakers to Your inescapable presence. Keep them from thinking that You are absent from our world or disinterested in it. Enable them to feel You in their midst as they grapple with the problems of our time.

We pray in the Name of Him who promised never to forsake us. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 30, 2008.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate proceeds to morning business, there will be 1 hour equally divided and controlled between the two leaders or their designees, with the first 30 minutes under the control of the Republicans and the next 30 minutes under the control of the majority.

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

### SCHEDULE

Mr. REID. Mr. President, we were able late last night to work out some-

thing on FISA, a 15-day extension. There is a path forward. We are going to try very quickly to get an agreement so that we can move forward. I had a meeting in my office at 6 o'clock last night. Following that meeting, I called the Republican leader, and I think we have a way of moving forward on this legislation, one that would be agreed upon by Senators BOND, ROCKEFELLER, LEAHY, and SPECTER, so that we can complete that legislation. I think it will probably take a good long day to do that, but I think that would be all it would take.

I hope we can get that done very soon. I do not want to wait. Whatever we do, whether we do something or nothing, I do not want to wait until the last minute. This is something we need to do. I think it would be in everyone's interests to get it to the House as quickly as we can so that we can move forward on a conference to send something to the President that he can review.

Again, we have the stimulus package that we have to deal with, and we are going to do that. That is why I made the announcement last night that we are going to have to do some work on Monday. We are going to have votes on Monday. They won't be early in the day, but we will have votes on Monday. Whatever we are working on, we will try to work Monday so that we can have some votes Monday night, so there will likely be more than one vote Monday night.

Tuesday, we are going to have to work. We really do need to complete this work on the foreign intelligence legislation quickly. Whatever we do on

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



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the stimulus, we also need to do that quickly. Again, whether we come up with our own package here in the Senate, whether we accept what the House has done, or do nothing, it is not fair to the American people, the other body, and the President not to take action that would be fairly quick, and we are going to attempt to do that, both dealing with the FISA legislation and the stimulus package.

#### RECOGNITION OF THE MINORITY LEADER

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

#### MOVING FORWARD

Mr. McCONNELL. Mr. President, based on the majority leader's representations that we are going to move forward and make our best effort to finish FISA, I agreed to the 15-day extension last night. He is a man of his word, and I know we will do everything we can to wrap up that important legislation.

It is a rare opportunity for a bipartisan accomplishment. It came out of the Intelligence Committee 13 to 2. It is the Rockefeller-Bond proposal. It is very important to our country, and I know the majority leader shares my view that we need to act in order to protect the homeland. I commend him for his decision to try to move it forward as rapidly as possible.

#### 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 be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee is recognized.

#### ECONOMIC STIMULUS

Mr. CORKER. Mr. President, I rise in morning business today to talk about the so-called economic stimulus package we will be dealing with in this body over the next few weeks. I think the Presiding Officer knows that it is very seldom that I come to this floor to speak. I try to only speak when I have something to say. I realize that today, I am probably a voice in the wilderness and probably will be over the next few weeks.

As are many Americans, all Americans who are familiar with being around railroads, I know a freight train when I see it coming. I realize the action taken yesterday in the House, by

overwhelming majority sending over to our body a stimulus package to deal with—I realize the winds are blowing, and the fact is that the winds are blowing in the direction of a stimulus package.

I am honored to serve in this body. I know that, contrary to much of what the American public thinks, there are many things that happen on this floor that actually show greatness of this body and greatness of individuals.

I have seen on this floor both the majority leader and the minority leader do things to cause something good to happen for our country. When I have seen that happen—and most of the time it happens under the radar screen—I have tried to go to them and thank them for taking the positions they did, even if it was a private position to make something good happen. I have seen other Senators take politically courageous votes that were maybe not in their own best political interests but were in the country's interests, and I have tried, too, on those occasions when I have recognized that, to go up and thank them for what they have done. Then, on the other hand, I have also seen occasions when we in this body just bow to the political winds and do things that are expedient because they are expedient, even though in our hearts we know they are really not best for our country.

Today, all across America, there are young people, young children gathered in classrooms, and they are learning in those classrooms that which will equip them to be productive in life. They are learning not just about facts and figures, but they are also learning about character. They have teachers whom they look up to. They have parents, hopefully, whom they go home to and look up to, coaches and others, Sunday school teachers, and hopefully some of the people whom they look up to from time to time are us in this body.

I know that right now in our country we are going through tremendous economic turmoil as it relates to the markets in general. I think most of us know that it is due to excesses that have taken place in the marketplace, that in our country and in this world we have business cycles that exist. That is what happens in a free market society such as we have. Those excesses work themselves out, and over time, we begin building again.

I know in the process of these excesses that in some ways they are beyond the control of the average citizen, and there are people in this country who are hurting. I know they are. My heart goes out to people across this country who find themselves in economic situations that in many cases are beyond their control. They have to do with markets. They have to do with the way we ourselves have conducted ourselves as it relates to fiscal policy. They have to do with things that are happening in other parts of the world. I truly feel for people who go home at night with tremendous economic dis-

stress. I am also always happy—just honestly always happy—when I see Americans receive refunds from the Federal Government. That is a good thing, and I am happy for people when that occurs. I really mean that.

But in this backdrop, I must say that I find it so odd that today in America we would consider a stimulus package, a package that in essence is built on sprinkling money around America and then encouraging people to quickly spend that money to ignite an economic stimulus in this country. I doubt there are many people in this body—there may be some, and I don't want to in any way criticize anybody because I know there are some who may believe the stimulus package that came from the House yesterday really is going to do some good. There are some, and I understand that, but I bet there are not many in this body who believe sprinkling money around America and asking people to spend it is going to do much, is going to do much to affect the long-term status of this economy.

But what I see happening is, all of a sudden, in the name of bipartisanship—and I want to say I have been excited to see bipartisanship taken up, and I want to put on the record that I have exercised, as the Presiding Officer has, bipartisanship in many cases to try to make something good happen. But in the name of bipartisanship, what has happened is we have come—what has come out of the House is a bipartisan bill in the name of economic stimulus that to me is—and I hate to be this crass—nothing more than political stimulus.

I hope this body will have the responsibility and the character to deal with our economic situations over the long haul. It may be that this body takes up this stimulus package, and it may be that this body makes changes, and it may be that this body actually passes a stimulus package that is similar to what came out of the House. But what I see in this package is nothing but a political stimulus. It is a stimulus to make the American people think that we as a body are doing something to actually cause the economy to be stronger.

So at this moment, I fear we are going through one of those moments where I am less encouraged about what might happen, but I am hoping that somehow or another, we will deal with this in an appropriate way.

I think all of us know in our country that we together have been fiscally reckless over the last several years. I think we know that generations who come after us will be dealing with the brunt of our actions. Not to be misunderstood, I am a strong believer in low taxes and creating a structure in this country that people can count on to move ahead and to make investments, but with that has to be the reality that spending has to be under control. Yet there is always a reason in this body and in the other body to spend money we do not have. I can go

back and cite example after example, and for some reason I sense that today we are in another one of those situations.

I know this package is going to change, and I know some of the components of this package cannot be calculated exactly this way, but what I would like to say is, if you take \$150 billion and spent the money today—I look at these pages on the floor who have come here so excited about their work. I want them to know that actually we in this body will never deal, in my generation, with paying for the \$150 billion. The next generation might, but I doubt it. It will actually be \$329 billion in 20 years at present rates, and in the generation after that, \$722 billion.

I know my time is drawing to a close. I know I am probably a voice in the wilderness. I am very discouraged about the wind I see blowing at this time. I am very discouraged about a package I think many people, if not most in this body, doubt is going to have any long-term effect on our economy. So I ask that my colleagues consider this, my colleagues with whom I enjoy serving: No. 1, that we call this package for what it is, a political stimulus package; that we begin today dealing in a bipartisan way with the tough decisions we have to make, and if there are anomalies out there we need to deal with where people are truly being hurt, let's deal with them; that we adopt the Conrad-Gregg bill to truly deal with long-term entitlements; and that we ask the administration, when they bring their budget forth on February 4, to bring forth a real budget that lays out to the American people the deficits we will have to deal with in the future.

This country has been built on sacrifice. It has been built on us and generations before us making tough decisions and making sacrifice. I hope this body, in a bipartisan way, will do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I begin my remarks this morning by addressing the points made at the close of Senator CORKER's remarks. The Senator talked about the need to look at some of our long-term budget problems—Social Security, Medicare, and even our tax structure. There are areas where we can see that the Tax Code is not as simple or straightforward as we want it to be, where we know there are imbalances in the Medicare program, and where we need to address how we are going to pay for future generations who will be retiring.

These are tough and long-term important problems with which we need to deal. Senator CORKER mentioned bipartisan legislation that I have cosponsored by Senators GREGG of New Hampshire and Senator KENT CONRAD of North Dakota to create a bipartisan commission to look hard at these

issues. The result will not just be another report. Instead, it will actually prepare legislative recommendations that will be brought to Congress to get an up-or-down vote.

Sometimes that kind of an approach is the best way of dealing with what appear to be intractable problems because such a structure can generate consensus and in some ways force Congress to take action, even if the short-term political issues might discourage action.

I hope that this approach will be adopted. I hope it is an approach that will make an impact because, as I have spoken on the Senate floor and at home in New Hampshire, these are long-term issues that have to be addressed. It takes leadership, but it also takes consensus.

The one point we also have consensus on in the country right now, and certainly in New Hampshire, is that we have witnessed a weaker economy over the last 6 to 12 months. In New Hampshire, just as in any other part of the country, that is felt first by families, by working families who see the slower growth, families who feel the pinch of higher energy prices, families who see credit tightening and are struggling to deal with that slowdown.

We are the strongest country in the world, the strongest economy in the world, but that does not make us immune from the economic cycle. When we see an economic slowdown, we understand we cannot necessarily turn the economy around instantly, but we need to take action. We need to lay the groundwork for near-term economic growth and the groundwork for long-term economic growth. That is what we need to focus on as we debate an economic growth package in the Senate.

We have begun to act with a housing modernization bill, commonly referred to as FHA modernization, that will help States and homeowners modify their mortgages, stay in their homes, deal with the slowdown in real estate prices and reduce the impact of the credit crisis on home ownership. We passed that bill in the Senate last month. The House has also passed its version. This is an area where we need to act quickly to resolve the differences between the two versions and send it to the President for signature.

The issue of timeliness is going to come back on us again and again as we debate this economic package because the one thing we understand and know about any economic package is that if it is going to have an impact, it needs to be done in a timely way. It should focus on the near term. It should include provisions we believe will have an immediate impact on investment and growth, and it should be temporary.

We know that we have to deal with long-term problems about which the Senator from Tennessee spoke, but we also understand the impact that the slowdown is having. We can put to-

gether a package that meets the following criteria: focuses on the next 12 months, encourages investment and economic growth, and is done in a timely way.

What should the main provisions of an economic growth package be? It should put money into the pockets of families and do it through a tax rebate. People pay taxes. At the end of the day, every dollar of revenue that is collected by the Federal Government ultimately started with an individual, a family, a worker, whether it is excise taxes on gasoline or income taxes. Even the taxes we levy on businesses ultimately are passed through to consumers in the products and services those corporations sell. As I said, people pay taxes. It is not a mistake to allow a family to keep a little bit more of what they earn, to give them a rebate over the next 12 months to help deal with those energy prices, help deal with their mortgage payments or help invest in items that will make for a better quality of life for them and their children. This needs to be part of this growth package.

Business investment also needs to be a part of this growth package. In New Hampshire, that means small businesses. They are the ones that provide jobs, cover their employees with health care, and are responsible for most of the investment in New Hampshire and across the country. I think one of the most important provisions that is being discussed in this growth package is a way to encourage those small businesses across the country to make new investments in their plant, improve productivity, make investments in their employees, and create new jobs. Jobs are not created in Washington; they are created across the country. Businesses large and small put up capital, take a risk, hire that new worker, train that new worker. That is where the difference is made. This package needs to include very real and meaningful incentives for those businesses to spend, build, create new jobs, and improve productivity.

If we are going to have any impact, though, we cannot stand in Washington and debate. We need to act in a timely way. This cannot be done over a 4-month, 5-month or 6-month protracted debate. If it takes that long, it will be too late to have any impact.

Congress does not often act in a timely way. We know that; we understand that. The key to getting something done soon is to work in a bipartisan way. That means compromise. That means everyone will not have everything in the package they might like to have. We cannot have 535 Members of Congress all writing their own economic growth package. We do have the basis for a bipartisan agreement in legislation that has passed the other body by a very strong bipartisan vote, with Democrats and Republicans supporting the two core principles I talked

about: tax relief for families and individuals and encouraging business investment for small businesses and larger firms that are creating jobs every day.

A bipartisan approach has to be the way this issue is addressed in the Senate. We all understand the rules of the Senate allow unlimited debate and unlimited amendments. This is one case where we need to exercise a little bit of discipline, where we need to exercise a little bit of common sense. We cannot have every Senator offering three, four or five different provisions to this legislation. The bill would collapse under the weight. By delaying passage and implementation, we make it much more difficult for anything we do to have a positive impact.

I hope, as the debate moves forward, we work to keep this growth package in line with the bipartisan agreement that has been established, the framework that has been put together. Such a process does not mean we will not have an opportunity to debate the package or even make some modifications. If we go astray, if we let our own egos and personal needs drive this debate, we will not get this legislation done, and the American people will look at the institution of Congress yet again and be frustrated at its inability to act in a bipartisan way, at our inability to act in a timely way, and our inability to take the steps necessary to make a difference in our economy.

I yield the floor.

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

Mr. CORNYN. Mr. President, may I inquire how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 37 seconds remaining.

Mr. CORNYN. Mr. President, I wish to express my agreement with the wise words of the distinguished Senator from New Hampshire and expand on the theme he spoke to, along with the Senator from Tennessee earlier.

When I was younger and was going to college, I thought I wanted to become a doctor, but that was until I encountered organic chemistry and physics, and that persuaded me that maybe there was something else out there for me to do. But I did learn about the Hippocratic oath which is what the medical profession takes, this oath basically to first do no harm. I think that ought to be something that guides us as we look at how do we deal with this impending challenge with regard to our economic situation.

I do think we have started off in a very strong way, and I express my congratulations to Speaker PELOSI, Republican Leader BOEHNER, and Secretary of Treasury Hank Paulson for the work they have done which met with as close to universal approval on a bipartisan basis as you can get in the House of Representatives for what the Speaker has called a targeted, temporary, and

timely economic stimulus. That will hopefully allow us to avoid a recession and, of course, all the fallout that would result from that recession, including people out of work and obviously negatively affecting the quality of life for a lot of Americans, including my constituents in Texas.

We have to look at this as both a short-term issue and a long-term issue. I hope the kind of bipartisan cooperation and the movement we have seen will start a trend. I am encouraged, as my colleagues have already heard, by some of the work that is being done on a long-term basis by Senator KENT CONRAD and Senator JUDD GREGG, both the chairman and the ranking member of the Budget Committee on which I serve, to deal with the impending long-term crisis of entitlement spending. If we do not do anything in the next 30 years, the only programs that we will have money to spend on as part of the Federal Government is Medicaid, Medicare, and other entitlement spending, plus the interest on the national debt. That is it. We will not have any money to spend on national defense, research, innovation, education, and other programs that are very important to the continued prosperity and future of our country.

That is a looming disaster out on the horizon I hope we will respond to. We cannot afford to take the year off in Congress because we know we are in an election cycle. We have a Presidential election coming up in November, and a third of this body will stand for election as well. But as the Republican leader, Senator MCCONNELL, has pointed out, we have had an election every 2 years since 1788 in this country—we are going to have another one in November—and we can't use that as an excuse for simply sitting back and becoming spectators rather than active participants in trying to solve the challenges on the economic, security, and all other fronts on both a near-term basis and a long-term basis.

Of course, there are other things we need to do to be able to restore public confidence in the U.S. Congress and Government, and one of the things you will be hearing more about is the proposal that we will be making for a 2-year budget, the idea being that, as we saw last year, on an annual budget we basically spend all year in the appropriations process with very little opportunity for oversight of this huge bureaucracy—the executive branch of the Federal Government. And without oversight, we know bad things can happen. Perhaps with oversight bad things can happen, but we cannot be asleep at the switch when it comes to the oversight responsibilities we have for the Federal Government and Federal spending.

One example I wish to point out is something my colleagues have heard me comment on before, and it is a Web site called [expectmore.gov](http://expectmore.gov). I hope people who are hearing what I am saying here today will take the opportunity to

look at this [expectmore.gov](http://expectmore.gov) Web site created to demonstrate the review by the Office of Management and Budget of over 1,000 Federal Government programs. What they found out is that 22 percent of those programs either are ineffective or else—what may be even worse—they weren't able to tell one way or the other whether they were effective, as Congress intended. That is 22 percent of 1,000 different programs. Yet Congress has done virtually nothing to eliminate those ineffective programs or to make sure those that could be improved and could be effective are in fact improved and the problems corrected. I hope we would use this as an opportunity to deal with our budgetary problems both in the near term and the long term.

I have proposed another initiative, based on the sunset commission that exists in my State, and exists in a number of other States, where periodically we would go back and look at the very reason for the existence of Federal programs. In my State, the sunset commission has been very effective in allowing the State legislature to look at programs—government programs—to determine whether they are still needed and to start at a zero-based budget and force these agencies to justify their budget, rather than what happens here in Washington, which is that things tend to grow and grow and grow and develop their own constituency, and then a bureaucracy that has a vested interest in their growth and proliferation, and there is very little impetus, very little pressure on Congress to eliminate ineffective and unnecessary programs.

I hope we will continue this early spirit of bipartisan cooperation on the emergency stimulus package that came out of the House, and we will do more to carry on this trend when it comes to dealing with our mid- and long-term economic problems, not for ourselves but for our children and for our grandchildren.

There are things in the economic stimulus package that came out of the House that I have some questions about. But I do agree it is important for confidence building in the markets and to demonstrate we are actually capable of acting when action is required that we act on a timely basis to pass this House-passed measure. I believe there were only 35 votes against the House stimulus package yesterday, and as I said earlier, that represents overwhelming bipartisan support for this negotiated product.

I know there are Members of the Senate, myself included, who have some other ideas about what we might be able to offer to improve that. The problem is, as we all know, under the rules of the Senate it is basically a free-for-all once that bill comes to the Senate floor, and there can be numerous amendments, there can be filibusters and other delays, which I think are dangerous indeed when a timely response is called for in terms of this targeted, temporary stimulus package.

My conclusion is I think we are better off and the country is better off in the long run showing that we can act on a prompt basis by passing the House version.

Now, that does not mean we can take the rest of the year off or we don't have to be responsive to other concerns that arise, as I have indicated earlier. If there are other things we need to do, then I think there are other opportunities for us to do them. But I do think it is important early on in the year to demonstrate our commitment to working together to solve America's problems.

I saw a poll the other day that said 98 percent of the respondents were sick and tired of the bickering and the partisanship they see in Congress. I am shocked anybody would have to take a poll to conclude that, and why it wasn't 100 percent rather than 98 percent. But here is a chance for us to act, and I hope we will act in the short term to deal with this economic challenge we face in the markets, but then in the long term to make sure that the prosperity we have enjoyed, thanks to our parents and grandparents, will be handed down to our children and grandchildren.

Mr. President, I yield the floor.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for up to 7 minutes as in morning business and to maintain the existing 30 minutes for the majority side.

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

Mr. ISAKSON. Mr. President, I commend Senator CORNYN on his remarks, and I want to add that I too think it is important to address the stimulus package that has come from the House quickly and decisively. I fall in the category of one of those who has some other ideas as well, but I think while the iron is hot and while we do have a surgical and strategic proposal before us, we should act.

Immediate action can make a large difference in when the infusion comes back into the economy, when the tax breaks can be taken advantage of by business in terms of depreciation and expensing, and in particular for the housing market, the increased loan limits for Fannie Mae, Freddie Mac, and FHA loans will be essential in saving some houses in foreclosure and those ultimately facing foreclosure, because they will be purchased by people who will qualify under the new loan limits and who will be able to take that loan and make it a performing asset.

It is to that subject I want to talk for a second. Experience is a great teacher. There is an old saying if a cat sits on a hot stove, it will never sit on a hot stove again. Of course, they never sit on a cold stove; they just get out of the business of sitting on stoves. In my ex-

perience in the private sector as a businessman, for years I was in the real estate business in the 1970s, in particular, in the period of time between 1968, as a matter of fact, and 1999. In the mid 1970s, the United States faced a housing crisis almost identical to what is about to happen in this country today. In 1973 and 1974, we had a huge housing boom, with increasing values, where credit got easier, loan limits got higher, and underwriting got lower. What ended up happening was that a lot of bad loans were made. In that particular period of time, many were to homebuilders rather than homeowners. But suffice it to say it was the same underwriting problem and the same deficiency in terms of loans. A plethora of foreclosures took place, new homes went back, and the United States found itself in 1975 in a recession with a 3-year supply of single-family houses on the market, unsold and with no housing market.

The President and the Congress took action. They passed a \$6,000 tax credit, where a family could collect \$2,000 a year for 3 years if they purchased any standing new home in inventory and occupied it during those 3 years. Within the course of a year, we had reduced as a country a 3-year supply of housing to a 1-year supply of housing. We had reinvigorated the construction trade, the subcontractors, the building suppliers, those who manufactured carpet, washing machines, dryers, and all the components so important in the overall economy that are spurred by a home purchase.

Yesterday, I introduced, along with Senator GREGG, Senator CRAIG, Senator ALLARD, and Senator CHAMBLISS, S. 2566, calling for us to repeat history in this country, to reenergize the housing market that is so sluggish, at a strategic time. We can save houses in pending foreclosure from actually being foreclosed upon and turn them into occupied single-family dwellings. Very simply, S. 2566 would do the following:

It would provide a \$15,000 tax credit—\$5,000 for 3 years—to any individual, couple, or two people living together filing separately, if they purchased and occupied as their home any single-family dwelling on the market that was: A, a new home permitted for construction before September 1 of 2007 and now vacant; B, a home that has been foreclosed on that was owner occupied and is now in an REO—real estate-owned—category of any lender, bank, or financial institution; and, C, any property pending foreclosure that is owner occupied.

We all know from reading the paper that foreclosures are going up in geometric proportions. What is about to happen in the first quarter of this year is the largest realm of foreclosures that has taken place in this country in years. What is going to go into the second quarter of this year is those banks being told by regulators they have to get rid of that inventory, that they

can't keep it on their books, and banks and lenders are going to do what they have always done. They are going to get rid of them by deeply discounting the prices to try to get people to come and buy those houses.

Now, what that does to Mr. and Mrs. America who live in a house making their payments is it depresses the value of their house, it lowers their home equity line of credit available because the value has gone down, and it stagnates the very consumer the economy has depended on over the last decade for the longest protracted period of growth in our history.

I come to the floor today to ask all the Members of the Senate to take a look at S. 2566, to take a hard look at it, and to make sure they look back at the history of 1975, when we faced almost an identical problem, took the strategic action this bill recommends, and had a result that was absolutely right for the economy and right for the American homeowner.

I understand all kind of incentives, I understand giving money back, I understand trying to send people to do things, but there is nothing better than helping to make the No. 1 investment every American family wants to make. An incentive to do that, at a time that very market is in trouble, is one of the keys to seeing to it that whatever lies ahead for us in our economy is a much lower trough, and maybe even a peak, where we at the right time strategically invest in the American family, in homeownership, and take those houses in ownership by lenders and put them in the ownership of families.

Mr. President, I yield back the remainder of my time, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MEASURE PLACED ON THE CALENDAR—H.R. 5140

Mr. BROWN. Mr. President, I understand H.R. 5140 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

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

Mr. BROWN. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. 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. BURR. Mr. President, it is my understanding the Senate is in morning business?

The PRESIDING OFFICER. We are.

Mr. BURR. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

The Senator from North Carolina is recognized.

Mr. BURR. I thank the Chair.

(The remarks of Senator BURR pertaining to the introduction of S. 2573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### ECONOMIC STIMULUS

Mr. CARPER. Mr. President, it is almost 2 o'clock. This afternoon, as I understand it, the Senate Finance Committee is beginning to convene and to gather to debate the economic stimulus package which has come over to us from the House and to see what changes, if any, we might want to make in the Senate. I wish them good luck and Godspeed.

If you look at the history of stimulus packages in this country—I came to the House in 1982, was here for a while, went off to be Governor of my State, and came back at the beginning of this decade. But the history of stimulus packages is, sometimes we seem to pass them, and we have passed them after some delay. We have passed them actually after we have not only gotten into a recession, but we were actually coming out of a recession. And rather than being helpful as you go into a recession, turning things around, the stimulus package can be inflationary, an after-the-fact thought, and not all that timely, not all that helpful.

When we hear advice from economists and others on putting together a stimulus package, we hear the three Ts. The first of those is "timely." And the House has acted in a very timely way, working with the administration, to put together a package, not a bad package. I commend Speaker PELOSI and Secretary Paulson for the work they have done. It is not a perfect package, but I do not know that any of

us could draw up a package that would be.

It is timely. It has come to us expeditiously. It has come to us on a day on which I believe the Federal Reserve is meeting to discuss whether they might want to lower the Federal funds rate by another quarter or half a percent on top of the three-quarters of a point reduction they adopted actually a week and a half ago.

A second piece of advice we have always gotten from economists and policy wonks on recession stimulus packages is, not only should it be timely, but it should be targeted; that is, the money should go to those places where the money will not simply be taken by whoever receives the benefit of a stimulus package and save more money, but would actually take the money and put it back into the economy to help get the economy moving.

I heard earlier today some discussions going on in the Budget Committee. One of the witnesses was saying he was rather skeptical and dubious of a stimulus package and said it is like the Federal Government borrowing money and taking that money out of one pocket and putting it in the other.

If we simply take the money from a stimulus package that the Federal Government might try to infuse into the economy, we give it to people who put it into their pockets who are just going to save the money, I do not know that we do a whole lot of good in stimulating the economy. That is not to say we do not need to save more money in this country of ours; we do. But I am not sure in the near term that is going to help move the economy. So the idea behind this stimulus package is, it ought to go to folks who need the money, who will spend the money. In some cases people are desperate for the money, people who might be desperate to feed their families, desperate to pay their heating bills in the winter. But they are going to take that money, whatever it might be, and infuse it, put it back into the economy quickly.

The third T that we have heard a whole lot about is the T for "temporary," the notion here being that we face a significant budget deficit. We do not want to prolong that or make it worse long term. We do not want to dig an even deeper hole than we are in as a result. We want the stimulus package to be of a temporary nature, to help us avoid a dip, avoid a recession if we can. And if we are going to have one, to make it shorter than would otherwise be the case.

The package that has come to us from the House has a good deal recommended. I have never been wild about tax rebates, but I think I supported one back in the earlier part of this decade about 3, 4, 5 years ago. But the package that we have on tax rebates from the House actually is pretty well targeted.

As I recall, there is maybe a \$1,200 rebate that would go to folks, to a fam-

ily, if you have two bread winners in the family. For an individual, it would be \$600. There is a cap if your income is above a certain level, maybe \$150,000 for a family, about half that or so for an individual. If your income is above those levels, you don't receive the rebate. We can quarrel whether \$150,000 is too high or too low. It is what it is. It is better than having no cap at all. There are some who believe we should simply send out a rebate to everybody, \$1,200 for a family and \$600 for an individual. The problem with doing that is, it is little bit akin to taking money from the Federal Government out of one pocket and putting it into the pocket of another family who is not going to spend the money. They are not going to put the money back into the economy. They may save it. That is all well and good, but it is not going to do much to stimulate the economy.

My hope is the Finance Committee will decide we will have a rebate and make sure it is targeted to those folks who are the most in need of some financial help and that any tax rebate we do reflects that. We had economists in recent weeks who have said to us, in testimony and other public forums, we can actually gauge what bang for the buck we get out of Federal stimulus dollars. We are told that if we actually put money into extending unemployment benefits, we get about a buck 75 for every dollar of stimulus we provide. If we put that money toward folks to increase slightly their food stamps, it is about the same. For every dollar we put into that, we get about a buck 75. We don't get quite that kind of return on a tax rebate, particularly if there is no cap. If there is a cap and the money is directed toward lower income folks, it is a better bang for the buck than would otherwise be the case.

My hope is that as the Finance Committee considers what kind of package to put together, they will make sure there is some kind of reasonable cap on any tax rebate we send out.

With respect to unemployment benefits, it makes a lot of sense to extend unemployment benefits, but I would target them. I would especially target them to States where levels of unemployment are high. I think about Ohio. My heart is still with the Buckeyes. They are going through a tough time. As to the folks up in Michigan, I am a huge Detroit Tigers fan, but I also care about the people there and other places where unemployment rates are 8, 10 percent and where people are in some desperate straits. I hope we would target the unemployment benefits that we will extend, whether it is 13 weeks or 26 weeks, to particular places such as those States. For States that are enjoying economic good times, where the rate of unemployment might be 2 or 3 or 4 percent, we ought to be careful about extending unemployment benefits. Certainly, 26 weeks doesn't make a lot of sense to me in those cases. Under current law, people are already eligible for 26 weeks of benefits, and in places

of low unemployment, I don't think it makes sense to add another 26 weeks on top of that. If we had unlimited dollars, that would be well and good. But we have a deficit. It is getting bigger. The idea would be to target it accordingly.

The same thing with food stamps. In a perfect world, I would actually not argue for having food stamps as part of a stimulus package, even though we know it is actually a pretty good stimulus, and there is a need out there. Last fall, we debated in the Senate, as they did in the House, a farm bill. A big part of the farm bill is not just aid to farmers or conservation funding for farmers to conserve open spaces. It is not just helping commodity crops or specialty crops. A big part is nutrition funding, which includes food stamps. I would not say we are close to reaching a compromise between the House and Senate on the farm bill, but my hope is we will get there within a couple months. If we are going to end up including in the stimulus package some provisions dealing with food stamps, I hope we would not make it a long time. I think you could argue for maybe a 3 months' provision. We could come back and extend that if we wanted to, maybe at most 6 months. But I would urge us not to go much beyond that. What we should do is finish our work on the farm bill, work out a compromise between the House and Senate, something the President will sign, and address nutritional needs as part of the stimulus package we are talking about. With respect to food stamps, do that in the farm bill, not in the stimulus package. If we are going to do it in the stimulus, do it for several months, not a year or more.

The Federal Reserve has already done us a big favor in cutting the Fed funds rate, the rate of interest banks charge when they lend money to one another overnight. They dropped it down by three-quarters of a percentage point. That has an immediate effect, a significant effect. It sends a very hopeful signal not just to markets but to households and all kinds of folks who are in businesses needing credit. I commend the Federal Reserve. My hope is they take it a little further today and lop off another quarter percent. I don't know that they will do more than that, but that would be welcome.

In a way, we overestimate the importance of a stimulus package that we adopt. We spend a lot of time wringing our hands and trying to get it right, working out a compromise between all the different sides. In the end, the impact of our package from the Congress and the White House is actually modest compared to the impact you get from a cut in the Fed funds rate by the Federal Reserve of a full percentage point.

I close with maybe two or three points to keep in mind. One, in putting together a stimulus package, make it targeted, timely, temporary. Two, to do no harm, for us not to do something

that is foolish. I would suggest that a tax rebate that goes to Warren Buffett and Bill Gates and the wealthiest people doesn't make a whole lot of sense in an age when the budget deficit is approaching \$250 billion. Let's not do anything foolish, do no harm. And three, maybe one of the best things that can come out of a stimulus is to convey to the folks who are struggling or having a tough time making ends meet, maybe aren't very hopeful, that we can work together. Even in an election year, a lot of politics in the air, we can set differences aside and come together on a package which makes sense, which will be helpful to a lot of folks and to either help us avoid a recession or maybe make it more shallow and of shorter duration.

Among the pieces of the House package that I thought were most meritorious was some stuff people don't think about very much. One of them deals with something called GSEs, government-sponsored enterprises. There are about three that I think a fair amount about. One is Fannie Mae. The other is Freddie Mac. The other is the Federal Home Loan Bank system which raises money for lending for home ownership. There is a proposal that would allow the government-sponsored enterprises, the big financial behemoths of Fannie Mae and Freddie Mac, to have larger mortgages in their portfolio than they are currently allowed. I think they are currently allowed roughly \$400,000, and there is a suggestion that they be able to take on loans to \$700,000 or so. That is fine to do for a short period. I don't think we should make it permanent. I don't think we should do it even for a year. The reason is, we need to come back and provide a strong independent regulator for Fannie Mae and Freddie Mac. If we simply make this change to allow them to put larger mortgages in their portfolio, it is a little bit like saying you, eat your dessert, but you don't have to eat your vegetables.

That is all well and good. They would like to be able to buy larger home mortgages and put them in their portfolios, high-cost places such as California and some places in the Northeast, but at the same time they need to eat their vegetables, and they need to have a strong, independent regulator who will be there to set the right kind of capital standards and to ride herd on these entities to make sure they don't get into trouble and, by doing so, get the rest of us in trouble.

The other thing we need to do—and I don't think it is part of the bill the House has sent us, but it might be—deals with FHA, the Federal Housing Administration. FHA is 75 years old this year. Sometimes people wonder, where did we ever get this 30-year fixed rate mortgage that people could prepay. Where did it come from? It came from the FHA. It has been around a long time. FHA was the birthplace of what we think of as the traditional mortgage. The FHA, as recently as a

dozen or so years ago, was involved in mortgages that went to maybe 20 percent of the homes being bought and sold. Twenty percent used FHA. Today it is about 5 percent. The difference between that 20 percent and that 5 percent for the most part is people have gone into the subprime market, and they have gotten these adjustable ARM mortgages.

People have been lured by teaser rates. Now these adjustable ARMs are resetting. It might have been a teaser rate of 2, 3, 4 percent. They are now going at 7, 8, 9 percent. The folks who got into these exotic mortgages are finding they can't refinance, and they are stuck with some kind of significant penalty or maybe being stuck altogether. What we need to do is bring the FHA of the 20th century into the 21st century and make it relevant for folks looking to buy a house today. We passed legislation in the Senate. They are actually not that far apart. We reduced the amount of downpayment from 3 percent to 1.5 percent for an FHA loan on a home mortgage. And we do some things. We require folks to get the kind of counseling they need. We do a better job on reverse mortgages. When people are old and their houses are basically paid for, they can actually live on the equity of their home for the rest of their lives. The idea would be to make those more readily available to people who could use that kind of help later in their lives.

There are a variety of other changes in the FHA that need to be made to make it relevant for today. Those are examples of some.

As much as anything that we would do in the stimulus package that is being debated right now in the Finance Committee, we need to come to closure on reauthorizing the FHA and bringing it into the 21st century. While we are doing that, we need to go ahead and raise the cap on the amount of loans, the size of the loans and mortgages that can be bought and put into the portfolios of Fannie Mae and Freddie Mac, but only for 6 months, with the idea that between now and 6 months from now, the House and Senate will hammer out a compromise, signed by the President, that will provide for a strong, independent regulator for Fannie Mae and Freddie Mac, for Federal Home Loan Banks. If we do all that, we will convey not just a sense of hope, but we will do something that goes beyond a mere stimulus for a couple months. We will address the underlying problem that got us into this mess, the subprime lending mess in the first place because what we will do is say to the folks who have marginal credit, who otherwise would maybe have to rely on these exotic mortgages, these adjustable ARMs, instead of having to rely on something such as that, they can rely on the FHA, as people have done for a generation, because we have made it relevant for your lives and for your needs.

That is the view from Delaware today. My hope is some of that will be



prevailing later today in the Senate Finance Committee, and we will have an opportunity to take it up and debate it tonight and tomorrow.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SANDERS. 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.

Mr. SANDERS. Mr. President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. We are in morning business. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I think it is clear to the vast majority of the American people, if not to the President of the United States, that the middle class in our country is shrinking; tens of millions of people are working longer hours for low wages; workers today are getting into their cars and are paying outrageously high prices for a gallon of gas; that senior citizens in the State of Vermont can't afford the skyrocketing costs of home heating fuel; and that at this particular moment in our history, with poverty increasing and the middle class shrinking and our economy in serious trouble, it is absolutely imperative that we pass an economic stimulus package. The bottom line is not just passing a package but passing a good package.

I think there are some positive aspects of the bill that came from the House. I think from what we are hearing, the Senate Finance Committee is going to make that bill even stronger. But the main point I want to make this afternoon is that when we pass an economic stimulus bill, we have to get it right. It has to be fair. It has to have the impact of rejuvenating our economy and helping those people in need.

Later this afternoon, as the Presiding Officer knows, the Senate Finance Committee will be voting on what I believe is, for the most part, an improved version of the economic stimulus bill that came from the House. I think it is right that the Finance Committee bill includes an extension in unemployment insurance for 13 weeks in all States and an additional 26 weeks in States with high unemployment. That is obviously the right thing to do, because people who lose their jobs, people whose unemployment compensation expires, are people in desperate need. Those are the people we need to help. From an economic stimulus point of view, those people will take that money, spend it, and help stimulate our economy.

I am also pleased that the Finance Committee extended the rebates to 20 million senior citizens who don't earn income, and that was certainly a major lack in the bill that passed the House. There are millions and millions and

millions of senior citizens in this country hanging on, on low fixed incomes, getting their Social Security check every month, but having a very difficult time making ends meet, especially with health care costs rising, heating fuel costs rising, prescription drug costs rising. Those people need help. It is absolutely imperative that if we pass an economic stimulus package, it must include our senior citizens as well. I applaud the chairman of the Finance Committee for including that provision in the bill.

Furthermore, I am strongly in agreement with the proposed package coming out of the Senate Finance Committee that low-income Americans who pay Social Security and Medicare taxes should also receive the same rebate as somebody who is earning \$50,000, \$60,000, or \$80,000 a year. In point of fact, those people are most in need, and I disagree with the House provision that would provide them with a \$300 rebate as opposed to middle-income or upper middle income people who get a \$600 rebate. We should not provide a two-tier rebate approach. Everybody should get the same amount. Certainly lower income people have more need of the money than upper income people. So I think that provision in the Finance Committee proposal makes a lot of sense.

Having said those positive things about the Finance Committee package, there is one area where I strongly disagree. Under the House package, the rebates were capped at incomes of \$75,000 per year for individuals and \$150,000 a year for couples. As I understand it, the Finance Committee would eliminate those caps and they would say to the wealthiest people in our society, to the millionaires and to the billionaires, to Bill Gates, to Warren Buffett, that you will be eligible for a tax rebate. At a time when this country has a record-breaking national debt, at a time when the people on top have never done so well, and the richest 1 percent are doing very well based on anyone's analysis; at a time when the richest 1 percent have already received collectively hundreds of billions of dollars in tax breaks from President Bush, the idea that under a so-called economic stimulus package we would be providing \$500 to Bill Gates is not only absurd, it is laughable. I hesitate to think what the American people will conclude if we go forward in that approach, and if we do away with the cap at \$150,000, which the House appropriately placed in there.

It has been estimated that eliminating the income caps for the rebate checks, giving that money to Bill Gates and other billionaires would cost about \$5 billion. Five billion dollars would, in fact, be enough money to significantly increase food stamps for tens of millions of the neediest Americans in our country. I don't think it is rocket science to suggest that it is more important to make sure that kids in this country get adequate nutrition,

that older people be able to get some help in food stamps, than giving a \$500 check to millionaires and billionaires, not to mention that all of the economists agree that if you are talking about an economic stimulus, the fastest way you get that money out into our society is by giving it to people who are most in need who will then spend it, not to the wealthiest people in this country. I hope very much that every Member of the Senate will conclude that giving a tax rebate of \$500 a person in a so-called economic stimulus package to the wealthiest people in this society makes zero sense.

In my view, despite the improvements or most of the improvements we are seeing in the Senate Finance Committee, I think that, frankly, there is a lot more that must be done in the economic stimulus package, and it should be done for two reasons. No. 1, for 7 years, we have had a President who has turned a blind eye to the middle class and working families and lower income people in this country; at a time, in fact, when poverty is increasing, his contribution to the process was to propose major cutbacks in one program after another. I think it is time now that Congress pay attention to the needs of the middle class, lower income people, and start addressing their needs rather than just upper income people who have received so much over the last 7 years. Specifically, we must provide help to those most in need, particularly senior citizens on fixed incomes, low-income families with children, and persons with disabilities.

We must strengthen the middle class in this economic stimulus package, and we must put Americans back to work at good-paying jobs by paying attention to our infrastructure, which has so long been neglected with the results being that we have bridges and roads and culverts and school buildings that are in desperate need of repair.

If we fail to pass an economic stimulus package that does not accomplish all three of these goals, we will have missed out on an important opportunity to strengthen our economy and to help those people most in need.

Here are just a few steps that I believe we should be taking. First, I believe we should increase the stimulus package by at least \$25 billion. I also believe we should reduce the business tax breaks by at least \$25 billion. Mark Zandi from Moody's has estimated that the business tax breaks contemplated by Congress would yield very little stimulus to the economy, much less than increasing food stamps or unemployment benefits. In other words, if the goal is to stimulate the economy, the tax breaks being proposed for the business community in many ways would have much less of an impact than many other proposals, such as increasing food stamps or unemployment benefits.

If we did those two things—increase the stimulus package by \$25 billion and reduce the business tax breaks by \$25



billion—that would leave us with an additional \$50 billion. What can we do, what should we do with this \$50 billion? We could complete the picture. We can put Americans back to work at decent-paying jobs, we can help those who are most in need, and we could strengthen the middle class.

How do we do that? Specifically, I believe we should provide \$5 billion for an expansion of the Food Stamp Program. In America today, poverty is increasing. We are seeing levels of desperation in the State of Vermont and all over this country that we have not seen in many years. Food shelves in the State of Vermont and throughout this country are running out of food. I understand that in the agriculture bill, there are proposals to increase food stamps, but we do not know when that farm bill is going to be passed. We have to act now. Let's support our neighbors who are having a hard time feeding their families. Let's substantially increase food stamps and do it in this economic stimulus package.

What else should we be doing? I can tell my colleagues, coming from one of the coldest States in America, at a time when home heating fuel prices are soaring, it is absolutely imperative that we significantly increase funding for the LIHEAP program. Many of the people on LIHEAP are senior citizens, and the rest are low-income people. With fuel prices soaring, with poverty increasing, more and more people are having a difficult time keeping their homes warm. We must significantly increase LIHEAP funding. The economists tell us that is also an important mechanism if we are going to stimulate the economy.

Including food stamps, LIHEAP, and unemployment benefits in the economic stimulus package is not only the right thing to do in terms of stimulating the economy, it is the moral thing to do. We cannot, we must not turn a blind eye to those people who are most in need. That is what has gone on year after year under Republican rule. It is time we turned that around and told those Americans most in need that we hear them, we know what is going on, and this Congress, this Government will respond to those needs, and now is the time to do that.

In my State and all over America, our infrastructure is crumbling. There are estimates that we need over \$1 trillion to rebuild our bridges, our schools, our culverts, and in the process of doing that—this is work which has to be done, and the longer we wait, the more it costs. I speak as a former mayor. When you delay your infrastructure repairs, all it means is it is going to cost you more next year. We can put many workers back to work doing this very important task of rebuilding our infrastructure, making sure the schools our kids are going to are updated, and making sure they are energy efficient. If we make our schools and public buildings energy efficient, in the long run we are going to

save money. But as an immediate economic stimulus, putting money into the infrastructure can create many jobs, and these are good-paying jobs. I am talking about schools, bridges, roads, sewers, wastewater plants, rails, ports, airports, health delivery systems, and other infrastructural needs. Last year, about 200,000 construction workers lost their jobs, and this is a good way of bringing at least some of them back into the workforce.

I will also give two more examples of investments we should be making that can have a very significant impact upon the lives of the American people.

When a worker loses his or her job, in all likelihood that worker is also losing his or her health care. We have seen, since Bush has been President, over 7 million Americans lose their health insurance, and as unemployment goes up, surely that number will only increase.

If we just provided, for example, \$148 million for the expansion of community health centers, that would be enough money to create 227 new CHCs all over this country. It would provide jobs for health care workers, but even more importantly, when somebody loses their health insurance, they would have the opportunity to access primary health care, dental care, low-cost prescription drugs, and mental health counseling. This is a good investment at any time. It is an especially good investment now. It puts people to work and will provide health care access for millions of Americans.

For those who question the appropriateness of including community health centers in an economic stimulus package, I simply remind them that this is precisely what we did under President Ronald Reagan's stimulus package in the 1980s. It worked then, and I believe it will work now.

Another important investment we should be making is to provide at least \$500 million for the low-income Weatherization Assistance Program. Weatherization is a program that is going on all over the country. We do not need a new bureaucracy to funnel that money into the projects; it is there already. In Vermont and in many other parts of America, the needs for weatherization far outstrip the funds that are available. Many of the community action agencies have long waiting lists.

Funding weatherization makes eminent sense for a number of reasons. No. 1, the programs are in place. We can put people to work right away. That is an economic stimulus. No. 2, it is absolutely absurd that millions of low-income people continue to live in homes which are very poorly weatherized, where insulation is lacking and they have inadequate roofs, windows, and doors. They are putting money into their heating system, and that money is simply leaking out of their homes, causing, by the way, an increased problem with greenhouse gas emissions. So weatherization makes sense in terms of creating jobs, it makes sense in saving people money on their fuel bills, and it

makes a lot of sense for those of us who want to cut back on greenhouse gas emissions.

Back in 2001, when both you and I, Mr. President, were Members of the House, I was an early backer of tax rebates. I strongly support tax rebates for middle-class and for low-income families with children and for persons with disabilities. I also believe senior citizens who do not pay income taxes should be receiving this assistance as well through a bonus in their Social Security checks. But giving someone \$500 or \$1,000 alone will not fix the economic problems the middle-class and working families of our country are facing. Putting Americans to work at decent-paying jobs and helping those most in need is also extremely important.

We must pass an economic stimulus package. We must do it as quickly as we can. But we must do it in a way that really has an impact on our economy and an impact on the lives of those people who are most in need. In the coming hours and days, I intend to be actively involved in that process.

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

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

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senate is in morning business. Senators are authorized to speak for up to 10 minutes.

Mr. GREGG. Mr. President, I rise to speak about the discussion of how we will handle this economic slowdown. First, it is important to put this economic slowdown in some context.

It is very difficult to know how significant it is. In fact, we had some economists testifying today before the Budget Committee, where I am ranking member, who said they weren't sure we were going into recession, are people who are highly respected, but they needed further numbers. We have economists who believe we are in a recession who are highly respected. Martin Feldstein from Harvard expressed that view today before the Budget Committee. Professor Blinder of Princeton, who was a Federal Reserve Board member at one time, expressed the view that he didn't know.

Some things are fairly clear. The first is, there is tremendous stress on the economy because of the subprime meltdown in the housing market. In fact, the numbers are fairly staggering. The housing situation is probably as severe as it has been in recent history. That has led to a contraction of credit generally, which is what happens, regrettably, in such a situation where

you have a very significant sector of the economy which has been subject to a bubble situation where there was an expansion which was not supported by the underlying value and which cannot, in this case, be supported by the repayment structure that is in place or the value of the collateral. The bubble bursts, and people find themselves unable to repay their loans, and the value of their collateral isn't high enough to offset the value of the underlying loan. As a result, that credit is contracted.

That leads to other credit being contracted because, as those loans, unfortunately, dry up and go bad or can't be repaid, you find that the banking community generally has to continue to maintain its capital and its liquidity position. So it starts to contract its lending to people who can repay and who are good risks because the banking community doesn't have the resources to continue to expand because it is being contracted by the reduction in the value of the loan portfolio tied to housing. This feeds on itself.

Regrettably, I have been through this three times in my professional career. The worst was when I was Governor of New Hampshire. At that point, in the late 1980s, early 1990s, we had a national crisis relating to housing which translated into a crisis in banking. In fact, of the seven major banks in New Hampshire, all were statistically insolvent. Five of them failed. Two of them survived because they were owned by outside banks that had the resources and capital to prop them up. But it was a regional event, and it was due to a lot of factors, primarily explosive lending in the 1980s which was not supported by, again, underlying collateral. It fed on itself so that people who had outstanding loans, who could actually repay, found they couldn't roll the loans over because the banks were not able to give them additional funds because they didn't have it.

This time it appears to be a little different in that so much of this housing paper has been sold and resold and is spread liberally across the world. You could have gotten a mortgage in New Hampshire and have somebody in Germany own it now, or some part of it, as a result of this resale. So the risk has been spread outside the American banking system. That has two effects: One, it does spread the risk; second, the problem is that as these subprime loans come up, people who actually have good jobs and can pay a reasonable rate, as these ARMs are coming up at such high rates that they aren't reasonable, those folks are finding it difficult to renegotiate because there is nobody at the teller window, so to speak. They are dealing with servicing agencies which have no relationship either to the people who hold the debt. It is very hard to renegotiate these loans effectively.

This is all compounding on itself and looks as if it is going to lead to a fairly significant slowdown or, as has been said by a number of people, potentially

a recession. In response, the Federal Reserve has cut rates, once by 75 basis points and again today by 50 basis points. Those are significant cuts and should have a positive impact on the formation of liquidity in the market and also, obviously, on taking the pressure off the refinancing effort in the area of lending. But it takes 6 to 9 months before that works its way through the system.

The question is, what do we do to stimulate the economy now, today, in the next 6 to 9 months when we have this window of slowdown which is very difficult to deal with because of the housing market crisis compounding into the general lending area crisis and the fact that some of our major banking institutions are under very significant stress.

My view is—and I guess it is a minority view—that you focus the effort on that which is going to give you not only immediate stimulus but, hopefully, in the long term a stronger economy; in the long term an economy that is more efficient and more effective in creating jobs and making the American economy stronger. So you value every one of the options that are on the table by the basis of does it give you stimulus in the short run but, also, does it give you something in the long run which is going to produce a stronger economy.

The proposals on the table are mostly divided into two categories: one to give people money to spend and, two, to give businesses incentives to go out and buy equipment and invest.

The money-to-spend issue becomes fairly problematic in a world economy. You give somebody \$500 or \$600 to spend and if they actually spend it and they don't spend it on goods produced in the United States, it has virtually no impact on stimulating our economy. If you purchase a television from China or an iPod—I don't know where they are made, but let's say they are made in Vietnam—with the \$500 that you receive as a tax stimulus through a stimulus package as a tax rebate, that has nothing to do with creating jobs in the United States. It may create jobs in China. It may create jobs in Vietnam. But it does not create jobs here, except at the margin, for the retail effort in the United States.

Also, if you give money to high-income individuals as a tax rebate—and basically, historically, those dollars do not get spent at all; they do not stimulate the economy in that sense at all—they get saved because high-income individuals have the discretionary income to spend anyway. So if they are going to get a windfall of \$500, \$600, \$1,000, it is likely they are not going to spend that in addition to the other money they already have available to them, and they are probably going to save it. That does nothing to stimulate the economy.

So as we look at this tax rebate effort, which I understand is being done for the purposes of stimulating the

economy—the classic Keynesian effort of creating demand in the economy to grow the economy in a slowdown period—I think you have to look at what are the practical implications, what are the real implications of putting this money on the table for people.

To begin with, it makes no sense at all to give it to high-income individuals. Even though I am a Republican—people may think that is counter-intuitive—the simple fact is, it does not make any sense. So there should be a cap. I do not understand why the Finance Committee draft—what they are proposing—has no cap.

But, secondly, unless this money can get out fairly quickly, and unless you can be fairly confident that it is going to go to purchases which are going to assist the American economy, then probably all you are doing by sending this money out the door in the form of a tax rebate is creating an income transfer which will obviously benefit lower-income people from a social standpoint but probably will not have much of an impact on the economic policies of stimulus.

It does not look like we can get this money out the door very fast. The fastest track I have heard, which was testified to by the CBO Director, is the IRS could get these checks out maybe by the middle of June. But he also said the practical implications are that those dollars will not have an impact on the economy until the end of the third quarter or beginning of the fourth quarter, or, as he said, the Christmas season of this year.

By that time, the Fed rate cuts will probably also have kicked in and started having an impact, so you may not be getting what you want, which is action in these first 6 months of this year as versus action at the end of this year to stimulate the economy. In fact, you may have two stimulative events coming in on top of each other, which might actually even be inflationary.

It would seem to me that rather than taking this approach, it would make a lot more sense to put money where the problem is. Now, this has been resisted by the administration, and it is not being talked about a lot around here by the folks who are putting together the package. But it would seem to me that middle-income people who have these loans that are rolling over—these subprime loans—are the people who need the ability to refinance those loans so they do not get foreclosed on over the next 6 months. There are a number of ways we could do that. There are a number of ways we could actually put money into that area as a Federal Government which would benefit that group of people who appear to be at the essence of the problem—more than just sending the money out to everybody and hoping their demand will raise the economy in general.

A tax credit to those folks, which is refundable, based off their interest payment on the refunded loan, is one option to get them through this period. A

restructuring mechanism, which allows them to restructure and get assistance through restructuring, by significantly expanding FHA, by raising and putting that into the package, which is not in the package—it is being talked about in a separate vehicle, but it is not in the package—would help. Giving the State housing authorities more capacity to put money into the market would help. It would help. That is being talked about, which is good.

Allowing Freddie Mac and Fannie Mae to raise their cap—but to do it in the context of also underlying reforms so we do not end up, a year or two from now, where Freddie Mac and Fannie Mae are going under—would help. The first part is being talked about, raising the cap, but not the second part, the reform mechanism. So there are some things we can do that I think would get to the problem more appropriately—and the issue of the economic slowdown would mute that, hopefully—and would also in the long run create a much stronger economy.

I have introduced today—I did not introduce it—but Senator ISAKSON introduced it today; and I am his primary cosponsor—a bill to do this in the area of tax credits. But it is not going to be included in the package, which is unfortunate.

The second part of the package which is being talked about is investment incentives for businesses, small businesses. They should be directed at small businesses, by the way, because small businesses create the jobs in this country. These involve expensing and bonus depreciation, as it is referred to, and net loss operating carryback. So if you have a net loss this year because we have a slowdown, you can pick it up in years you have had a profit—apply it to years you have had a profit—reducing your tax burden.

These are all good ideas, in my opinion, very good ideas, and will strengthen the economy. In the long run, it will make us more efficient and create more jobs. And jobs are the bottom line. So I have no problem with that part of the package.

But a third part of the package being talked about is extending unemployment insurance. If you talk to most of your economists around here who present before the Congress—and many of them do, obviously. In the Budget Committee we have an almost unending stream of economists before us, and they are always very informative. If they come out of what I call the Galbraith school of economics, which is sort of the Harvard school of economics, which is a stepchild of the Keynesian school of economics of the 1930s, they will basically say if you want to get dollars into the economy quickly, you put it into unemployment insurance and food stamps, because that gives you an immediate boost in the economy to people who will spend it because they need it. That is probably a legitimate argument, especially on food stamps.

But on unemployment insurance, it is not a legitimate argument if you have full employment. In fact, it is the absolute opposite of what happens when you have full employment. To extend the unemployment insurance benefits by a year, which is what is being proposed, in the areas that have essentially full employment means you give a disincentive to people to go out and find a job in an atmosphere where jobs exist.

By definition, if you have a full-employment economy, you have jobs going unfilled. So, for example, in my State of New Hampshire, where we have an unemployment rate which is essentially 3.7, 3.8 percent for the State—and the highest level of unemployment we have for any county in the State is 4.4 percent—we have what is known as full employment. Now, there are pockets of problems. We have one specific town in the State which was a single-factory town and the factory, regrettably, has recently closed, so that specific group of individuals has a very serious issue, and there is a way to address that in a targeted way.

But to extend unemployment insurance for our entire State, when we are at actually less than full employment—we are actually below full employment—in other words, we have a lot of jobs going unfilled when you are at 3.7 percent employment—full employment being 5 percent in our economy, in the 5-percent range—you essentially create an incentive for people to stay on unemployment much longer than is necessary for them to find a job.

We know statistically if you have an economy where jobs are available, an economy where unemployment is under 5.5 percent, that means you have jobs available and that most people find a job in the last 2 weeks of their unemployment. That is human nature: They stay on unemployment until almost the end and then find a job. If you extend it another year, those folks who could be productive, procuring a job, creating economic activity by having a job, will stay on unemployment, even though there may be a job out there they could take because you have jobs available. So it makes no logic to extend unemployment insurance in areas where you have full employment. And full employment in our economy is defined as basically under 5.5 percent. The Nation is at 5 percent right now.

We have never extended unemployment insurance in this country when we have had an employment rate under 5.7 percent—never. So to do this at this time is counterintuitive to how you make the economy more efficient and, as a result, stimulate the economy.

One of the economists who testified before the Budget Committee today said if this would work, you should always extend unemployment insurance and keep everybody on unemployment forever because, basically, if you have a full-employment economy, and you are going to get your economy more

stimulated by having more people stay on unemployment, then leave everybody on unemployment. Obviously, that does not make any sense. He was saying that tongue in cheek.

It is fairly clear, if you have an economy where you have jobs that are not being filled, you do not arbitrarily extend unemployment insurance for a uniquely long period because those jobs will never be filled because nobody will ever leave unemployment insurance. So you undermine the efficiency of the economy. It is sort of the old French approach to do it that way—not the new French approach but the old French approach.

Yes, there may be regions of our country that have an unemployment rate where clearly there are no jobs available, and those regions need relief. I would be more than happy to see an unemployment insurance extension which was tied to a trigger which said: All right, historically, we have viewed under 5.5 percent as full employment; over 5.5 percent we are getting into a serious issue; so let's take the 5.7 percent rate—which is where we have historically never gone below to extend unemployment insurance—but let's take the 5.7 percent rate and put a trigger into the system, so if a State or even a region within a State—that is a definable region that is significant—has an unemployment rate of over 5.7 percent, they get the extended unemployment benefits.

That makes sense. But a general national extension of unemployment insurance for the sake of stimulating the economy is going to be counterproductive if you have a full-employment economy in the regions. States such as Michigan may need the extension. States such as New Hampshire, I am sure, on an individual, anecdotal relations basis, may need it, but as a practical matter it would be counterproductive to our economy to do it because we are at 3.7 percent unemployment. So that proposal, which, by the way, the House looked at and said it did not make sense in the context of this economic situation, should not be inserted by the Senate.

I think the best approach we can take—because I, obviously, have reservations about the stimulus package that came out of the House on the demand side. And I have reservations about some of the initiatives within that package. I would like to see that package, obviously, include more of a target on the problem which is to address the issue of home ownership and the housing stocks, which are so overpriced now, and, unfortunately, empty—making sure we figure out some way to move people toward absorbing that housing side. I would like to see more of that, but that is not going to happen. It is not going to happen in the context of the period we have to act.

There is an agreement that exists between the President of the United States and the Speaker of the House of

Representatives and the Republican leader of the House of Representatives. It is agreement that involves tradeoffs. But the basic underlying purpose of the agreement was and is to stimulate the economy. It may or may not do that, but the one positive effect I will stipulate it will have is it creates at least a sense that the Congress and the Government and the President and the Speaker of the House and the Democrats and the Republicans can cooperate to try to address what is clearly a slowing of our economy through some fiscal policy action.

Even though it is \$150 billion, which is a lot of money—and all that money is going to have to be borrowed from our children, unfortunately, and over 10 years it totals up to being about a \$200 billion event because of interest compounding on it—even though that is a high price tag to pay for what you might call a confidence builder, it is still something you can argue should be done if you have that type of an agreement.

For the Senate to sort of step in and say: Well, we want to tinker with it, and we want to change it there, well, it is nothing more than an execution of Senate prerogative, but it is not going to help the policy because none of the proposals coming out of the Senate committee are all that good on the side of policy—especially the unemployment insurance proposal and the lifting of the caps on the benefits proposal—what it is going to do is undermine the confidence of the American people that we as a government can act.

So the high water mark appears to me to have been reached on this issue when the President and the Speaker of the House reached agreement, working with the Republican leader in the House. I think we as a Senate ought to take sort of a mature attitude and say: Well, progress was made. We are confronting a fairly serious situation. Let's not throw out our proposal simply for the sake of putting a proposal on the table. Let's recognize that something needs to be done quickly, and that this is the best we are going to get. Hopefully, that will be the resolution of this process as we move toward concluding, and one hopes this can be done within the next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### ORDER OF PROCEDURE

Mr. BOND. Mr. President, I have three colleagues who want to join me in discussions of the FISA bill. I realize in morning business it is supposed to be 10 minutes. Since there are three different Members with whom I wish to have those discussions, I ask unanimous consent to be allotted 30 minutes to this will be on the FISA bill, but since we are speaking in morning business, I ask unanimous consent to be recognized, with my colleagues, for 30 minutes.

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

#### FISA

Mr. BOND. Mr. President, our first Member is a distinguished member of our Intelligence Committee, the distinguished junior Senator from North Carolina. I yield to him.

Mr. BURR. Mr. President, I thank the ranking member, Senator BOND.

We have heard some people claim that the Intelligence Committee's bill will allow dragnet surveillance that will sweep up communications of innocent Americans. Is this accurate?

Mr. BOND. Mr. President, that question has been raised. We have heard that on the floor a number of times. I think it is very important that we dispel that myth right now. The answer is no—a flat no. Our committee bill only allows the targeting of persons outside the United States to obtain foreign intelligence information. It is not dragnet surveillance. The targets of acquisition must be foreign targets and they must be suspected terrorists or spies. The Attorney General and the Director of National Intelligence, whom I will refer to as the DNI, must certify that a significant purpose of the acquisition is to obtain foreign intelligence information.

For example, if a foreign target is believed to be an agent or a member of al-Qaida, then all communications of that target could be intercepted.

Only Americans who communicate with suspected terrorists abroad will have those specific communications monitored. If those same communications turn out to be innocent, they will be minimized, which is intel community speak for suppressed, so that Americans' privacy interests are protected.

It is very misleading and nonfactual to suggest that the intelligence community is spying on parents who are calling their children overseas or students who are talking with their friends, or on our own soldiers in the battlefield. Our intelligence professionals are far too busy tracking real terrorists, members of al-Qaida, than to listen to family discussions or conversations between classmates. Not only do they not have time that is not permitted under this bill.

Mr. BURR. What happens when the intelligence community does become interested in the communications of a person inside the United States?

Mr. BOND. Mr. President, I thank my colleague from North Carolina, because that is precisely what our bill, the FISA Act Amendments bill, does. That information will be turned over to the FBI, which would seek a title III criminal warrant, or a FISA order, to intercept all of the communications of that person, not just communications with targets overseas.

Mr. BURR. We have heard a number of people claim that the foreign tar-

geting authorized under the Intelligence Committee's bill contains inadequate protections for U.S. persons. What specific protections are included for innocent Americans?

Mr. BOND. This is where the Intelligence Committee bill goes much farther than any other law we have had in our history in protecting U.S. persons; that is, U.S. citizens and others here in the United States.

The bill includes express prohibitions against "reverse targeting," and reverse targeting is a knowledge that you can target a person overseas when the real purpose is to target someone in the United States. This is illegal. The intelligence community does not do it. Frankly, it is terribly impractical. They cannot under the law that we have presented to this body target a person inside the United States without a court order.

The bill also requires that all acquisitions comply with the protections of the fourth amendment. In addition, the Intelligence Committee bill requires, for the first time in history, that the Foreign Intelligence Surveillance Court—and I will refer to that as the FISC—for the first time in history approve any surveillance of a U.S. person, or an American citizen abroad. This goes beyond the requirement even in existing American criminal law.

Mr. BURR. As my good friend noted, the Intelligence Committee bill gives the FISA Court an important role in foreign targeting. The bill requires that any acquisition be conducted pursuant to the specific targeting and minimization processes and procedures. What is the court's role with respect to these procedures?

Mr. BOND. This provision came about as a result of discussions by members on both sides of the committee who wanted to provide protections for Americans overseas. To do that required a significant expansion and clarification, which is included in the managers' amendment that Senator ROCKEFELLER and I have produced and have pending before the body.

Under this bill, the FISC must review and approve the targeting and minimization procedures used by the Government in conducting its foreign targeting operations. The court must find that the targeting procedures are reasonably designed to ensure that the authorized acquisition is limited to the targeted persons reasonably believed to be located outside the United States. The court must then find that minimization procedures comply with the FISA law.

The court will also review the joint certification issued by the Attorney General and the DNI to make sure that it contains all of the required elements. If the court finds there is a deficiency in those procedures or the certification—that even for a minor drafting or technical reason they do not comply with the law—the court can order the Government to correct the deficiency or cease the acquisition.

Mr. BURR. There is an amendment already filed, and the amendment is filed to the Intelligence Committee bill, that allows the FISA Court to assess the Government's compliance with the minimization procedures. Why shouldn't we have the court do this?

Mr. BOND. Well, it sounds like a reasonable proposal on the surface, but when you look at the law and the structure that is set up, it does not work. The FISC was created in 1978 simply to issue orders for domestic surveillance on particular targets, but the Congress specifically left foreign surveillance activities to the executive branch and to the intelligence community.

FISA minimization procedures—the procedure to suppress information on an innocent communication with a person in the United States—are all about protecting the identities of a U.S. person or American citizen. This comes up all of the time in domestic collections. But almost all of the collection under these foreign targeting acquisitions will be on non-U.S. persons who require no protection under FISA minimization procedures.

It doesn't make sense to direct the FISC to get involved in assessing compliance with the foreign targeting realm. They have said in their opinion regarding sealed matters that they are not set up to do that, and they do not have the expertise to do that.

As a practical matter, when the court assesses compliance with minimization procedures, it would be second-guessing trained analysts' decisions about which foreign terrorist to track and how to do it. They simply are not competent, they are not set up, they don't have the expertise to do that, and they have so stated in their published opinion. They can't make these types of operational decisions.

Mr. BURR. It is my understanding that the FISA Court recently issued an opinion where it commented on the expertise of the executive branch over the court in national security and foreign intelligence matters. Shouldn't we heed the court's own words?

Mr. BOND. I am certainly glad the Senator brought that up. The court did issue a published opinion this past December where it noted that the FISA Court judges are:

Not expected or desired to become experts in . . . foreign intelligence activities, and do not make substantive judgments on the propriety or need for a particular surveillance . . . Even if a typical FISA judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting national security.

Those are the words of the judges on the FISA Court, the FISC.

The court knows what to look for when it issues a warrant to tap someone's phone in North Carolina or Virginia. But when it comes to analyzing intelligence leads and deciding which foreign terrorists or spies should be surveilled, the court is simply not com-

petent to make these judgments. That is exactly what the amendment would seek to have them do.

This bill already contains numerous oversight reporting and numerous judicial provisions. Those of us who have gone out to look at the operations know how extensive and how carefully supervised they are. There is no reason to ask the FISC to take on the additional authority in the context of foreign targeting, especially where it could result in operational problems or the loss of intelligence and, as the judges have said, is beyond their competence.

Mr. BURR. The Intelligence Committee bill allows the Attorney General and the DNI to direct a communications provider to assist the Government with a foreign targeting acquisition. What protections does this bill give to any provider who believes there is a problem with the directive?

Mr. BOND. That is a very good question, because we cannot expect carriers, telephone companies, telecom companies to work with us if they don't have protection. That is why we are seeking retroactive clarification of the civil liability for those who have, in the exercise of their patriotic duty and pursuant to valid directives, participated in the President's terrorist surveillance program. Under this bill, the providers may challenge the directive by filing a petition to modify or set aside the directive of the court. If the court finds the directive does not meet specific requirements or is unlawful, it can grant a petition. If the court does not modify or set aside the directive, it will order the provider to comply with it. Both the Government and the provider may appeal any decision to the FISC Court of review and ultimately the Supreme Court.

Mr. BURR. Mr. President, I see that the senior Senator from Virginia is here and I know he has some questions he wishes to ask, so I will limit myself to one more.

What happens if a provider refuses to comply with the directive you just talked about?

Mr. BOND. I would tell my good friend from North Carolina that the bill we reported out of our committee provides a mechanism for the Government to compel a provider to comply with a directive. If the court finds that the directive was issued properly and is lawful, it must order the provider to comply with the directive and that provider is provided immunity for doing so. But a failure to comply by a company could result in a contempt of court. Both the Government and the provider may appeal any decision to the FISC Court of review and ultimately the Supreme Court.

I thank my colleague for his service on the committee and for his very helpful questions.

Mr. BURR. I thank the Senator.

Mr. BOND. Mr. President, I see the distinguished Senator from Virginia is here, and I would turn to him if he has some questions.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague, the ranking member of the committee. I am privileged to serve on that committee with the senior Senator from the great State of Missouri.

I would like to first make a few opening comments, if I might.

Mr. BOND. I appreciate that.

Mr. WARNER. Mr. President, first, I commend how well the distinguished Senator from Missouri has represented to this Chamber and its Members and, indeed, to all those in our Nation who are following this debate, how well he has represented a proper and balanced perspective and how a solution to the important questions that have been raised by all of us can be resolved.

In my own case, I have thought long and hard about this situation, and I would like to reflect on a bit of history. I was privileged to serve in the Department of Defense from the years 1969 to 1974 during the war in Vietnam. At the latter part of my service there, we originated the concept of the all-volunteer force. There was great skepticism as to whether this concept would work, and it was a high risk to abolish the draft and to enter into this concept of all volunteer, to be the only persons to be given the privilege of wearing the uniform of the United States of America in the branches of the Army, the Navy, the Air Force, and the Marines.

Fortunately, it was adopted by the President, eventually written into law by the Congress. That concept has worked. It is working at this very moment with brave young men and women all over the world. They are there because each of them raised their right hand and took the oath of office voluntarily.

I see a direct analogy to this question that is before this Chamber and, indeed, the Nation, the question of whether corporations, which although they did not raise their hand and volunteer, they have nonetheless volunteered comparably to the men and women in the Armed Forces.

The work product of their volunteering is every day saving and protecting the lives of our service personnel and, indeed, many others worldwide from the actions of terrorists and others who are trying to rip freedom away from our Nation and other nations.

So as we reach our decision on this issue, let's stop to think about the United States of America, while not written into the Constitution, the Bill of Rights, or otherwise, has throughout its history adopted a concept of voluntarism by its citizens, by its companies to step forward and take on serious problems that confront our Nation.

I see a direct analogy, I say to my distinguished colleague, and I stand steadfast with our committee which voted 13 to 2 to provide this framework which we hope will eventually become the law of the land, to give reasonable

protections to these companies that are part of the overall volunteer force, be they in uniform or corporations, working to protect our Nation.

Having said that, I say to my distinguished colleague, I think it is very important that we proceed to prepare a complete record for the scrutiny of all on these issues. I wish to suggest a question to my distinguished colleague.

All of us have heard a number of comments that more time is needed to study this issue, the issue of carrier liability, carriers being those companies that stepped up to work on behalf of the cause of freedom and preservation of our safety here at home. Hasn't the Intelligence Committee conducted a thorough and bipartisan review of the President's surveillance program? And hasn't the committee determined the providers acted in good faith?

Mr. BOND. Mr. President, I thank my distinguished colleague from Virginia. The answer to that question is yes. I wish to say what a pleasure it is to serve with the distinguished representative of Virginia, who served his country in the Department of Defense, who pushed through the landmark decision to have a volunteer military, which I might say my son was proud to participate in, and to say that his previous experience on the Intelligence Committee and his long and devoted service on the Senate Armed Services Committee has made him an invaluable member of the committee.

Mr. WARNER. For purposes of the record, I do not claim the credit. I was but one of many who worked on the concept of that great program. I found in this town, and as I know the Senator does likewise, the less credit you try and take, the more effective one can be in other tasks.

Mr. BOND. I say through the Chair, the distinguished Senator from Virginia deserves far more credit than he is ever given. I was trying to sneak in a little bit to say how much we appreciate his service. When he needs to correct me, I always stand corrected.

To return to the question, I do have an answer, and that is, the committee conducted a comprehensive and bipartisan review. We interviewed witnesses, we went out to NSA to see how the Terrorist Surveillance Program was implemented, examined documents, including the Department of Justice legal opinions and letters from the Government to providers.

The letters were provided to the carriers in regular intervals and stated the activities had been authorized by the President. All the letters also state the Attorney General had determined the activities to be lawful, except for one which stated the determination had been made by the counsel to the President.

After conducting this extensive review, the committee concluded the providers that allegedly assisted the TSP acted in good faith and, based on representations of the highest level of the

Government, that the program was lawful. Therefore, the committee concluded the civil liability protection for these providers was appropriate, and I draw upon my experience at the law school at the University of Virginia, where my distinguished colleague also studied law, to say that reviewing those documents and letters led me to the conclusion that it was clear on its face that the carriers were receiving a valid, legal directive from the highest authorities in the Federal Government.

Mr. WARNER. Mr. President, I thank my colleague. He said the committee "concluded." It concluded by the manifestation of a vote of 13 to 2, so that an overwhelming majority of the committee, bipartisan, made this decision.

Mr. BOND. That is correct.

Mr. WARNER. I think that is an important reference point.

Further, I say to my colleague, the committee's liability provision in the matters pending before this Senate today extends only to civil—I underline civil—liability protection for those providers that allegedly assisted with the TSP program. Isn't this already a compromise from what the Director of the National Intelligence had initially requested of the Congress?

Mr. BOND. Mr. President, I say to my friend from Virginia, in April of 2007, the DNI submitted his request to modernize FISA to Congress, to our committee, and it included a request for full liability for all persons, including Government officials who had allegedly participated in the President's Terrorist Surveillance Program.

As my colleague has stated, the committee passed this bill by a 13-to-2 bipartisan vote. It included civil liability protection for those providers that allegedly assisted with the TSP. The protection was not extended to Government officials or to criminal prosecution. We did not seal off all potential liability of anyone who may have acted criminally—that would be up to the Department of Justice to determine—or Government officials who are named, I believe, in seven pending lawsuits.

Mr. WARNER. Mr. President, I thank my colleague for that because the DNI, Director McConnell, a former admiral—I knew him in the Navy going way back when I was there. As a matter of fact, as a point of reference, when I was Secretary, he was one of the junior officers who briefed me every morning at 7:30 on intelligence. But he has done an extraordinary job in presenting in a very fair and objective way the need for the revisions to this legislation which are reflected in the pending bill before the Senate as submitted by the committee.

I think the Senator has carefully delineated those portions which we resolved, as a committee, were essential and did not accept in full measure all his recommendations; am I not correct in that?

Mr. BOND. That is correct. Now I understand why Admiral McConnell is

doing such a good job because he obviously had very good early training. I did not know he had been through the Warner course in intelligence, but that ties up the loose ends, and now I understand more fully.

Mr. WARNER. Again, Mr. President, I have to tell you, I was learning at a very young age and taking on responsibility in that critical period of history. I learned as much from him, if not more, than he did from me.

I have another question for my colleague. What consequences or risks are there if our private volunteer—I underline volunteer—participants by way of corporations are not given civil liability protection from the pending and ongoing lawsuits and perhaps others?

Mr. BOND. Mr. President, that is a very serious question because if those lawsuits should continue, either directly against carriers alleged to have participated or substitution or indemnification, No. 1, the identities of the providers could be revealed which would compromise our intelligence sources and methods. No. 2, the providers would be far less willing to cooperate with legitimate requests for assistance in the future, thus crippling our intelligence collection. Why is this? Quite frankly, because this would have a huge damage to their business reputations. They have already been accused falsely of all sorts of things that have raised questions that are reflected in damage to the value of the shareholders of the company and potentially bring great risk to the employees of those corporations and their facilities. These lawsuits would occur not only in the United States but even more likely they would occur overseas, and there could be real personal danger if the companies are confirmed as assisting the Government's fight against terrorism. Their facilities, their personnel could be at risk of terrorist targeting or other vigilante actions.

Mr. WARNER. Mr. President, I thank my colleague. I think it is very important that we portray the risks that are associated with these endeavors taking place in the court system now. Again, I draw the attention of all colleagues to the thorough work done by this committee on which I am privileged to serve and the bipartisan manner in which we resolved these issues.

A question to my colleague: We heard some Members advocate substitution—in other words, a substituted solution—rather than a civil liability protection. Perhaps the Senator can address exactly what that substitution is and how, in his judgment, this would not be a means by which to resolve this very serious problem.

Mr. BOND. Mr. President, as I indicated, the dangers to the providers would be as great under substitution as if they were sued directly. While the providers might not be parties to the litigation, under the amendment offered by Senators SPECTER and WHITEHOUSE, discovery would be allowed to proceed against the providers,



and this puts them at the same risk of disclosure as allowing the litigation to proceed directly against them. That is one of the most sensitive intelligence programs in our history. The intelligence community has done a thorough bipartisan review of the providers' conduct, and we in the committee feel we cannot risk our intelligence sources and methods by allowing litigation to continue and by allowing the potential of significant damage to those companies and their shareholders who may be widows and orphans and certainly members whose pensions may be invested in shares of those companies.

Mr. WARNER. Mr. President, I thank my colleague. I would also add that there will be further chapters in the history of this country, and I cannot try to look that far into the future as to what those chapters may be when we, as a successor government to the one we now have in terms of our President, will be faced with another challenge and look to volunteers—volunteers—to solve this problem. This is going to be a landmark precedent for future Presidents as we address problems which could be assisted by the participation of the corporate world here in our United States.

A further question of my colleague. We have also heard some Members say the Foreign Intelligence Surveillance Court should decide whether the providers acted in good faith. Wouldn't this duplicate the bipartisan work of the Intelligence Committee?

Mr. BOND. Mr. President, that is why we have an Intelligence Committee. The Intelligence Committee concluded on a bipartisan basis that they acted in good faith. There is no need for the FISC to duplicate the work. The FISC was set up to issue orders on individual targets for domestic collection. We expanded their responsibilities. The court is not set up and was not set up for protected en banc litigation. The amendment offered by Senator FEINSTEIN would allow parties to litigate the good-faith providers.

I see my time has expired. I believe the Senator from Virginia has sought time, and I see one of my colleagues on the other side has sought time, so I will yield to them for their comments, and I ask unanimous consent that I be recognized at the end of the remarks of these two colleagues.

The PRESIDING OFFICER (Mrs. McCASKILL). Is there objection?

Mr. WARNER. Madam President, no objection.

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

Mr. WARNER. I would just ask if it would be possible—and I see my distinguished colleague on the floor seeking recognition—may I have but a few minutes to conclude my remarks here with my good friend and the ranking member of the committee?

Madam President, last year, when the important legislation passed by the Senate Intelligence Committee came

to the floor, I spoke about several elements in this bill. Specifically, I spoke about how the Intelligence Committee bill ensures that the intelligence gap that was closed by the Protect America Act in August remains sealed. I spoke about the important balance the Intelligence Committee bill strikes between protecting civil liberties and ensuring that our hard-working and dedicated intelligence professionals have the tools they need to protect this Nation—a point I cannot too strongly emphasize. I also highlighted one of the most important provisions of the bill: retroactive liability protection for carriers alleged to have assisted the Government with the terrorist surveillance program. I said in December that, based on the documents and testimony provided to our committee, I strongly believed the carriers that have participated in the program relied—I repeat, relied—upon our Government—that is, the executive branch of the Government of the United States—that their actions were legal and in the best interests of the security of America. Further, I stated that, in my opinion, these companies deserve and must be protected from costly and damaging litigation in our court system.

During the Senate's Christmas recess, I had additional time to further study this issue, as I have day after day, and gather additional information. That time to reflect and study and to deepen my knowledge on this issue has only reinforced my view that the carrier liability protections in the Intelligence Committee's bill are not only necessary but vital for the protection of our future national security.

One item in particular has played a key role in my thinking about this issue. It was a thoughtful opinion piece written by three gentlemen I know very well, former public servants, and I wish to say a few words about that, and then I will conclude my remarks.

Three individuals stepped forward to give their perspectives on this critical issue. The first was Benjamin Civiletti, U.S. Attorney General under President Jimmy Carter; the second was Dick Thornburgh, U.S. Attorney General under President George Herbert Walker Bush; and thirdly, Judge William Webster, known very well by almost all of us here in the Chamber, former Director of the CIA and former Director of the Federal Bureau of Investigation. The article these fine public servants authored, titled "Surveillance Sanity," appeared in the October 31, 2007, edition of the Wall Street Journal.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of that article following my remarks.

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

(See exhibit 1.)

Mr. WARNER. I wish to share some of the thoughts in that article with my colleagues.

First, regarding the Intelligence Committee's carefully crafted and lim-

ited liability protections, the three public servants said:

We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

Our committee has heard testimony that without such protections, some companies believe they can no longer cooperate and assist our Government because they would risk hundreds of millions of dollars of their shareholders' money in protracted lawsuits. They have a fiduciary responsibility, those companies, to their shareholders. That is intrinsic in all of our corporate structures.

Second, the boards of directors of these companies have a fundamental obligation to those shareholders. On this issue, the three public servants wrote:

The government alone cannot protect us from the threats we face today. We must have the help of all of our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines and banks are willing to lend assistance. If we do not treat them fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

Moreover, I believe that companies which assisted the Government will not be treated fairly by the provision being offered by my Judiciary Committee colleagues to substitute the Government in currently pending lawsuits.

I strongly believe the substitution proposal is not an acceptable alternative to the Intelligence Committee's bill.

Additionally, if lawsuits are allowed to proceed, companies will still be forced to participate and provide evidence. The continuing damage in terms of business reputation and stock valuation even if the Government ultimately prevails, will surely be extremely harmful to the companies.

Further, the Government being substituted as the defendant in a trial opens up evidentiary problems regarding sources and methods which, if exposed, would hinder the ability of the intelligence community to intercept terrorist communications and those of our other enemies.

Finally, the last point I would like to raise relates to the right of individuals to file suit. Let me be clear—individuals who believe that the Government violated their civil liberties can pursue legal action against the Government—the Intelligence Committee's bill does nothing to limit that legal recourse.

This issue is underscored by the final quote I would like to share with you by Messrs. Civiletti, Thornburg, and Webster:

Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From



its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on officials' assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

Madam President—I agree with these distinguished gentlemen.

Bottom line, companies who participate in this program do so voluntarily to help America preserve its freedom and security. And that security will ensure for the very safety—both individually and collectively—of its citizens.

In closing, I would like to state that I have long supported the idea of “an all-volunteer force” for our military and I believe “an all-volunteer force” of citizens and businesses who do their part to protect our great Nation from harm is equally important.

Without this retroactive liability provision, I believe companies will no longer voluntarily participate. This will result in a degradation of America's ability to protect its citizens.

It is for these reasons that I urge my colleagues to support the Rockefeller-Bond substitute amendment to grant the men and women of the intelligence community the tools they need to protect our country.

#### EXHIBIT 1

[From The Wall Street Journal, Oct. 31, 2007]

#### SURVEILLANCE SANITY

(By Benjamin Civiletti, Dick Thornburgh and William Webster)

Following the terrorist attacks of Sept. 11, 2001, President Bush authorized the National Security Agency to target al Qaeda communications into and out of the country. Mr. Bush concluded that this was essential for protecting the country, that using the Foreign Intelligence Surveillance Act would not permit the necessary speed and agility, and that he had the constitutional power to authorize such surveillance without court orders to defend the country.

Since the program became public in 2006, Congress has been asserting appropriate oversight. Few of those who learned the details of the program have criticized its necessity. Instead, critics argued that if the president found FISA inadequate, he should have gone to Congress and gotten the changes necessary to allow the program to proceed under court orders. That process is now underway. The administration has brought the program under FISA, and the Senate Intelligence Committee recently reported out a bill with a strong bipartisan majority of 13-2, that would make the changes to FISA needed for the program to continue. This bill is now being considered by the Senate Judiciary Committee.

Public disclosure of the NSA program also brought a flood of class-action lawsuits seeking to impose massive liability on phone companies for allegedly answering the government's call for help. The Intelligence Committee has reviewed the program and has concluded that the companies deserve targeted protection from these suits. The

protection would extend only to activities undertaken after 9/11 until the beginning of 2007, authorized by the president to defend the country from further terrorist attack, and pursuant to written assurances from the government that the activities were both authorized by the president and legal.

We agree with the committee. Dragging phone companies through protracted litigation would not only be unfair, but it would deter other companies and private citizens from responding in terrorist emergencies whenever there may be uncertainty or legal risk.

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

This concern is particularly acute for our nation's telecommunications companies. America's front line of defense against terrorist attack is communications intelligence. When Americans put their loved ones on planes, send their children to school, or ride through tunnels and over bridges, they are counting on the “early warning” system of communications intelligence for their safety. Communications technology has become so complex that our country needs the voluntary cooperation of the companies. Without it, our intelligence efforts will be gravely damaged.

Whether the government has acted properly is a different question from whether a private person has acted properly in responding to the government's call for help. From its earliest days, the common law recognized that when a public official calls on a citizen to help protect the community in an emergency, the person has a duty to help and should be immune from being hauled into court unless it was clear beyond doubt that the public official was acting illegally. Because a private person cannot have all the information necessary to assess the propriety of the government's actions, he must be able to rely on official assurances about need and legality. Immunity is designed to avoid the burden of protracted litigation, because the prospect of such litigation itself is enough to deter citizens from providing critically needed assistance.

As the Intelligence Committee found, the companies clearly acted in “good faith.” The situation is one in which immunity has traditionally been applied, and thus protection from this litigation is justified.

First, the circumstances clearly showed that there was a bona fide threat to “national security.” We had suffered the most devastating attacks in our history, and Congress had declared the attacks “continue to pose an unusual and extraordinary threat” to the country. It would have been entirely reasonable for the companies to credit government representations that the nation faced grave and immediate threat and that their help was needed to protect American lives.

Second, the bill's protections only apply if assistance was given in response to the president's personal authorization, communicated in writing along with assurances of legality. That is more than is required by FISA, which contains a safe-harbor authorizing assistance based solely on a certification by the attorney general, his designee, or a host of more junior law enforcement officials that no warrant is required.

Third, the ultimate legal issue—whether the president was acting within his constitu-

tional powers—is not the kind of question a private party can definitively determine. The companies were not in a position to say that the government was definitely wrong.

Prior to FISA's 1978 enactment, numerous federal courts took it for granted that the president has constitutional power to conduct warrantless surveillance to protect the nation's security. In 2002, the FISA Court of Review, while not dealing directly with the NSA program, stated that FISA could not limit the president's constitutional powers. Given this, it cannot be said that the companies acted in bad faith in relying on the government's assurances of legality.

For hundreds of years our legal system has operated under the premise that, in a public emergency, we want private citizens to respond to the government's call for help unless the citizen knows for sure that the government is acting illegally. If Congress does not act now, it would be basically saying that private citizens should only help when they are absolutely certain that all the government's actions are legal. Given the threats we face in today's world, this would be a perilous policy.

Mr. WARNER. Madam President, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. Madam President, I ask unanimous consent that I be allowed to speak for such time as I may consume.

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

#### STIMULUS PACKAGE

Mr. DORGAN. Madam President, we will have a piece of legislation come to the floor, we believe tonight—and perhaps tomorrow morning—that deals with the economic stimulus package, as it is called, to try to stimulate the economy. We are either in a recession or near a recession.

The Federal Reserve Board today took additional action to cut interest rates by another half of 1 percent. That follows the three-quarters of 1 percent cut recently by the Fed, within the last week and a half. So the Federal Reserve Board is using monetary policy tools to jump-start the economy, and the thought was that the fiscal policy side coming from the Congress and the President would require—or recommend, at least—some kind of stimulus package. So there is a stimulus package being developed that would provide payments—rebates of sorts—to American taxpayers. The discussion in the U.S. House is \$600 per taxpayer. The Senate bill that has been proposed is \$500 or \$1,000 per couple.

One can make a number of observations about this, wondering about the advantage and the importance of a fiscal policy that has a stimulus package. I think it is probably necessary for psychological reasons, if not for economic reasons. It is about 1 percent of the GDP that is being proposed. We have a \$13-plus trillion economy, and I don't know how about 1 percent of that—\$130 billion, \$150 billion—for a stimulus

package is going to stimulate the economy so much, but I think it is probably psychologically important that we do something here, so I expect to support it.

There are a couple of things I intend to recommend. And I don't know how many amendments we will be moving on this bill, and I don't know what the circumstances might be. I know the bill will be brought to the floor with an unending appetite for amendments, so I understand and expect that we will have to limit some amendments. I want to suggest, however, two amendments that I think have some merit and that ought to be considered.

The first one ought to be really easy, in my judgment. The first one is a message we should put on every check that goes out. If we are sending checks to American taxpayers, we ought to have on this check this statement, in my judgment: "Support our economy—buy American."

Now, why is that the case? Well, because of the trade deficit we have in this country. You will see the hemorrhaging of red ink as a result of our trade deficits year after year. They have grown unbelievably. We now have roughly an \$800 billion trade deficit in a year. We have so much in consumer goods that are being purchased from overseas, with cheap labor overseas, and being brought to the big box retailers in our country and purchased by American consumers. So the proposition of sending a rebate to American taxpayers, \$500 or \$600 per taxpayer, the purpose of which is to have them spend that and to boost consumer spending and, therefore, boost the economy—it does not do much to boost our economy if, in fact, we are providing a rebate, a check to taxpayers, and they spend it on imported goods. In my judgment, that is supporting foreign labor, not American labor.

This is American money spent in a way that is designed to boost the economy, and so it seems to me it ought to be sent with a check that reminds Americans: Support our economy—buy American. We are going to send, what, probably 150 million checks out in the coming months with the stimulus package? Why not have 150 million messages just to remind people, to the extent they can, that it is very important to buy American, because we are trying to stimulate the American economy, not the Chinese economy, not the Japanese economy, and not the European economy. We are trying to stimulate the American economy. So it would be very helpful if they pay a bit of attention to the notion of what this money is about: Support our economy—buy American.

I hope there isn't one person in this Chamber who would object to that. It won't cost anything. This would add no cost to the check that is to be printed, and it seems to me an important and timely message to American consumers. To the extent they can and to the extent they will, they should be re-

minded that spending these funds in support of the product of American workers is what invests in and expands opportunity in the American economy. That is an amendment which I think should be added. I hope it will be added by unanimous consent, absent a managers' package. It is something that should be easy to do, and I would suspect no one would object to the message: Support our economy—buy American.

Second, I wanted to make a point about another amendment that I think should be included. I think this is more problematic at this point, but it is a piece of legislation I will introduce as well.

Part of the economic difficulty in our country is the substantial runup in the price of oil and gasoline. It is interesting to me that even as we have seen the price of oil go up, up, up, we see that the Energy Department continues to put oil underground; that is, we receive royalties from certain oil wells, and they take those royalties in kind—that is, they take the royalties in the form of barrels of oil and they stick it underground in the Strategic Petroleum Reserve.

Well, the Strategic Petroleum Reserve is now about 97 percent full. Even though it is 97 percent full and the price of oil has gone to \$80, \$90, and then \$100, we are still taking oil and putting it underground. What that does is it takes oil out of supply and puts upward pressure on prices. It seems to me we ought to at least take a holiday during this calendar year, as long as oil is above \$100 barrel. Why would you go into the market to purchase very high-cost oil and take it off the market and stick it underground? That puts upward pressure on gas prices, and it makes no sense for the Government to be doing that given the fact the Strategic Petroleum Reserve is now 97 percent filled.

So I hope—and I have encouraged the Energy Secretary to do this, but he has resisted. So my hope will be that either now or at some point in the future on some appropriate occasion, the Congress will decide to tell him: Do not be buying oil at these prices, taking it off the market and putting it underground. By "buying it," I mean taking it as royalty in kind. That makes no sense to do that. You talk about stimulating the economy, the way to stimulate the economy is to help bring some of these energy costs down.

Now about 8.5 million barrels have gone underground in the last 6 months. Some will say: Well, that is a pretty small part of the amount of oil we have and the amount of oil we use. Well, we held a joint hearing between the Energy Committee and the Homeland Government Affairs Subcommittee on the issue of energy markets, and particularly oil markets. At that hearing we heard from Dr. Phillip Verleger, who is an investigative researcher and energy expert. He pointed out that even a seemingly small decision with

this issue of putting oil back into the SPRO at a time when we are short can have significant consequences. He says the DOE is taking what is highly sought after, light sweet crude that is needed right now, and putting that underground in the petroleum reserve. He pointed out the volume of light sweet crude that they want to put into the Strategic Petroleum Reserve underground has only been three-tenths of a percent of the total global supply available, but it was adding as much as 10 percent to the price of light sweet crude.

Yet the Department of Energy insists and maintains that putting this royalty-in-kind oil underground has no consequence at all on the price of oil. Clearly it does. That is at odds with testimony we received before our committees. Clearly it has an impact on the price of gasoline. Filling the Strategic Petroleum Reserve when we have market record-high oil prices, as I said, puts upward pressure on the price of oil because even small volumes of oil off the market can have a dramatic price impact. That is especially true with what is called light sweet crude.

In recent days we saw President Bush visiting Saudi Arabia to ask the OPEC countries, particularly the Saudis, to increase production to help ease oil prices in our country. Well, the fact is, the OPEC cartel is going to meet this Friday to discuss whether any change to production is warranted. Their decision will impact the price of gasoline in this country this spring.

But there is another decision that will impact it. That is the decision by the Department of Energy to continue taking royalty-in-kind oil off the market and sticking it underground. This is exactly the wrong thing to do at the wrong time.

I have always been in favor of a Strategic Petroleum Reserve. But with prices where they are, and an economy that is sluggish, it makes no sense to continue to do this. I believe what we ought to do is pass some legislation. If I were writing the stimulus bill, I would include this provision in the stimulus bill.

Those are two ideas that I think should be considered. The first I would hope would be considered by unanimous consent. I can't believe anybody would object to putting on a check that goes out to 150 million people: Support Our Economy. Buy American. I do not think anybody believes that we want to provide a bunch of money and hope they will spend it on goods made in China. That hardly expands opportunities and the economy in this country. I am not saying they have to spend it on American-made goods, but what I am saying is, we ought to remind them, to the extent we can, what we are trying to do here, and what this stimulus rebate check is all about.

(The remarks of Mr. DORGAN pertaining to the submission of S. Res. 437 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I believe my distinguished colleague from Alabama has some comments and questions he wishes to raise, so I ask that he be recognized.

The PRESIDING OFFICER. The Senator from Alabama.

#### FISA

Mr. SESSIONS. Madam President, I thank my colleague, Senator BOND, the vice chairman of the Intelligence Committee. He has been working for a full year virtually on trying to accomplish what we need to accomplish now.

I may not be able to follow the debate, but it seems to me that now we are beginning to hear that somehow despite your determined efforts and those of Senator MCCONNELL and our side of the aisle the Republicans are being accused of holding up this legislation.

Can you give us your perspective on that? I am sure it is different from what I have heard on the floor earlier on.

Mr. BOND. Madam President, to respond to my colleague, it would be a pleasure. Let's go through the record.

In April of 2007, the Director of National Intelligence, or the DNI, submitted a request to update FISA, the Foreign Intelligence Surveillance, law to Congress. The draft legislation that he sent to Congress was not a political or partisan piece of legislation, it was absolutely essential because technology has changed and the old FISA law was prohibiting our agencies from having the ability to go up on a foreign target without getting an order of the FISA Court, which totally gridlocked that court.

But what he sent up was the result of a year of negotiations and coordination among civil servants in the Department of Justice and our intelligence agencies that will actually have to implement the system the legislation will cover. So the people who are running it set up the recommendation.

Soon after that, there was a court order issued that resulted in these significant gaps. That ruling brought important parts of the system we use to monitor terrorists overseas to a halt. It created dangerous gaps in our ability to collect. The need to pass a permanent legislative fix for FISA suddenly became much more urgent, and the DNI came before the Intelligence Committee in May of 2007 to explain why it was needed and to say how urgent it was.

Mr. SESSIONS. Indeed, didn't he say it couldn't have come at a worse time to have us be denied this kind of intelligence capability?

Mr. BOND. That is correct. As the DNI explained to Congress in a closed-door briefing for all Senators in July of 2007, the FISC ruling came at a time of heightened concern in our intelligence agencies that terrorist attacks against the homelands of our allies might be in the works.

The DNI explained in that briefing in no uncertain terms the urgent need to update FISA and close the intelligence gaps caused by the ruling so that our intelligence agencies would have the tools they need to detect terrorist plots against our homeland or our troops and allies overseas.

Mr. SESSIONS. To follow up on that, you are familiar with the NSA and have seen it. Would you dispute his decision based on what you know? Didn't you also conclude, as I did, that he was exactly right; this was absolutely critical to our national defense and security?

Mr. BOND. Mr. President, yes. I learned at the time why it was so essential, and I would say there is a letter from the DNI, a classified letter, which is available in our Intelligence Committee offices or in S-407 for Senators to read that says what the intelligence community was able to accomplish after the Protect America Act was passed on August 3, 4, and 5 of last year, which would not have been possible had we not changed the FISA law. So there are clear examples set forth in a classified letter that I invite all my colleagues to review. I would be happy to have them review it.

Mr. SESSIONS. When we heard what he said, we got busy. You were one of the leaders. We worked through and passed the legislation in August, just this past August, that basically affirmed this program and kept it going. But can you tell us now why we didn't make it permanent at the time?

Mr. BOND. First, I am not a big fan of sunsets. If the Intelligence Committee does its job—and with Chairman ROCKEFELLER leading and my role in it, I can assure you that we are looking at all of these laws, all of these practices, and authorizing legislation of the intelligence community to see if it is working, to see if it is working within proper bonds. But I believe that. And I believe the Attorney General was correct when he said we should not sunset these laws because there are no sunsets on our enemies' fatwas.

That came from our Attorney General. But we did agree to a 6-month sunset because Senate Democrats assured me that 6 months was long enough to take a systematic look at the law and come up with a strong, permanent solution. They believed we needed additional protections that had not existed in the original FISA law. It did not include one of the key elements that the DNI requested in his original April 2007 request. We had to pass a shortened version because of the timeline. But given that we had that sunset, our Intelligence Committee worked very hard, after the passage of the PAA, until we were able to pass on a bipartisan basis, by 13 to 2, a strong bill that adds significant new protections for Americans and which permits the DNI to conduct the program as he thinks it needs to be conducted to assure that our country is safe.

Mr. SESSIONS. How did we get here and why do we need another 15-day ex-

tension? Why can't we get this thing done?

Mr. BOND. That is kind of an obvious question that my colleague has asked. The following month, the Judiciary Committee of the Senate put out a bill on a straight party-line vote, a partisan substitute which was drafted without getting the effective input of the intelligence community, the Department of Justice. And the DNI said it absolutely would not work, so he couldn't support it. So a month after that, on December 17, the distinguished majority leader brought the bill to the Senate floor, thought it very timely to get it done in December, since we have a February 1 expiration date. But several members of the majority party filibustered the bill or actually they phoned in their objections, their filibusters, from campaign stops. And it could not go forward. Then the Senate didn't get around to taking up FISA again until over a month later, on January 23.

We only returned to FISA after taking up the Indian health legislation. I don't diminish the importance of that measure, but it might have waited until after we finished FISA.

Mr. SESSIONS. It seems to me that our Democratic leadership has had legislation from the Director of National Intelligence since April. We have refined it, particularly your committee, the Intelligence Committee, has moved it forward on the floor. And we have just wasted a lot of time when we need to be making this permanent.

Mr. BOND. Unfortunately, my colleague from Alabama is right. I know we both don't want to engage in finger-pointing, but some of my colleagues have been making statements about our efforts on the bill, which leave me no choice but to correct the record. I invite any of my colleagues who have a different view to come discuss it with me. It is critical that we move forward.

We have a 15-day extension. At the end of 15 days, this body goes on a week's recess. There is no reason we cannot pass this bill, conference with the House, and pass it by February 15 so American citizens will have the additional protections this bill includes, and our carriers will have the liability they must have to continue to participate in the program.

I thank my colleague from Alabama.

Mr. SESSIONS. I thank Senator BOND and Senator ROCKEFELLER and the Intelligence Committee. I serve as a member of the Judiciary Committee. I strongly opposed the bill that came out of our committee. I believed your bill, the Intelligence Committee bill, which passed 13 to 2 in a bipartisan fashion out of the Intelligence Committee, was superior to the one that passed Judiciary on a narrow party-line vote. I also grasped during that debate that one of the real differences was the Intelligence Committee members knew what was at stake. That had been your responsibility, to ensure that our intelligence community was

able to function effectively. You knew how the system worked and we didn't. We allowed theoretical ideas and maybe partisan politics to interfere with a simple project which was to identify what we needed to do to fix the broken intelligence system and to do so consistent with the Constitution and liberty.

You all worked on that and reached an agreement on it. We continued to have nitpicking, complaints, ideas. Everybody has a different idea how they would like to see it done. I guess that is lawyers. Maybe that is the Judiciary Committee lawyers as opposed to Intelligence Committee members.

The way I would boil this issue down for the American people is this: We are not asking in this legislation that anything be done to diminish the great liberties we as Americans have come to cherish. Actually, all it is doing is facilitating historic concepts of intelligence surveillance that we have always done. Fundamentally, there is no dispute that American intelligence officers abroad can intercept such communications as they are able to intercept without any Federal court warrant or anything else of that nature because the Federal court does not have jurisdiction, one reason, in Europe or the Middle East or Pakistan or any other country. They just don't have jurisdiction there. So we have always known that our intelligence agencies are capable, authorized, and legally able to do this.

In the United States, however, if somebody taps your phone—and we have had so much confusion about this—if a Government agency were to tap someone's phone, they are entitled to listen not only to the calls that are placed away from that phone to someone else, they are also entitled to listen to phone calls that come into that phone number. That is part of the legal authorization to surveil inside the United States.

So the first thing you have to do is have legal authorization to surveil. Once you do, on that phone, then you can listen to the calls that come in. What we do as a matter of practicality is we mitigate if a phone call comes in on a matter unrelated to the criminal activity that is being surveilled in the United States. That is the way it is.

So what I want to say is, don't think this is somehow a retrenchment of historic American protections. What we are saying is, if you have a legal authorization to intercept a telephone system in Afghanistan—and we do, our people have a right to intercept a phone conversation—it seems to me you also have a right, just as you do if you have a warrant involving a U.S. citizen, to listen to the phone calls they place into the United States. And if it is not relevant to any kind of terrorist activity, then you would mitigate against it. But if you follow what I am saying, once you have the authority, as we do, to intercept a cell phone number somewhere, something like

that, if you have this activity and you intercept that and you can surveil that number, then you are able to surveil who they call.

If they are calling into the United States to set up a terrorist organization to carry out a plot, then that is the kind of call you want to intercept, for heaven's sake. I just don't think we have a big issue. I am proud of the committee. They have added protections, eliminated ideas that could lead to some abuse somewhere, but you have written a bill that is worthwhile.

Let me say about the people at the National Security Agency and our FBI and our other agencies that are out doing this kind of work, they follow the laws we give them. Don't think, like you see on television, on "24" and some of these things that people just go around and violate the law on a regular basis. I was a Federal prosecutor for 15 years. People don't put their careers on the line, throw away their careers, violating the law.

So we have to have a law that allows them to lawfully do their work and not deny them the right or a legitimate power to protect America because we are putting ourselves at risk, and we should not do it. So I am frustrated, forgive me, that we are so timid about allowing the full historical surveillance capabilities our Nation is used to having at this time when we have unique threats from terrorists who have proven they have the ability to inflict thousands of deaths on Americans.

Our good people are working their hearts out. Let's don't make it more difficult for them. Let's affirm what they are doing. We will continue to monitor it so it is never abused.

I thank the chairman and the Intelligence Committee for their bipartisan work to serve our country by producing a bill we all can be proud of.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Missouri.

Mr. BOND. Mr. President, I extend my most sincere thanks to my colleague from Alabama, who is a very valuable member of the Judiciary Committee. He does not let the fact that he was a lawyer and a prosecutor interfere with the exercise of good judgment. I congratulate him on his very perceptive comments. I thank him for participating with me.

I also would agree with him. He made the strong point that sensitive intelligence matters should be handled in the Intelligence Committee. Our intelligence community leaders have said it is very difficult to present matters to a committee when they have to deal in closed session on so many things. Even the things that may in themselves not be classified are often related to classified materials. So I hope maybe we can take a look at committee jurisdiction in the future.

I will take a few minutes to discuss why it is so important the Senate pass the bipartisan Rockefeller-Bond sub-

stitute amendment without adding unnecessary or harmful amendments that have not been vetted by the intelligence community.

There are some colleagues who may believe we can just keep adding amendments without causing any problem for our intelligence collectors. But the fact is, the legislation is intended, first and foremost, to keep the intelligence gaps that existed prior to the passage of the Protect America Act, or PAA, closed. If we do not check with the experts in the intelligence community about whether their proposals will enable the intelligence community to keep the gaps closed, and if we do not heed their advice, the legislation can have—and often has—unintended consequences that impede vital intelligence collection.

An example of why this is so important: There was a substitute amendment included in the Rockefeller-Bond bill that provides additional protections for Americans traveling overseas. Originally, this amendment was offered by the Senator from Oregon—a valued member of our committee. His intent—which I share, and the intelligence community shares—is to provide overseas Americans with the same level of court review and approval as Americans in the United States receive. We believe that is very important.

The amendment passed in the committee despite my vote in opposition because of the drafting that the amendment had not been vetted by the intelligence community. It turned out it would have been unworkable, causing unintended consequences, including impeding important intelligence collection on legitimate targets, if it was passed as it was.

But the chairman and I worked with Senators WYDEN and WHITEHOUSE over the past few months so we could make this functional—a well-intentioned amendment, a very valuable addition to this bill. We fixed that provision, and it is in the managers' amendment that Chairman ROCKEFELLER and I have. So we will have a workable bill, one that the DNI supports, and one we can be very proud of, because it does extend additional protections to American citizens and U.S. persons abroad.

But when we had to fix this issue, what we thought was a simple amendment took 24 pages of language to make sure we did not have unintended consequences—in an amendment that was originally only 3 pages long. I raise this not to criticize the authors of the amendment but to thank them for their cooperation.

But the basic principle is a principle of medicine, and we can apply it to the intelligence legislation: First, do no harm. I am concerned about the unwillingness of some colleagues who have proposed legislation to call the office of the DNI or NSA to make sure their amendments would do no harm. If amendments cause the intelligence gaps to reopen, the legislation will be worthless, probably will not pass, and will not be signed into law.

An example of how well a bipartisan FISA reform bill can function is the Protect America Act. I have said before that the PAA did exactly what it was intended to do: it closed the intelligence gaps that threatened the security of our Nation and our troops. It did so in a truncated fashion, but it worked for 6 months.

Now, there are some Members who criticize the PAA and call it flawed. But let there be no doubt, the PAA has been a great success. It did not open any new powers that had not existed before the technology changed and brought applications of new limitations on our collectors.

Next, I want to call attention to a letter received by the Senate Select Committee on Intelligence on January 25 from the DNI. Director McConnell wrote that the authorities provided by Congress, through the Protect America Act, passed in August of last year, have "allowed the Intelligence Community to collect vital foreign intelligence information, and made the Nation safer by enabling the IC to close gaps in our foreign intelligence collection."

Let me repeat that: It has enabled the intelligence community to close gaps in our foreign intelligence collection.

More specifically, Director McConnell said the PAA has enabled the intelligence community to obtain information related to disruption of planned terrorist attacks against Americans, efforts by an individual to become a suicide operative, instructions to a foreign terrorist associate about entering the United States, efforts by terrorists to obtain guns and ammunition, terrorist facilitator plans to travel to Europe, information on money transfers; plans for future terrorist attacks, and movements of key extremist groups to evade arrest—among others.

While I cannot say anything more publicly about these examples, I can say these are examples of how the PAA disrupted ongoing and planned attacks against our interests, our allies, and our citizens. The Director did send the committee a classified letter laying out the details of these disruptions. He also gave examples of how collection—that had faltered because of a FISA Court decision in the spring—was renewed under the PAA. As a result, key intelligence against terrorists was collected.

I have reviewed the letter. I think any of our colleagues interested in this subject should go to the Senate Intelligence Committee offices or to S-407 to read the classified letter for themselves to see how the PAA has helped save American lives.

Director McConnell has told us some targets might not have been pursued without the PAA because of the administrative, analytic, and legal burden of seeking FISA orders. Keep in mind, these orders would have been FISA orders to collect information on foreigners, not Americans.

It is clear from my reading of Director McConnell's letter that most of the

successes he identified would not have occurred had it not been for the PAA.

While the PAA has been key to gathering unique and vital intelligence information, Director McConnell does not support its extension. The reason he does not support the renewal—one that has been critical to enabling the intelligence community he leads to do its job—is because it does not include retroactive civil liability protection. In his letter, and on numerous occasions—and in every substantive discussion I have had with him—the Director has said that we cannot gather this kind of information in sensitive intelligence areas without the cooperation of private parties.

Despite the success of the intelligence community's ability to collect intelligence under the PAA, Director McConnell does not support its extension without this retroactive civil liability provision because he believes the voluntary cooperation of private parties is necessary to the success of the program. I have stated previously in answers to questions of my colleagues precisely why it would work. By implication, it seems he is concerned, wisely, I believe, that carriers will no longer cooperate with the Government if they fear being dragged into expensive lawsuits.

Again, for all these reasons, we must pass and get the bill out of here—I hope at least by early next week—and pass a conference report before February 15. The Rockefeller-Bond substitute is that bill.

A lot of questions have been asked about when we are going to move forward. We have exchanged papers back and forth. Chairman ROCKEFELLER's staff and my staff have negotiated extensively. We need to get the concurrence of the leaders on both sides. I hope we are close to getting a workable framework. This is such a critical piece of legislation. I do not want to hold it up any longer.

I know my colleagues have been waiting for votes. Nobody has been more anxious than Chairman ROCKEFELLER and I. We understand how important this issue is. We hope to give this body some real action on moving the bill forward sooner rather than later. We will need the leaders, who will make the decisions. We will need the cooperation of all colleagues on both sides. Let's hope we can come to a successful resolution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF BUSINESS

Mr. REID. Mr. President, there will be no rollcall votes tonight. We will see

what we can do tomorrow to come to some conclusion on the stimulus package, at least get on the road to how we are going to have some votes. And we will have some votes; it is just a question of when we will have them.

On FISA, we thought we had it worked out a few minutes ago, but it came "unworked." So we are going to continue to see what we can do. I have told Senator MCCONNELL we are doing our very best to wrap that up so we can have agreement. But an agreement is two sided. It is not just us. We think we have a way to complete that so we can finish our work on it, but it is a work in progress. I thought we had it done a few minutes ago, but it didn't work out that way. So we will see what we can do tomorrow on these issues, but there will be no votes tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. CANTWELL.) Without objection, it is so ordered.

#### ECONOMIC STIMULUS

Mr. BAUCUS. Madam President, the psalmist prayed:

Do not cast me off when I am old. Do not forsake me when my strength fails.

That is really the question before us as we get to the economic stimulus bill, which is the bill that is going to send out rebate checks to Americans: Will the Senate cast off 20 million seniors? Will the Senate forsake 20 million of the neediest Americans?

A vote for the Finance Committee substitute is a vote for 20 million American senior citizens who have worked hard all their lives, who have paid taxes for a lifetime. They contribute to the economy today. But the underlying House-passed bill would not give them a rebate check.

The House-passed bill says no to 20 million American seniors. The House bill gives checks only to the more affluent seniors whose incomes are high enough that they pay taxes now. The House-passed bill would not give a stimulus check to seniors who are scraping by on Social Security income alone and have no tax liability. To state it differently, the House-passed bill says no to the most neediest seniors, not only 20 million American seniors, but the House bill says no to the 20 million American seniors who happen to be the most needy. These 20 million seniors have given a lifetime of labor. They have given a lifetime of service, and they have paid a lifetime of taxes. The House-passed bill would not give them a stimulus check.

Think of a grandmother who needs money for food, medicine. America's economy is slowing down. Times are

getting tough for her. Prices for food, gasoline, and home heating oil have skyrocketed right before our eyes. She has a harder time making ends meet. For many of our Nation's senior citizens, their only source of funds for these necessities is a once-a-month envelope from Social Security. Any Social Security beneficiary will tell that you she has not seen the amount of her check increased enough to cover today's rising costs. I am sure the benefits may be going up a little bit, but they clearly do not cover the increase in rising costs. Again, the Finance Committee package says yes to those 20 million American seniors who we believe should be included. They should also get a rebate check. The House-passed bill says no to those 20 million American seniors. It says to seniors who happen to be the most needy, no, we are not going to give you a rebate check. That is the basic reason why I believe the Senate Finance Committee package passed today is by far the better alternative.

Just think, when Congress acts on an economic stimulus package this week, tomorrow, whenever it is, we should insist on that tax rebate for the 20 million low-income seniors who can use that money right now. A rebate for seniors is no feel-good measure. Obviously, it is the right thing to do. Rebates for 20 million more seniors will help the economic stimulus package work better. Why is that? Because seniors are among America's most likely to spend a refund right away and pump cash back into the economy.

This chart basically demonstrates that. According to the Bureau of Labor Statistics, Americans over age 65 are responsible for over 14 percent of all consumer spending. People over 65 spend 92 percent of their yearly incomes. That is represented by the horizontal bar in blue, a little bit of purple over on the right. So people over 65 spend 92 percent of their yearly income. People over age 75 spend 98 percent of their incomes. That is higher than any other demographic group over the age of 25.

Seniors spend the money they receive. They have to, in most cases, spend the money they receive. It is the right thing to do, to give senior citizens access to that rebate check. Why exclude them? Why cut seniors out as the House does? That is not right. In addition, seniors spend the money they receive. Seniors over age 65 spend 92 percent of the money they receive, and seniors over 75 years of age spend 98 percent of the income they receive. So seniors will spend that rebate check right away. That will make the rebate check all the more effective in helping the economy.

The Senate needs to do the right thing by America's seniors and by the American economy. We should extend the tax rebate to 20 million American senior citizens living on Social Security. The Finance Committee substitute will help 20 million seniors who

were left out of the House bill. The Finance Committee amendment will provide seniors with a rebate check of \$500 and \$1,000, if they are married.

What is more, the Finance Committee amendment helps a quarter of a million disabled veterans with rebate checks. So far I have talked only about senior citizens. The House-passed bill does not give rebate checks to disabled American veterans. The House bill does not provide low-income disabled veterans rebate checks. That is, the House bill does not give rebate checks to a quarter of a million, and that is because they do not provide low-income disabled vets with rebate checks.

The House discriminates against lower income seniors, 20 million American seniors. It discriminates against lower income disabled vets. It says no to a quarter of a million disabled veterans. We in the Finance Committee say, no, we should say yes to seniors. We should say yes also to disabled veterans who will get the same rebate check as an upper income disabled vet.

What is more, the Finance Committee amendment helps people who have lost their jobs. Don't you think that is the right thing to do, help people who have lost their jobs, particularly as we are either in a recession or close to a recession? The Finance Committee amendment provides an additional 13 weeks of unemployment insurance, and high unemployment States will qualify for an extra 13 weeks. The House bill does not provide an extension for unemployment insurance. It says no. It says, no, I am sorry, too bad. If you have lost your job and your 26 weeks is already up, which is the case for a higher proportion of America's unemployed today than at any other time in recent history, the House says, no, sorry. Even though you need the money, even though you would have clearly spent the rebate check, they say, no. The House bill doesn't provide that extension.

There are almost a million more unemployed Americans than there were unemployed a year ago. The Congressional Budget Office found that unemployment insurance has a great bang for the buck. That is, people who are unemployed who receive their unemployment insurance spend it. In fact, economy.com, a company which analyzes these things—their person testified today or yesterday before the Budget Committee—found that each dollar spent on extended unemployment insurance benefits would generate \$1.64 in increased economic activity. That is a good one. In straight economic terms, for every \$1 spent, \$1.64 is the result in increased economic activity.

The bipartisan stimulus bill enacted after 9/11 included an unemployment insurance extension. President Bush signed that extension. Why don't we do it now? We all know what dire straits the economy is in. The Federal Reserve system cut the Fed funds rate another half percent. When you add it up in the

last 4 or 5 months, 1 percent plus three-quarters plus another half, what does that amount to? That is a 2¼-percent-age points reduction in the last several months. They are worried. But those rate cuts take time to work their way through the economy. An economic stimulus package has an effect right away. That is why we believe we should have components in the economic stimulus package which improve upon the House bill and give 20 million seniors rebate checks and a quarter of a million disabled vets rebate checks and also extended unemployment benefits.

The Finance Committee amendment helps American businesses that need help. The Finance Committee amendment would extend what is called the carryback period for net operating losses from 2 years to 5 years. Why is that important? Generally, a cyclical business has some profitable years followed by loss years. During loss periods, the company will carry back the net operating losses for the lost years to the prior profitable years. They will file a quick refund claim. The quick refund claim acts as a cash infusion and allows the company to survive the loss period. The House bill doesn't take care of that. The housing industry would greatly benefit from an increased carryback period.

This whole economic downturn was sparked by a so-called subprime problem, the housing problem, a glut of houses. And the expanded period would allow builders to avoid selling land and houses at distressed prices.

Additionally, it would enable less costly financing, improving business conditions for an eventual return of the housing market. The expanded period would give the housing industry cash to meet payroll. That is not a bad thing to do when we are in an economic downturn. That would stop additional job losses. The National Association of Manufacturers has written us in the committee in support of the Finance Committee's net operating loss proposal because they know it is the right thing to do to help maintain jobs.

These are all good reasons to vote for the Finance Committee substitute. It would help disabled veterans. It would help unemployed Americans. It would help businesses struggling with the business cycle. It would help 20, I think the figure is 20 million American senior citizens. I start where I began. I repeat this point because it is so important. The biggest difference between the Finance Committee substitute and the underlying House bill is 20 million seniors. A vote for the Finance Committee substitute is a vote for those seniors. Keep this in mind: 20 million, right here. That is the number of seniors to whom we would give rebate checks because it is the right thing to do, to add 20 million to the House-passed bill, which does not give rebate checks, which is clearly the wrong thing to do.

Senators should not cast off seniors. Senators should not forsake them. Rather, let us recognize their lifetimes



of labor, recognize their key role in stimulating the economy. Look at our senior citizens. They are the real salt, the rock of America. Our mothers and fathers and grandfathers, most of them passed through the Depression era. Some are a little old for the Depression era, but they have values that are so important for our country. They are the people who paid taxes all their lives. They worked all their lives. They provided service to so many of us and our families and to other neighbors in the community. Let us recognize their key role in stimulating the economy, and let us pass the Finance Committee substitute for those 20 million American seniors.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### IN MEMORY OF SISTER DOROTHY MARIE HENNESSEY

Mr. HARKIN. Madam President, on January 25, all who work and struggle for social and economic justice, who dedicate themselves to peace and ending war, lost a wonderful friend in Sister Dorothy Marie Hennessey. The world lost a true Christian soul who, in her own quiet, humble way, fought relentlessly for peace and social justice.

Sister Dorothy lived 94 years, 67 of them as a member of the Sisters of St. Frances. She was the eldest of 15 brothers and sisters who grew up on a farm near Oneida, IA, taught by their parents that the Golden Rule was not an abstraction but a way of life. She fondly always remembered that her family "always fed and housed the tramps who came to [their] farm."

Sister Dorothy kept her theology simple and straightforward. She said:

I've learned in 75 years in the convent that God is a compassionate God who loves all of us, but who also loves the poor and the people who are oppressed.

But Sister Dorothy also believed, in the words of President Kennedy, that "God's work on Earth must truly be our own." She was the opposite of a cloistered nun. She was an activist. She stepped forward boldly, if humbly, to make the world a better and fairer and more just place.

She taught in Catholic schools in the Dubuque area for 28 years and another 4 years in Portland, OR. But in the 1960s, her social consciousness came alive. She was deeply disturbed by the tragedy unfolding in Vietnam. And she was shocked to learn from her brother, also a priest—Father Ron Hennessey, a longtime missionary in Latin America—about the atrocities committed by dictators and their death squads in Central America.

Father Ron was, as we know—and he was a friend of mine, and I knew him well—also a friend of Archbishop Oscar Romero of El Salvador, and he witnessed the Salvadoran military firing on mourners after the archbishop's assassination.

Sister Dorothy became a leader in a newly formed human rights group in Dubuque and spent the rest of her life engaging in principled acts of dissent and protest, at times putting her own life at risk.

For example, in 1984, she went to Nicaragua with the group Witness for Peace, acting as human shields to protect northern border villages from attacks by the CIA-backed Contras.

In 1986, at the age of 73, she joined more than 1,000 activists in the Great Peace March for Global Nuclear Disarmament, traveling 3,500 miles from Los Angeles to Washington, DC—at the age of 73.

Beginning in 1997, she participated in annual protests at the School of the Americas at Fort Benning, GA, where graduates had been implicated in human rights abuses all over Latin America, Central America, including the murder of six Jesuit priests in El Salvador.

Sister Dorothy was arrested three times for crossing the line onto the Army base. On the third occasion, at the age of 88, she was one of 3,600 protesters who were arrested. Twenty-six of them were selected by lottery to be prosecuted in Federal court, including Sister Dorothy and her sibling, Sister Gwen, also a Franciscan Nun.

Sister Dorothy was sentenced by a Federal judge to 6 months of detention in her convent, but she refused this leniency. She insisted on receiving the same treatment as her other 25 co-defendants. So her sentence was changed to 6 months at the Federal Prison Camp in Illinois. As a Des Moines Register columnist noted, "She was allowed to take her hearing aids, but not her Bible."

After a month and a half, she was transferred to a correctional facility in Dubuque, supposedly for health reasons. But Sister Dorothy knew better. The real reason was the Federal Government's sheer embarrassment at incarcerating an 88-year-old nun because she dared to stand up for justice.

During her time in prison, Sister Dorothy was interviewed by a reporter with the Public Broadcasting System. She said:

I feel that it's our duty. We can't protest everything, but we can pick out some of the worst things to protest, and that's what I've tried to do.

So into her eighties, nineties, Sister Dorothy continued to find new ways to serve people and to help change the world for the good. From 1996 to 2000, she worked as a daily volunteer at Clare House, a residence in Cedar Rapids for people with AIDS. She cooked and cleaned for the patients. She spoke out loudly and clearly, also, for the rights of gays and lesbians.

On a personal note, I will always be grateful to Sister Dorothy for her many years of friendship and counsel. It has been one of the privileges of my life to know so many members of that wonderful, wonderful Hennessey family—Father Ron, all the years he risked his life in Central America, and both Sister Dorothy and Sister Gwen, and another sister. There is Sister Miriam, who was tragically killed in a car incident some years ago. What a wonderful family.

Sister Dorothy worked for a while as a senior intern in my Dubuque office. I say "for a while"—actually, for 8 years. She was a great mentor and inspiration to all of my staff.

So I will always cherish my friendship not only with Sister Dorothy but also with Sister Gwen, Sister Miriam, Father Ron, and so many other members whom I have known of the entire Hennessey family.

Madam President, as you can clearly see, Sister Dorothy was a remarkable person. I am reminded of the old saying: We make a living by what we make; but we make a life by what we give. Throughout her amazing life, Sister Dorothy was the ultimate giver. She gave her adult life to the church and to the Sisters of St. Frances. She gave more than three decades of dedicated service to her students. She gave her service on boards and in countless volunteer organizations. And, as I have pointed out, she gave of herself in dissent and protest many times against oppression and to end war.

She gave us her moral passion. She gave us her fine Christian example. She gave us her courage and decency, her love and friendship. She gave it all she had to make sure the world was a better place, that we all—had that prickling conscience that things were not right when poor people suffered, when war became the norm, when there were so many abuses of human rights and oppression against the disenfranchised and the poor in this country and in other places around the globe.

So after a rich lifetime of service, Sister Dorothy has been called home. She left the world a better place. I am deeply grateful to have had her as a friend. To all of the Franciscan nuns, to her family, of course, my deepest condolences from me and all of my family on her passing, but also our deepest thanks for sharing such a wonderful, magnificent person with us during her lifetime.

We will remember her and hopefully honor Sister Dorothy by continuing to do what we can to make sure that our Government works more for social justice and economic justice, that we turn away from the instruments of war and the funding for war and making war sort of the norm, and that we reach out in understanding and peace to the rest of the world. She would have not only asked nothing less, she would have demanded nothing less of us.



So we say goodbye to Sister Dorothy and, again, honor her memory by continuing to do what we can in our lifetimes to continue in her great work.

Madam President, I ask unanimous consent that an article that appeared today in the Des Moines Register by Rekha Basu regarding Sister Dorothy be printed in the RECORD.

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

[From the Des Moines Register, Jan. 30, 2008]  
BASU: DUBUQUE NUN TAUGHT US TO STAND UP FOR BELIEFS

(By Rekha Basu)

At 88, Sister Dorothy Marie Hennessey of Dubuque was arrested for trespassing on a U.S. military base. She'd been protesting a school reputed to train Latin American military members to repress democracy advocates. Noting her advanced age, the judge offered her the option of staying under house arrest in her convent.

"I appreciate your thoughtfulness," replied the diminutive nun. "But I am not an invalid. I'd like to have the same sentence the others have."

So Sister Hennessey began her six-month prison term (the maximum sentence), along with 25 others, at the Federal Correctional Institution in Pekin, Ill. She was allowed to take her hearing aids, but not her Bible.

The woman dubbed "the radical nun," the activist who in her 70s walked across the country to protest the Cold War, died last week at age 94—and the planet is poorer for it. We lost a passionate champion of peace and justice who, even while protesting war and injustice, maintained an unflagging sense of optimism.

"I consider it a spiritual commitment because I've learned in my almost 70 years in the convent that God is a compassionate God who loves all of us," she once said, "but who also loves the poor and the people who are oppressed."

Though she was a giant in every way but physically, Sister Hennessey's name wasn't a household one in Iowa. It should be. She earned a place in both the Iowa Women's Archives and Wikipedia, was written about in the New York Times and was interviewed on PBS. And with her biological sister Gwen, also a Franciscan nun, she was awarded the Pacem in Terris Award from the Davenport Catholic Diocese in 2002, earning a place among such luminaries as Daniel Berrigan, Cesar Chavez, Desmond Tutu, Martin Luther King Jr. and Mother Teresa. The award is named after a Papal encyclical by Pope John XXIII that calls upon people of goodwill to bring peace among nations. It recognized the sisters for "living out the Gospel through their work on behalf of the poor and for peace."

The oldest of 15 children, Sister Hennessey was born in 1913 in Manchester and raised on a farm. She spent 75 years at St. Francis in Dubuque and taught in various Iowa communities and in Portland, Ore.

It was her brother, the late Ron Hennessey, a longtime missionary in Latin America, who first inspired her social activism. His letters from Guatemala and El Salvador in the 1980s told of terrorism and killings of Mayan Indians in his parish by Guatemalan death squads. Brutal wars in Central America were being waged using American guns and money.

A friend of Archbishop Oscar Romero of El Salvador, Father Hennessey wrote of witnessing the Salvadoran military firing on mourners in the cathedral after Romero's assassination.

Sister Hennessey centered her protests on the Army's School of the Americas in Fort Benning, Ga., because it trained Latin American soldiers and police. The school said it gave them a professional education. Protesters said it taught torture. Graduates from the school were later implicated in the 1989 murders of six Jesuit priests and two women in El Salvador. The protest that sent Sister Hennessey to prison involved a mock funeral procession. The school was closed a month later, but it reopened under a different name.

In an interview from prison in 2001 on PBS "Religion and Ethics," Sister Hennessey told host Bob Abernethy, "I feel that it's our duty. We can't protest everything, but we can pick out some of the worst things to protest, and that's what I've tried to do."

Fortunately, her sister remains to carry on the family legacy.

Sister Hennessey taught many things, including courage, compassion and the importance of independent thought and creative action.

She taught that aging gracefully can be compatible with living meaningfully, and even dangerously. But most important, she taught that we don't have to stand by in frustration when wrongs are perpetrated, even by our government; that the world is best served when we stand up for what's right. And that you do whatever you can from wherever you are.

In her case, it was the Lord's work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

#### FARM BILL

Mr. THUNE. Mr. President, I rise today to urge my colleagues in the Democratic leadership to move forward with the 2007 farm bill. Last July, the House of Representatives passed the 2007 farm bill by a vote of 231 to 191. Last December, the Senate followed suit by passing its version of the 2007 farm bill by a vote of 79 to 14. Certainly there are controversial provisions in each bill that must be addressed as we move forward. However, the bipartisan support for these bills is overwhelming. In fact, with 79 votes, this Senate-passed farm bill received more votes than any farm bill in the past 30 years.

Unfortunately, little progress has been made since that time. The respective chairs of the House and Senate Agriculture Committees need to focus on naming conferees and working together to reconcile their differences. Right now, my understanding is both chairs have been meeting with the administration, both saying they are making

no headway. It seems to me that ultimately we need to work in a bipartisan manner to resolve the differences between the House and the Senate versions of the farm bill, and that begins by naming conferees to a farm bill conference committee. We only have 6 weeks left to name conferees, reconcile the Senate and House-passed farm bills, and deliver a farm bill that meets the needs of America's producers and can be signed into law by the President.

Additionally, in March, the Congressional Budget Office will issue a new baseline for agricultural programs. On account of high prices and a successful agricultural industry, the CBO will likely predict that few farm payments will be made in the coming years. The result is that Congress will have even fewer dollars to write the new farm bill, which will further magnify our current budgetary issues associated with this farm bill.

Our farmers and ranchers are already making their planting decisions for this spring. Many are wondering what regulatory regime will impact their operations. Will it be the 2007 farm bill—now the 2008 farm bill—which Congress and the Agriculture Committees have been debating for the past 12 months? Will it be the 2002 farm bill which has served our producers well but expires in 45 days or will it be the 1949 and 1938 farm bills, which are the last farm bills with permanent authorizations?

In recent days, some have threatened to let the 2002 farm bill expire and revert to a permanent farm bill policy which was drafted almost 60 years ago. The two laws that would govern most farm programs passed in either 1938 or 1949 are what we refer to as permanent law. If Congress fails to approve new legislation that would set aside those permanent laws, and if Congress also fails to extend the current farm bill, then these two old laws once again become operational.

Now, among other things, permanent legislation would require USDA to establish acreage allotments and marketing quotas for price-supported crops and for producers to vote whether to approve quotas. Some agricultural producers actually might benefit from the permanent farm bill, while other producers in our conservation programs would dramatically suffer. If you are a wheat grower, the loan rate for wheat would be \$8.32. That is something a lot of wheat growers would probably like to see. Corn loan rates would be \$4.12, and, of course, there would be no countercyclical or direct payments that we have in the farm bill that we are operating under today, and no support program for soybeans under the permanent farm law we would revert to—the 1938–1949 laws I referred to—if, in fact, we don't take action to either extend the current farm bill or get the new one passed.

Milk purchases by the Commodity Credit Corporation would be established at \$28.20 per hundredweight, far

more expensive than provisions in the 2002 and 2007 farm bills. Most conservation programs would also expire on March 15 of this year, 2008, including the CRP. If conservation programs expire, no new acres could be signed up by producers.

I call on the leadership—the Democrat leaders are the ones who get this process rolling by naming conferees and allowing the process to move forward, but I think that both sides, frankly, need to put aside any bickering and fingerpointing that is going on and move forward with a farm bill process that will enable us to get a bill, a signable bill on the President's desk before March 15 when the current farm bill expires.

Moving forward on the farm bill debate requires a few critical steps. First, as I said before, there has to be an announcement and naming of farm bill conferees, and that should happen immediately. Conferees need to begin meeting to iron out policy differences between both bills and to come to an agreement on funding. As the conferees do that, and the committee works, then they can negotiate in good faith with USDA in an attempt to reach an agreement on a bill the President could sign. Congress then could pass the bill, get a conference report, move it through the House, move it through the Senate, and get it on to the President for his consideration.

Our agricultural producers, our conservation organizations, our school nutrition groups, our renewable energy sector are all waiting patiently for Congress to work its will with this farm bill. The time for action is now. We simply cannot afford further delay.

Probably the most frequently asked question when I am back in my home State of South Dakota as I travel around the State is: When are we going to get a farm bill? Are we making any headway on the farm bill? When is the conference going to meet on the farm bill? Agricultural organizations that come here to Washington to visit pose that same question, because they have every reason to believe that based on the action that was taken by the House and the Senate last year, this conference committee process would be underway and we would be well on the way to getting a new farm bill enacted. We can't afford to wait any longer. We have farmers and ranchers who are depending upon us, who are relying on us to make good decisions and good judgments and to get a bill passed that will serve the purposes of promoting agriculture, making us globally competitive, and in the years ahead.

I simply urge my colleagues in the leadership—and again, my assumption at this point is, of course, that the reason we haven't gotten conferees named is for some reason the leadership—the Democrat leader, perhaps—doesn't want to name conferees. I think the same thing is happening on the House side. My understanding is House conferees have not been named either.

This process cannot move forward until that happens.

Now, I am told too that there is a belief that we have to get this worked out with the White House or the administration before conferees can begin to meet. That is simply, to me, the reverse of how this ought to work. Chronologically, Congress has to act before we can put a bill on the President's desk for his consideration and ultimately his signature or veto. So Congress has to do its work first before the administration can do its.

I have some concerns, based upon comments that have been made by the administration, about their intentions with regard to the farm bill. There have been veto threats hanging over this bill. I think that would be a big mistake. I will convey that in no uncertain terms, and have, to members of the administration. The administration is raising a couple of issues about how the bill is paid for. They don't like the way the bill was paid for in the House, which included a tax increase. I accept that. I think that would create big problems here in the Senate as well. But the financing mechanisms that were used by the Senate, many of them are financing mechanisms that had been proposed by the administration in previous budgets submitted to Congress. So it seems to me at least we can work through that issue. They would like to see additional reforms in the area of payment limits. Until we get the conferees together and start meeting and working out these differences, none of this is going to happen.

To get this process jump started, we need to have conferees announced and named and get the process moving forward again with an eye toward a March 15 deadline that if we don't meet, we are going to put our producers in a very precarious position relative to their decisions they have to make about this new planting year and, furthermore, jeopardize a lot of programs that are in this farm program that are so good, not just for agriculture but for the rural economy and arguably for our national economy.

The conservation title in this farm bill includes programs such as the Conservation Reserve Program, the Wetland Reserves Program, the Grasslands Reserve Program, the EQIP program. Some of the best environmental policy that we do as a Congress is found in the farm bill. If we don't take action by March 15, that conservation title would expire and no producers could be enrolling in those programs.

The energy title in the farm bill is a tremendous policy with regard to promoting advanced biofuels, the next generation of biofuels. We have had great success in agriculture with corn-based ethanol.

It has been a wonderful story, a remarkable story, frankly, of what our producers can do. We are already at about 7 billion gallons of ethanol. In my State of South Dakota alone by the

end of this year, we will be producing 1 billion gallons. The two largest ethanol producers in the country are headquartered in South Dakota.

We have taken the policies that were put in place in the 2005 farm bill—the renewable fuel standard and other incentives—and used them to grow an industry that not only is expanding the economic base in rural areas, but it is accomplishing a major policy objective that I think we all share, and that is reducing our dependence on foreign sources of energy.

All those energy provisions in this new farm bill which provide financial, economic incentives for the development, commercialization, and research into cellulosic ethanol will all be lost if we cannot get a new farm bill enacted, and that would be a tremendous loss not only, again, for agricultural areas of this country that can benefit economically from the production of renewable energy, but it would be a tremendous loss as well to our Nation as we strive to get less dependent on foreign energy and become energy independent.

For all those reasons, this bill needs to move forward and needs to move forward now, but it starts simply with the naming of conferees. As I look at the calendar, we are already almost to the end of January. We will have a break over President's Day in February. Pretty soon March will be here. March 15 is the deadline. Typically, when you have a bill that is 1,000 pages long, such as the Senate-passed farm bill, it has to be reconciled with the House bill. Even though there are many similarities, there are differences between the two bills that will have to be worked out. As a consequence, it is going to take a certain amount of time for the conferees to sit down and reconcile and iron out those differences. Then, of course, the conference report has to go back to the House and Senate for final approval and adopted by the House and Senate, and then we have to get it down to the other end of Pennsylvania Avenue for consideration by the President, hopefully a signature on that bill.

We are talking about 6 weeks for all that to happen. That would be a record in terms of congressional time when it comes to processing, deliberating, and acting on legislation, but it cannot get started until conferees are named and both House and Senate conferees agree to sit down and schedule some meetings so we can move forward with this process.

I am very concerned about this situation. As I said, I don't think there is a day that goes by when I am back in my State of South Dakota—and it doesn't matter where I am in my State—that I am not running into somebody who is impacted by the farm bill. In many cases, it is producers, farmers, and ranchers, and they are very anxious because they are probably most directly dependent on the policies we put in place in the farm bill. The conservation community, those interested in

wildlife habitats—Pheasants Forever, Ducks Unlimited, groups such as that. We have an extraordinary program in South Dakota that has benefited the economy enormously by creating recreational opportunities, hunting opportunities, and it all comes back to having the right kind of habitat and that comes back to conservation policy that is in place in this farm bill.

As I said, anybody who is connected to the renewable energy industry, the nutrition programs, this farm bill has a very broad reach in terms of who it impacts. It is not just about farmers and ranchers, it is about renewable energy, it is about conservation programs, it is about nutrition programs.

As a consequence, the ramifications of our lack of action are very far reaching. I am very hopeful this will happen and happen soon. But I wanted to come down here this evening and convey to my colleagues in the Senate and to the leaders the importance of this happening and happening in a very short order.

I again suggest the leadership appoint conferees and the conferees begin to meet and let's get this train moving forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FOOD INSECURITY

Mr. BROWN. Mr. President, we are the wealthiest nation in the world. Yet American children go to bed hungry, and American seniors choose between food and medicine, between food and heating their home. American families stand in line at food banks stretched too thin to serve them.

There is a term for what millions of Americans face every day. It is called food insecurity. It means children are not getting the food they need to grow up healthy in too many cases. It means mothers and fathers foregoing food for themselves so they can feed their kids in too many cases. It means seniors who are rationing their food to one meal a day in too many cases.

I stood on this floor as long as a year ago telling the story of Rhonda Stewart who testified in front of the Agriculture Committee about food stamps. Ms. Stewart has a 9-year-old son. She has a full-time job, she is president of her local PTA, she is involved in the Cub Scouts for her son, and she teaches Sunday school. Yet she is squeezed at the end of every month because her food stamps simply do not go far enough. She gets about \$6 a day from food stamps. The average food stamp in this country is \$1 per person per meal. She told me that early in the month,

she makes pork chops for her son because that is her son's favorite meal. They might do that once or twice early in the month. By the middle of the month, maybe the second or third week, she said she takes her son to a fast food restaurant, once, maybe twice. But at the end of the month, she often sits at the kitchen table with her son as he eats. She sits there not eating, and her son asks: Mom, is there something wrong? Are you sick? She says: I just don't feel like eating tonight. She runs out of food month after month.

Food insecurity, not having enough food, to put it bluntly, affects one in six seniors in this country. Our Nation letting children and seniors go to bed hungry is as shortsighted as it is heartless.

An hour and a half ago, from 6 o'clock until about 7 o'clock, I was in a call with more than two dozen people in Ohio who run food banks and food pantries from all over the State. Let me tell you some of the things they told me.

They told me they have pretty much about the same amount of dollars to run their food pantries as they had a year ago or 2 years ago or 3 years ago. A woman by the name of Tina Ossa in southwest Ohio, generally a pretty affluent part of the State—Butler County, Claremont County, that area—said she is running out of food in part because the cost of frozen chickens—she used to be able to buy a tractor trailer load of frozen chickens—has gone up almost 50 percent. She said a tractor trailer load of egg noodles has doubled in cost in the last year or so whether they are buying it wholesale or buying it directly from the food manufacturer.

Others told me on this call that the food banks are always sort of the last stop, an emergency safety net. The food stamp benefit is limited to \$1 per meal per person. The cost of energy to heat their home has gone up. The cost of going to work has gone up with the cost of gas at \$3 a gallon. And the last emergency stop for so many people is to go to a food bank because it is a safety net. Yet these food pantries are running out of food.

One food pantry told me typically this time of year they have 1 million pounds of food on hand. Now they have 400,000 pounds of food on hand. The lady, Ms. Ossa from Fairfield, OH, in Butler County, told me she started that food bank in 1983. It has never been close to as difficult a situation as today. They are getting fewer donations partly because the Government has not stepped up and partly because the people who have given to them—charity—in the past, who have given dollars for food, are hurting themselves and not as likely to contribute or contribute as much.

She said the companies, the supermarkets and food manufacturers, are more efficient and squeeze any waste out of their system. Any slightly damaged cans, any kind of items they

might have given to a food bank before they are not doing so. They are more in tune to Wall Street and the bottom line, so they are less likely to give these charitable contributions.

One person on this call from Cleveland said there is a large bank in Cleveland where a woman at the bank organized other employees for a dress-down Friday. You can wear jeans on Friday if you give \$5 to a local food bank. It has raised significant dollars for the food pantry as a result.

The husband of this woman who organized this drive at this major bank in Cleveland lost his job. She is now barely making it. They together are barely making it. The father-in-law has moved in because he has had problems, and she now is going to this food bank. She is a full-time worker with a good job in Cleveland, and she is going to this food bank because she cannot make it.

There is story after story. The most amazing story took place in Logan, OH, in the southeast, probably the most hard-hit Appalachian part of the State. It looks a lot like the area of the Presiding Officer in western Pennsylvania. This is southeastern Ohio.

In Logan, OH, on a cold day in December 6 weeks ago, people began to line up at 3:30 in the morning to get food from this food bank which opened at 8 o'clock. By 8 o'clock, cars were snaked all over the city streets in the town of Logan, a county of about 30,000 people. At 8 o'clock, they opened the door. By 1 o'clock in the afternoon, 2,000 people had been to this food bank, in a county of 30,000; 7 percent of the residents in this country had gone to this food bank, and many had driven 20 and 30 minutes to get there because it is a rural, pretty spread-out county.

I might add, Mr. Dick Stevens who runs this food bank told me that probably half of those beneficiaries who visited that food bank at the United Methodist Church in Logan, OH, were employed. Imagine that: You work hard every day, you play by the rules, you work as hard as any of us who dress this way in this institution do, many harder in some cases, you are working hard for your family, involved in your community, and you have to go to a food pantry to get enough food to make it through the week. Something is wrong that we in this body allow that to happen.

Another person involved in food pantries told me 90 percent of the people who come into food banks in Warren County, an affluent county straight northeast out of Cincinnati, the first county out of Cincinnati, 90 percent of food bank recipients are employed. In some places, it might be 30 percent employed or 90 percent. The fact is, nobody who has a full-time job ought to have to go to food banks, especially since those food banks, in most cases, are giving enough for 1 week, not 2 or 3, and they don't let them come back as often because they are running out of food. They have the same amount of

food or less trying to serve more people.

It is pretty clear this is as bad a situation as we have seen in recent memory. One of my constituents told me that he and his wife for years have donated time and money to Cleveland area food banks and soup kitchens. Over time, as his wages did not go up and with the higher cost of transportation, the cost of heating their home and the cost of food, Tim and his wife quit donating money but donate their time to the food banks.

Today, Tim is going to the food bank for food. Tim said: It took great humility in that food bank to ask for food. He said: I used to consider myself middle class, but the salary and cost of living don't make it anymore. The Emergency Food Assistance Program that helps fund our Nation's food banks is the quickest, most efficient way to get food into the hands of people as their last stop emergency measure. But since 2002, because the President has had other priorities—tax cuts for the wealthiest Americans, a \$3-billion-a-week war—the President has flat funded these food banks. Its current level of \$140 million does not come close to taking care of these problems. Think about that. We talk a good game about personal responsibility, we talk about family values, yet for the basic level of nutrition, one in six seniors does not have enough food, and even a higher percentage of children in this society do not have enough food, and people who work full time in this society—forget about health care; we know many of them don't have health care—do not have enough food. Yet the President, because of the \$3-billion-a-week war in Iraq, because he insists, even in his State of the Union Message, on more tax cuts, as Senator CASEY, the Presiding Officer, was talking about earlier today, more tax cuts for the richest people in the country, we continue to spend exactly the same shrinking dollars for the last 5 years because you cannot buy nearly as much food on \$140 million today as you could 5 years ago. We worked with other concerned colleagues to increase funding for food banks to \$250 million in the farm bill. There has been bipartisan agreement there. Unfortunately, the President has threatened to veto this bill, in part because of increased spending on nutrition.

We have also seen the President flatline funding of the Women, Infants and Children program, which is about as pound-foolish and penny-wise as you can imagine. We are going to spend less to keep women who are pregnant, low-income women, healthy, spend less on nutrition for them, so we will have more low birth weight babies, more children not getting what is most important after they are born—at the most important time in their lives, in utero and after they are born—having the kind of nutrition they need—we are not going to fund that? What kind of priority is that?

It is all a question of priorities. Do we give tax cuts to the wealthiest people in this country or do we take care of low-income women who are pregnant and children after they are born? And are we going to fund this \$3 billion-a-week war in Iraq or are we going to look at some other priorities to take care of the 1-in-6 elderly people who have to choose between food and heat or food and the medicine they take? Are we going to continue to do these tax cuts for the wealthy at the expense of the middle class, at the expense of people who can't always help themselves?

Again, most of these people who go to food banks are people who are employed. They are working hard and playing by the rules, and they simply can't quite make it because their incomes haven't kept up with the cost of gasoline in getting to and from work; the cost of heating, to stay warm in the winter; and the increasing cost of food.

The President hasn't called for emergency measures to aid hungry Americans. He has consistently, as I have said before, tried to cut nutrition programs that target populations in desperate need. Indifference to human suffering is a moral failure, a moral failure that obscures our Nation's values and dampens our Nation's potential. Think about that: children in this country who don't have adequate food growing up, pregnant women who don't have the right nutrition. Considering what our other priorities are and how much we are spending on those other priorities, it is clearly something we should be doing in this body and in the House of Representatives.

In the stimulus package that is about to pass the Senate, we have an amendment to provide an increase of \$100 million for emergency food assistance. I know the Presiding Officer supports that, and I know most of my colleagues do. We also fear the Republicans will filibuster that because they do not think we should spend money directly on food programs. Some don't, some do. We know the President has threatened to veto anything in the stimulus package that wasn't his idea.

There are few things in our country more important than making sure seniors, people who have worked all their lives, and children whose parents are working hard and playing by the rules and doing their best should be adequately fed and adequately housed. So I urge that this Congress, in the next couple days, amend the stimulus package to include this food assistance.

#### REVISED RULES OF THE COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the revised rules of the Committee on Finance for the 110th Congress, adopted by the committee on

January 30, 2008. I ask unanimous consent to have the rules printed in the RECORD.

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

#### COMMITTEE ON FINANCE

#### I. RULES OF PROCEDURE

(Adopted January 30, 2008)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or

amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

**Rule 9. Public Announcement of Committee Votes.**—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

**Rule 10. Subpoenas.**—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

**Rule 11. Nominations.**—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

**Rule 12. Open Committee Hearings.**—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

**Rule 13. Announcement of Hearings.**—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

**Rule 14. Witnesses at Hearings.**—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a mem-

ber cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

**Rule 15. Audiences.**—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

**Rule 16. Broadcasting of Hearings.**—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

**Rule 17. Subcommittees.**—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and

question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

**Rule 18. Transcripts of Committee Meetings.**—An accurate record shall be kept of all mark-ups of the committee, whether they be open or closed to the public. A transcript, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

**Rule 19. Amendment of Rules.**—The foregoing rules may be added to, modified, amended or suspended at any time.

## II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

### RULE XXV

#### STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

\*\*\*

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

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#### RULE XXVI COMMITTEE PROCEDURE

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2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

\* \* \*

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense

that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

\* \* \*

#### DRUG SAFETY

Mr. GRASSLEY. Mr. President, last May, Senator BAUCUS and I began investigating GlaxoSmithKline regarding their diabetes drug, Avandia.

We began this investigation when Dr. Steve Nissen at the Cleveland Clinic published a study in the New England Journal of Medicine. That study found a link between Avandia and heart attacks.

Shortly after we began our investigation, Dr. Scott Gottlieb, a former Deputy Commissioner at the Food and Drug Administration, wrote an op-ed in the Wall Street Journal. In that article, he insinuated that congressional investigators had obtained a copy of the Nissen study before it was published. Dr. Gottlieb suggested that this action called into question the integrity of both congressional investigators and Dr. Nissen.

Well, congressional investigators did not get a copy of the Nissen study until it became public. But you can imagine my surprise when I learned that one of GlaxoSmithKline's own consultants leaked a copy of the study to GlaxoSmithKline weeks before it was published. The man who did this is Dr. Steven Haffner. He confirmed to my investigators that he faxed a draft of the study to GlaxoSmithKline weeks before it was published.

The New England Journal of Medicine picked Dr. Haffner to peer review the study submitted by Dr. Nissen. That means that Dr. Haffner was supposed to check the study for quality. He was not supposed to pass it back to GlaxoSmithKline.

Not only did Dr. Haffner breach his agreement with the New England Journal of Medicine to properly peer review the Nissen study, but he violated practically every tenet of independence and integrity held sacred by the major medical journals.

Dr. Haffner told my investigators that GlaxoSmithKline did not ask for an early copy of the Avandia study. But the question still remains about what the company did once they had the study. Maybe GlaxoSmithKline's executives returned the study to Dr. Haffner or maybe they contacted the New England Journal of Medicine to report this violation of publishing ethics. I don't know, but I have sent GlaxoSmithKline a letter asking how they behaved after Dr. Haffner leaked the study to them.

But the most troubling aspect of this situation is that the integrity of another aspect of the scientific process is called into question—scientific peer review.

This process ensures that other scientists will judge a study's quality before it is made public and becomes used as a marketing tool.

It is only good quality science that separates modern pharmaceuticals from old-fashioned snake oil.

Over the last few years, my investigations have found that the Food and Drug Administration has a very cozy relationship with drug companies. I have also discovered that drug companies spend big bucks to influence which drugs doctors prescribe.

Finally, I have shown that some drug companies intimidate scientists who speak up about bad drugs. Now it appears that even peer-reviewed science is not completely without its own problems.

Before I close, I would like to ask unanimous consent to have printed in the RECORD my letter to GlaxoSmithKline.

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

U.S. SENATE,  
COMMITTEE ON FINANCE,

Washington, DC, January 30, 2008.

Mr. CHRISTOPHER VIEHBACHER,  
President, U.S. Pharmaceuticals, GlaxoSmithKline, Research Triangle Park, NC.

DEAR MR. VIEHBACHER: As the Ranking Member of the United States Senate Committee on Finance (Committee), I have an obligation to the more than 80 million Americans who receive health care coverage under Medicare and Medicaid to ensure that taxpayer and beneficiary dollars are appropriately spent on safe and effective drugs and devices. This includes the responsibility to conduct oversight of the medical and pharmaceutical industries that provide products and services to Medicare and Medicaid beneficiaries.

The purpose of this letter is to determine what action, if any, GlaxoSmithKline (GSK)



took after receiving a leaked manuscript of a study prior to its publication on May 21, 2007 in *The New England Journal of Medicine* (NEJM). This study reported a link between heart attacks and Avandia, a drug GSK sells to control glucose levels in diabetics.

GSK representatives informed the Committee last summer that a peer reviewer leaked the study to them weeks before it was published. GSK later acknowledged to the Committee that the peer reviewer was Dr. Haffner. Dr. Haffner confirmed this fact noting also that he was peer reviewing the study for NEJM when he faxed the study to GSK. According to documents filed at the FDA, GSK has paid Dr. Haffner around \$75,000 in consulting fees and speaking honoraria since 1999.

Dr. Haffner told Committee investigators that no one at GSK asked him to send them this study about Avandia. Nonetheless, I am interested in what GSK did after receiving the study. Did GSK return the study to Dr. Haffner? Did GSK contact the NEJM to report this violation of publishing ethics? I would appreciate a detailed description of what GSK did after receiving the unpublished study regarding one of their leading drugs. Accordingly, please respond to the following questions and request for documents:

1. Please provide a list of all GSK employees who received and/or learned of the results contained in the leaked copy of the manuscript prior to publication by NEJM.
2. Please provide copies of all documents, records, and recordings of telephone messages regarding the NEJM manuscript that was leaked to GSK before publication.
3. Please provide the following dates:
  - a. When did GSK first contact the data safety monitoring board of the RECORD trial to begin publication of interim results?
  - b. When did GSK begin pulling together the interim data of the RECORD trial?
  - c. When did GSK submit the interim results of the RECORD trial to NEJM for possible publication?
4. Please provide copies of all documents, records, communications, and recordings of telephone messages regarding the publication of the interim results of the RECORD trial.
5. Please provide copies of any other pre-publication study drafts that GSK received about one of its products. Please do not include these drafts if a GSK employee was an author on the study. This request covers the period of January 1, 2000 to the present.

Thank you again for your continued assistance in this matter. I would appreciate receiving the documents and information requested by no later than February 15, 2008. If you have any questions, please feel free to contact Paul Thacker or Emilia DiSanto of my Committee.

Sincerely,

CHARLES E. GRASSLEY,  
Ranking Member.

#### FOREST CONSERVATION IN INDONESIA

Mr. LEAHY. Mr. President, I want to take this opportunity to commend Indonesian President Susilo Bambang Yudhoyono for his statements on December 10, 2007, at the Bali Climate Conference, concerning the Ministry of Forestry's "Strategy and Action Plan for National Conservation of Orangutans."

The President said "the survival of the orangutan is inextricably linked to the survival of its natural habitat: the rainforests. . . . [T]o save orangutans,

we must save the forests. And by saving, regenerating, and sustainably managing forests, we are also doing our part in reducing global greenhouse gas emissions, while contributing to sustainable economic development of Indonesia. Successful orangutan conservation is the symbol of responsible management of the earth's resources."

President Yudhoyono's eloquent words represent an important recognition by the Indonesian Government that preserving orangutan habitat is an environmental imperative, not only to protect this magnificent species from extinction but to help reduce carbon emissions resulting from the destruction of Indonesia's forests.

A decade ago I included funds in the Foreign Operations Act to support programs administered by the U.S. Agency for International Development to protect the orangutan. Those initial funds have evolved into an ongoing program implemented through grants to non-governmental organizations and for training of Indonesian police, and has begun to show encouraging results. Not only are the entities involved in this effort working more cooperatively together, the Indonesian Government is taking steps to curb illegal logging which poses the greatest threat to the orangutan's survival.

The orangutan's fate is far from certain. Far more needs to be done to protect the forests of Borneo and Sumatra where these great apes live. But by recognizing the opportunities this challenge presents for Indonesia and the world, President Yudhoyono has done a great service to this effort and gives us hope that the orangutan can be saved.

I ask unanimous to have an article in the *Telegraph* about President Yudhoyono's announcement of Indonesia's new Strategy and Action Plan printed in the *RECORD*.

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

[From the *Daily Telegraph*, Dec. 28, 2007]

#### INDONESIA PLANTS TREES TO SAVE ORANGUTANS (By Ian Wood)

At the Bali climate summit, Indonesia announced a new scheme aimed at protecting its orangutan population.

The plight of the orangutan, driven out because of deforestation and degradation of its rainforest home, has become a potent symbol of the battle to save the forests.

The most recent survey of wild orangutans estimates that there are about 7000 remaining in Sumatra, and about 55,000 in Borneo. However the combined pressures of palm oil, logging and forest fires are having a catastrophic effect on many areas.

Indonesian president Susilo Bambang Yudhoyono said at the launch of the project: "In the last 35 years about 50,000 orangutans are estimated to have been lost as their habitats shrank. If this continues, this majestic creature will likely face extinction by 2050. The fate of the orangutan is a subject that goes to the heart of sustainable forests . . . to save the orangutan we have to save the forest."

For anyone with an interest in protecting Indonesian rainforests these have to be welcome words.

The action plan has taken nearly three years to develop and has included various NGO's and the Indonesian forestry ministry. The American group The Nature Conservancy has represented the coalition of NGO's and has also pledged \$1 million to support the plan. The bold target of the project is to save huge areas of forest scheduled for conversion to palm oil.

"One million hectares of planned forest conversion projects are in orangutan habitat," said Rill Djohani, director of The Nature Conservancy's Indonesia program.

"Setting aside these forests is an important step for Indonesia to sustainably manage and protect its natural resources. It benefits both local people and wildlife while making a major contribution towards reducing global carbon emissions."

Indonesia has made some progress in enforcing forest laws over the last few years and if this plan can be implemented it would be a landmark in Indonesian forest protection.

Dr. Erik Meijaard, a senior scientist with The Nature Conservancy, said: "It could lead to 9,800 orangutans being saved and prevent 700 million tons of carbon from being released."

Although Indonesia has already destroyed huge swathes of rainforest, it still has over 100 million acres left. Both scientists and Indonesian officials hope that the emerging carbon market could provide funds to protect important areas.

"Forest conservation can provide economic benefits for a very long time," said Dr. Meijaard. "If payments for avoided deforestation become an official mechanism in global climate agreements, then carbon buyers will likely compensate Indonesia for its forest protection. Protecting the orangutan will then lead to increased economic development in the country. Such a triple-win situation is not a dream. With some political will, it can soon be reality."

The other target of the project is to return orangutans housed in rehabilitation centres to the forest by 2015. There are currently over 1000 orangutan housed in care centres with more arriving on a regular basis. The majority are ready to be returned to the wild now but there are simply not enough suitable release sites. If carbon trading could achieve the aims of this plan, then these great apes could return to the forests where they belong.

#### HELSINKI COMMISSION

Mr. SMITH. Mr. President, I rise today to speak on the work of the Helsinki Commission.

The Helsinki Commission yesterday held an important hearing on combating anti-Semitism in the OSCE region. I would like to commend the two panelists who testified, Professor Gert Weisskirchen, MP and Dr. Kathrin Meyer. Professor Weisskirchen serves as the OSCE's chair-in-office personal representative on anti-Semitism, and Dr. Meyer serves as the advisor on anti-Semitism issues in the OSCE's Office for Democratic Institutions and human rights. Both of these scholars have been fighting against anti-Semitism for years, and their good work should be recognized. Modern anti-Semitism is an appalling relic of a past horror; and though it is not yet as acceptable as in ages past, its resurgence today is no less troubling.

We forget, sometimes, just how much the world is indebted to the Jewish



community. The world's culture has been immeasurably enriched by Jewish writers, scientists, artists, philosophers, and medical pioneers. All those contributions, however, mattered little when the shadow of fascism fell across Europe, and European nations began to destroy some of their most valuable sons and daughters.

We may have thought that the horrors of World War Two and the Holocaust had finally cauterized the old festering sore of anti-Semitism. And indeed, for some years, that seemed to be the case. Europe committed itself to ensuring that never again would its states do violence against their Jewish minority, to which it owed so much. But time is a powerful sedative. Today, much of the same toxic nationalism is again on the rise. One of the most troubling aspects to me of the past two decades has been the reemergence of virulently nationalist and xenophobic political parties. These groups have often drawn on the iconography and ideology of Axis powers during the Nazi period, with some going so far as to hold public rallies and marches. Others resort to violence, both openly and in the shadows. These gangs are not acceptable within European political society—not yet—but their emergence is a sign that once again, all is not well on the continent. Economic turmoil has combined with age-old anti-Semitism to offer a tiny sliver of legitimacy to burgeoning neo-fascist parties. In some of the newly free states of Eastern Europe, social turmoil has often provided opportunistic politicians the chance of blaming national problems on an ancient scapegoat—the Jews.

But this problem is not limited to the East. In much of Europe, in the highest centers of learning and culture, a new phenomenon serves to buttress these old prejudices. The Middle East, where the world's only Jewish state faces a sea of hostile terrorists, is particularly ripe for anti-Semitic propagandists. The world today sees much anti-Semitism masquerading as criticism of Israel. August world bodies, dedicated to forging peace, have seen some of their instruments twisted almost beyond recognition. When great institutions cannot rouse themselves to end appalling human rights abuses in virtually every corner of the world, but instead focus again and again and again on a tiny nation, liberal and democratic, alone in a hostile region—then the instruments of those institutions may well be broken. Anti-Semitism is a scourge from which we are still not free, not so long as radical agitators and tacit bigotry alike have a vested interest in blaming the ills of many on the perceived sins of a few. Because too often, in Europe, the few are the Jews.

The active steps to combat anti-Semitism proposed yesterday by Professor Weisskirchen and Dr. Meyer could prove exceptionally useful in rolling back today's creeping advance of radicalism and anti-Semitism. Only

through vigorous and proactive measures can we identify the seedlings of hate and discrimination, and uproot them, and ensure that never again would Europe or the world fall prey to the ancient base ugliness of the mob.

#### RICHARD REID CONVICTION ANNIVERSARY

Mr. KERRY. Mr. President, most of the victories in the fight against terrorism have been won on foreign shores with little to no acclaim here at home. As our Nation continues the long and often silent campaign against extremism, we should not miss the opportunity to publicly praise the lifesaving achievements of our Nation's intelligence and law enforcement authorities.

On this day 5 years ago, al-Qaida operative Richard Colvin Reid, also called Abdul Raheem—but known to the world simply as the “shoe bomber”—was sentenced to life in prison. Reid sought to explode an airplane carrying 185 passengers and 12 crewmembers on their voyage across the Atlantic. Thanks to the vigilance and bravery of two flight attendants, Cristina Jones and Hermis Moutardier, Reid was discovered and detained, saving flight 63 and all on board.

The U.S. Attorney's Office in Massachusetts subsequently prosecuted Reid. His confession led to the first conviction of an al-Qaida terrorist on American soil. To commemorate the occasion, I met yesterday with the case's chief prosecutor, Middlesex County district attorney Gerry Leone. I took that opportunity to congratulate him on a successful conviction, one of the highlights of Gerry's long record of public service.

Like the terrorists of September 11, Reid pledged blind fealty to the hate-filled ideology of Osama bin Laden. In furtherance of his determined plot, Reid traveled to more than seven countries spanning three continents. Law enforcement authorities were able to use e-mails sent by Reid to obtain a vital glimpse into the complex global network of al-Qaida. These correspondences led authorities to discover al-Qaida-affiliated terrorist cells in London, France, and Turkey.

As we commemorate Reid's conviction and express our gratitude to those like Gerry Leone who made it happen, we must remember that future victories depend on private citizens, public servants, and law enforcement officers here and abroad working in unison to keep Americans safe against terrorism.

#### TRIBUTE TO SENATOR TRENT LOTT

Mr. SUNUNU. Mr. President, across America, those citizens who have on occasion chosen—or been required—to listen to congressional debate have often heard the Senate described as an “Institution.” It is a term which has

been overused and perhaps misused more than once, but I believe it is quite appropriately applied in observing that with Senator Trent Lott's departure, we have lost a reservoir of institutional knowledge, knowledge which has been of enormous value to Members of every political stripe for many years.

The breadth of Trent Lott's experience—on both sides of the aisle, in both Chambers of Congress, as back bench, and as a member of leadership—has given him an insight into and understanding of the legislative process unique among his peers. We have heard many colleagues describe the effect of that experience when combined with the persuasive personality of the Mississippi gulf coast: No one counted votes better, and perhaps more important, no one enjoyed it more.

Within our caucus, in committee rooms, and on the floor, Trent could rely time and again on the great friendships and professional respect developed through years of hard work. Even more valuable perhaps, he understood the unusual psychology, decisionmaking, and ego unique to Members of Congress. We all perceive the important role these factors play in our work; few have been able to master them to their use.

For Trent, however, counting votes was only the means to a more important end—being an effective Senator. He has long been a strong voice for the State of Mississippi, but he has also developed the habit of finding his way to the center of the legislative storm at the crucial moment when a final deal is struck.

On matters of policy, I have worked both alongside and against Trent—even coming out ahead once or twice. Those rare events have revealed him to accept loss gracefully, negotiate in good faith, and accept compromise without conceding principle. These are traits essential to integrity and stability in governance, but also traits that strengthened his hand for the next battle.

Thus, the experience, the ability, the “institutional knowledge” we lose is very real. I count Senator Lott as more than a valued colleague; he is also a valued friend. As a Senator, in my first term, I have always been able to count on Trent for sound and thoughtful advice, which always reflected his sincere concern for the personal well-being, career, and family of all with whom he served. I always took confidence from the fact that he unabashedly placed family at the top of his priorities, and understood that our public service should not take place at our families' expense.

Mr. President, although I am the youngest Member of the U.S. Senate, and still serving in my first term, I am grateful to Senator Lott for his commitment to keeping the Senate strong. The Framers of our Constitution saw the Senate as the legislative body that would maintain an even keel, engage in meaningful debate, and forge legislation through the art of compromise

that addresses the challenges of our day. Through successes and failings, Trent has always been true to this purpose. Most important to him, he has also been true to his constituents, and to his family. I trust that these priorities will continue to guide him, and know they will bring him success for many years to come.

#### SAFETY OF SLAUGHTER FACILITIES

Mr. AKAKA. Mr. President, today I wish to highlight a recent undercover video produced by the Humane Society of the United States. This video displays the appalling methods used by employees at the California-based Hallmark Meat Packing Company during the processing of cattle, as well as the unacceptable state of USDA's oversight of meat packing operations.

The video documents horrifying scenes of employees using electrical prods to shock animals, pulling them with chains, and carelessly driving over them with a forklift in an effort to bring sick or injured cows to their feet. These cruel actions amount to nothing less than torture. There was even a case of using a hose to forcibly spray water into a cow's nose to get it to rise to its feet to avoid the sensation of drowning.

Currently, the State of California has laws in place that specifically prohibit the kinds of activities taking place at Hallmark. In addition, because of the health hazards associated with so-called "downer" cattle, which are those unable to stand and walk due to either injury or illness, USDA in 2003 passed a regulation prohibiting the processing of such animals. According to USDA's own reports, there is a much higher incidence of mad cow disease in these animals, and they are also much more susceptible to pathogens like *E. coli* and salmonella.

The actions of this slaughterhouse, and possibly countless others, in violation of established laws, have put our most vulnerable and important assets in danger—our children. The animals processed by this facility are supplied to the Westland Meat Company, which is the second-largest provider of beef to USDA's Commodity Procurement Branch. This arm of USDA distributes the meat to needy families and also to more than 100,000 schools across America through the National School Lunch Program. I shudder when I think of how many other of the Nation's 6,200 slaughterhouses could be evading oversight and endangering the lives of countless Americans.

The two daily scheduled USDA inspections at the Hallmark facility are obviously no deterrent to the abhorrent practices being performed there. In fact, the very short and superficial nature of the inspections serve to encourage workers to do anything they can to bring a sick animal to its feet just long enough to pass inspection before being slaughtered.

In order to ensure the safety of our Nation's food supply, ensure animals are treated humanely and with respect, and protect our families and children from possible life-threatening illnesses, we must act. Atrocities such as those exposed by the Humane Society must be swiftly abolished, and effective oversight measures put in place immediately.

USDA needs to shore up inspections, hold slaughterhouses accountable and uphold food safety standards, and ensure that cattle and dairy farmers are aware that nonambulatory cattle will not be accepted for processing. It is also imperative that we, Congress, ensure that downer livestock is unable to enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

I introduced S. 394, the Downed Animal and Food Safety Protection Act, to fill a gap in the current USDA and the Food and Drug Administration regulations. It calls for the humane euthanization of nonambulatory livestock. The euthanization of nonambulatory livestock would remove this high-risk population from the portion of livestock reserved for our consumption. Due to the presence of other prion diseases found throughout other species of livestock, all animals that fit under the definition of livestock are included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our food chain will insure that it is safer and of better quality. The reduction in the likelihood of disease would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

We must act now and call upon USDA to make the necessary changes to ensure that the atrocities demonstrated at this slaughterhouse are not repeated elsewhere. In addition, I urge my colleagues to support passage of the Downed Animal and Food Safety Protection Act.

#### RETIREMENT OF MARTIN PAONE

Mr. DORGAN. Mr. President, Marty began in the House Post Office to help pay his way through graduate school at Georgetown. He then worked to the Senate parking office. Then, in 1979, 29 years ago, Marty began working in the Senate Democratic Cloakroom. Marty worked his way up the ranks until being appointed Secretary for the Minority in 1995.

It is impossible to overstate Marty's importance to everything that we have done on the floor of the U.S. Senate: what comes to the floor, what gets off the floor, what gets amended or not.

But Marty has not just been indispensable on procedure and tactics. Marty has also been an invaluable strategic adviser to me, to the Democratic leadership and, I say with confidence, to every Democratic Senator and to more than a few Republican Senators.

There just aren't many people I could say that about.

We have relied on him and will miss him because of his tireless work ethic, his excellent judgment and his ability to be the calm in the middle of the storm. And for anyone who has been in the middle of a storm around here, staying calm is no easy task.

Marty has also put in the hours. Early days and late nights were the norm. But, he is always been here. For that, we will always be grateful.

And I would be remiss if I didn't mention his family and our gratitude to them for all the time he was here helping us rather than at home with them.

His wife Ruby is part of our Senate family and has endured Marty's very tough job, as have his children: Alexander, Stephanie, and Tommy.

To each of them, I want to say thank you for putting up with him and our demands on him.

I also want to mention Marty's mother, Evelyn, who is 95 years young. His mother is very proud of him and all that he has accomplished. And I want her to know that we are all very proud of him as well.

Lastly, I want to acknowledge Marty's successors. We are all so pleased that Lula Davis is our new secretary. Having more than 25 years of Senate service and many years of working with Marty, we all know she will fill these very big shoes and serve us all well.

Tim Mitchell is replacing Lula as Assistant Democratic Secretary. He has 16 years of Senate service and a wealth of experience and we look forward to working with him as well in his new capacity.

And Jacques Purvis will move from the cloakroom and join Trish Engle as one of our floor assistants and I congratulate him on that move as well.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CAROLE ANNE HEART

● Mr. JOHNSON. Mr. President, I wish to honor one of the most dedicated advocates for health care treaty rights for American Indian tribes in my State and throughout the United States, Carole Anne Heart. Carole Anne was the executive director for the Aberdeen Area Tribal Chairmen's Health Board. The Aberdeen Area Tribal Chairmen's Health Board operates several programs for native people in a 4-State region that represents 18 tribes including the 9 treaty tribes in my home State of South Dakota. During her tenure with the Chairmen's Health Board, programs such as Healthy Start, Tobacco Prevention, and Asthma Prevention expanded to serve hundreds of Native

men, women, and children. With her assistance, the Northern Plains Tribal Epidemiology Center opened and serves the tribal nations through its many projects and partnerships with the Indian Health Service and other Federal agencies.

A Sicangu Lakota and Ihanktonwan Dakota, Carole Anne grew up with the Lakota culture all around her; as a young child, she spent much time with her grandmother and great-grandmother, learning the Lakota values. She went to boarding school in Marty, SD, and then on to high school at Saint Francis Indian School on the Rosebud Sioux Indian Reservation. Her life's work included water rights and women's rights, and, most recently, health care advocacy. As the executive director to the Aberdeen Area Tribal Chairmen's Health Board, she worked to incorporate traditional customs into the contemporary programming so the language and the culture would continue. She led many conferences and workshops around the United States on tribal health care issues. Carole Anne was well known for her humor—she would light up a room with her jokes and laughter. Oftentimes her sense of humor interjected itself as she led some of the most serious discussions on health care disparities. Her use of the phrase "Don't get sick after June" was in reference to the lack of funding the Indian Health Service has at that time of the fiscal year which meant that services were unavailable to many tribal members. While this is a very serious issue, Carole Anne was able to make light of the situation and remained focused on bettering health care for native peoples throughout Indian Country.

Her Lakota name was Waste Wayankapi Win, meaning "When People See You, They See Something Good." How fitting a name for someone who would spread "good" throughout Indian Country. On Friday, January 25, 2008, after a courageous battle with cancer, Carole Anne Heart made her journey to the spirit world. I extend my sympathy to her family and those close to her. She will be missed greatly by everyone she touched on her journey through this world.●

#### HONORING ESTHER G. KEE

● Mr. ROCKEFELLER. Mr. President, I would like to bring to the attention of the Senate the work of Mrs. Esther G. Kee as she retires from the presidency of the US-Asia Institute. Mrs. Kee came to Washington, DC, in 1977 to raise awareness of the unique role Asian Pacific Americans could play in facilitating communication and interaction between the United States and the countries and people of East Asia.

Following the first national gathering at the White House in 1978 of Asian American leaders throughout the United States, Mrs. Kee and her colleague, the late Joji Konoshima, were encouraged by then-President Jimmy

Carter to work closely with the Honorable Richard C. Holbrooke, Assistant Secretary of State for East Asian and Pacific Affairs. An advisory council on East Asia was formed to provide insight to the State Department on issues impacting the region. From this, the U.S.-Asia Institute was established as a nongovernmental organization in 1979 to serve as an independent voice for the U.S.-Asia relationship. Mrs. Kee and Mr. Konoshima played a key role in the historic visit of Chinese Vice Premier Deng Xiaoping to the United States, traveling with him to New York, Houston, and San Francisco, and represented the U.S. overseas on numerous delegations.

Mrs. Kee has worked steadily and effectively through the years to build awareness and foster mutual understanding between the United States and countries of East Asia. This quiet diplomacy has earned her the respect of many on Capitol Hill, in various administrations and in East Asia diplomatic, business, and academic circles. She has asked for no public recognition, but as she retires from the organization she cofounded, we feel it is time to say thank you for her commitment to the U.S.-Asia relationship.

From small interpersonal exchanges to facilitating contacts through international conferences at the U.S. Department of State and on Capitol Hill, the Institute has strived to strengthen ties by promoting two-way dialogue between the United States and countries of East Asia. One cornerstone of the institute's engagement was the establishment of congressional staff delegations to Asia. Since 1985, these official visits have greatly increased the awareness, knowledge and understanding of Asian and U.S. views, providing invaluable opportunities for U.S. congressional advisers to gain a firsthand view of the region, its culture, its governments, and its people. More than 800 staff members have traveled to China alone since 1985 on 70 delegations.

Mrs. Kee leaves an important legacy of mutual communication and understanding, and even in her retirement, she remains determined the work she began almost 30 years ago will continue. The U.S.-Asia Institute will carry on Mrs. Kee's work, promoting dialog on international issues of common interest to the United States and participating Asian nations, whenever and however possible.

As she retires, we say thank you to Mrs. Kee for her sage counsel, her vision, her quiet behind-the-scenes diplomacy, and her unwavering commitment to the U.S.-Asia relationship.●

#### RECOGNIZING THE INSTITUTE OF FINANCIAL LITERACY

● Ms. SNOWE. Mr. President, today I honor a small business whose admirable goal is to educate citizens about personal finance. The Institute for Financial Literacy, headquartered in Maine's largest city of Portland, pro-

vides a valuable and unique resource for taxpayers and business owners alike—specifically those who have gone through bankruptcy—to better understand their economic situation.

Founded in 2002 by Leslie Linfield, the Institute for Financial Literacy has grown exponentially in the past 6 years, and now has a team of 50 employees. The institute employs a multitude of programs and formats to train clients on various issues related to the betterment of financial aptitude. Its Personal Finance Series is a combination of three books that aim to demonstrate the principles of budgeting, credit and debit management, and investment and retirement planning. The company's Web site contains several instrumental tools, including a budget worksheet and a financial goal action plan, free for anyone wishing to monitor their finances closely. The Web site includes several papers on legal matters and money management strategies by the company's employees. Additionally, it offers users the ability to sign up for the institute's electronic newsletter.

Above and beyond the invaluable information provided on its Web page, the institute provides critical counseling services to assist those in need of financial advice. In 2007 alone, the institute's employees served over 50,000 individuals throughout the country, helping them make better and more informed decisions about their personal financial decisions. Services for people who have filed for bankruptcy include both pre- and post-filing FreshStart counseling and education programs, all delivered over the Internet, phone, or in person, to give clients the financial management skills and principles necessary to succeed in their future endeavors. To make its employees' expertise available to the largest number of people, the institute is open for 13 hours each weekday with additional hours on Saturdays.

Furthermore, the institute partners with nonprofit, educational and governmental organizations to integrate its programs into their existing services. These partners include groups with a notable influence in the realm of financial responsibility, including the "Save For Your Future" campaign that urges Americans to develop private individual pensions to supplement their Social Security earnings, and the American Bankruptcy Institute, an organization dedicated to research and education on matters related to insolvency. Similarly, the Institute for Financial Literacy has partnered with local organizations to create programs that help Mainers improve their financial and employment opportunities.

In its short history, the Institute for Financial Literacy has already benefited tens of thousands of people struggling to recover from bankruptcy. By developing high-quality, user-friendly financial literacy programs, its educational and counseling assistance renders an enormous boon for those looking to advance in life. I thank Leslie

Linfield and all of the institute's employees for their generous help to those in need and applaud them for their dedicated service to producing a more financially sound populace.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Wanda Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 11:28 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

H.R. 5104. An act to extend the Protect America Act of 2007 for 15 days.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

##### MEASURES PLACED ON THE CALENDAR

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

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

##### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 30, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2110. An act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office".

##### 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-4848. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to

law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants and Processing and Importation of Commodities" (Docket No. APHIS-2006-0026) received on January 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4849. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Live Vaccines" (Docket No. APHIS-2006-0079) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4850. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Armenia to the List of Regions Where African Swine Fever Exists" (Docket No. APHIS-2007-0142) received on January 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4851. A communication from the President of the United States, transmitting, pursuant to law, the report of the continuation of the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4852. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving the export of two Boeing 777-200ER passenger aircraft to the Kumho Asiana Group; to the Committee on Banking, Housing, and Urban Affairs.

EC-4853. A communication from the Senior Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, the 2007 Sub-Saharan Africa Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-4854. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items" (RIN0694-AD72) received on January 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4855. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Seabird Avoidance Measures for the Alaska Fisheries" (RIN0648-AV38) received on January 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4856. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Final Harvest Specifications for the Bering Sea and Aleutian Islands" (RIN0648-XD68) received on January 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4857. A communication from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC-4858. A communication from the Secretary of Energy, transmitting, pursuant to

law, a report relative to the Department's competitive sourcing activities during fiscal year 2007; to the Committee on Energy and Natural Resources.

EC-4859. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the flood damage reduction project at the Santa Barbara Streams in California; to the Committee on Environment and Public Works.

EC-4860. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a feasibility study that was undertaken to evaluate flood damage reduction opportunities for Swope Park Industrial Area, Blue River Basin, Kansas City, Missouri; to the Committee on Environment and Public Works.

EC-4861. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the project at Tanque Verde Creek, Arizona; to the Committee on Environment and Public Works.

EC-4862. 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 "Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938-AP22) received on January 23, 2008; to the Committee on Finance.

EC-4863. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Necessary to Facilitate Electronic Tax Administration" ((RIN1545-BA96)(TD 9375)) received on January 7, 2008; to the Committee on Finance.

EC-4864. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ANPRM: Guidance Regarding Marketing of Refund Anticipation Loans and Other Products" ((RIN1545-BH12)(REG-136596-07)) received on January 7, 2008; to the Committee on Finance.

EC-4865. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2008-12" (Rev. Proc. 2008-12) received on January 7, 2008; to the Committee on Finance.

EC-4866. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-7-2008-9); to the Committee on Foreign Relations.

EC-4867. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to assistance given to Eurasia during fiscal year 2007; to the Committee on Foreign Relations.

EC-4868. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4869. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Head Start Program" (RIN0970-AB90) received on January 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4870. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4871. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4872. A communication from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4873. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4874. A communication from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting, pursuant to law, a report relative to the competitions initiated during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4875. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Call for Stewardship: Enhancing the Federal Government's Ability to Address Key Fiscal and Other 21st Century Challenges"; to the Committee on Homeland Security and Governmental Affairs.

EC-4876. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for State, Local and Tribal Affairs, received on January 7, 2008; to the Committee on the Judiciary.

EC-4877. A communication from the Co-Chief Privacy Officers, Federal Election Commission, transmitting, pursuant to law, an annual report relative to activities that affect privacy; to the Committee on Rules and Administration.

EC-4878. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts of fiscal year 2007; to the Committee on Veterans' Affairs.

EC-4879. A communication from the Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary of Veterans Affairs, received on January 7, 2008; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH:

S. 2572. A bill to amend the Internal Revenue Code of 1986 to provide for bonus depreciation or an additional minimum tax credit

in lieu of such bonus depreciation; to the Committee on Finance.

By Mr. BURR (for himself and Mr. CRAIG):

S. 2573. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2574. A bill to amend the Internal Revenue Code of 1986 to allow the use of qualified mortgage revenue bonds for refinancing mortgages and to provide a temporary increase in the volume cap for such bonds; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. JOHNSON, Ms. MIKULSKI, Mr. DOMENICI, Mr. SUNUNU, Mr. COLEMAN, Mr. BAYH, Mr. INHOFE, Mr. ROBERTS, Mrs. LINCOLN, Mr. GRAHAM, Mr. STEVENS, Ms. MURKOWSKI, Mr. CARDIN, and Mr. BINGAMAN):

S. 2575. A bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes; to the Committee on Armed Services.

By Mr. CRAPO (for himself, Ms. COLLINS, Mr. ALLARD, and Mr. TESTER):

S. 2576. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. INOUE, Mr. LEVIN, and Mrs. BOXER):

S. 2577. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Ms. KLOBUCHAR, Mr. CORKER, Mr. CARDIN, Mr. DOMENICI, Mr. BINGAMAN, Mr. ALEXANDER, Mr. SALAZAR, Mr. LEAHY, Mr. CASEY, Ms. MIKULSKI, and Mrs. CLINTON):

S. 2578. A bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. INHOFE):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. SMITH):

S. 2580. A bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, 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. DORGAN:

S. Res. 437. A resolution establishing a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism; to the Committee on Rules and Administration.

By Mr. BYRD (for himself and Mr. COCHRAN):

S. Res. 438. A resolution authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 1867-2008"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 358

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 414

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Federal Meat Inspection Act to require that food that contains product from a cloned animal be labeled accordingly, and for other purposes.

S. 439

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

S. 714

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 960

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 1070

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors 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. 1328

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Mexico

(Mr. DOMENICI) 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. 2146

At the request of Mr. CARPER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of 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.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2521

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2521, a bill to provide benefits to domestic partners of Federal employees.

S. 2550

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Mr. VITTER) were added as

cosponsors 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. 2569

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

AMENDMENT NO. 3930

At the request of Mr. CARDIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3930 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Mr. VITTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. COLEMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SHELBY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. CRAIG):

S. 2573. A bill to amend title 38, United States Code, to require a program of mental health care and rehabilitation for veterans for service-related post-traumatic stress disorder, depression, anxiety disorder, or a related substance use disorder, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I have sought recognition to comment on legislation I am introducing today that will hopefully chart a new course for veterans with mental illness—the Veterans Mental Health Treatment First Act.

As the title suggests, the bill proposes to advance a commonsense concept: Providing medical treatment for mental illness as a first priority will lead to a better quality of life for tens of thousands of veterans. It is a simple concept with which few would disagree.



The problem is that the Government agency tasked with advancing that concept—the Department of Veterans Affairs—lacks the proper focus to actually deliver. Notice I didn't say VA lacked the tools to deliver. It has the tools—a world-class health care system, evidence-based therapies emphasizing recovery and rehabilitation, first-line medications, and the support of a dedicated group of clinical professionals. The problem is that, as an agency, VA doesn't coordinate the use of all of its resources—medical treatment, vocational rehabilitation, and disability compensation—to ensure what is universally agreed as the desired outcome of those with disabilities: wellness and a return to a productive life.

Let me take a few minutes to lay out some of the facts for my colleagues. These facts have helped me get a better grasp of what the problem is, and they have truly informed my belief that a new approach to solving the problem is, in fact, necessary.

Fact No. 1: There has been a steep increase in the number of veterans receiving disability compensation for post-traumatic stress disorder.

In a 2005 report, the VA inspector general issued the following findings:

During fiscal years 1999 through 2004, the number and percentage of PTSD cases increased significantly. While the total number of all veterans receiving disability compensation grew by only 12.2 percent, the number of PTSD cases grew by 79.5 percent, from 120,265 cases in fiscal year 1999 to 215,871 cases in fiscal year 2004.

Sadly, the trend has not decelerated. Through September of 2007, 299,672—almost 300,000—veterans with PTSD were on the compensation rolls, a 39-percent increase since the VA inspector general's findings.

Now, many might argue that it is only natural that we would see an increase in PTSD compensation given that we have been in a war on terror since the year 2001. However, today there are just under 30,000 veterans of the global war on terror on the disability compensation rolls for PTSD. Thus, the increase in PTSD rate represents a broad cross-section of the veterans community.

No matter how far removed they are from military service, veterans are filing claims and being granted service-connected compensation for PTSD, and these staggering increases are occurring despite a decline—a decline—in the overall veteran population.

Fact No. 2: Veterans with PTSD-related compensation appear never to get better, only to get worse.

I just provided the sobering statistics about a 120-percent increase in PTSD disability rolls since 1999. Here is what the VA inspector general found in its 2005 review of veterans who have been added to the disability rolls:

Based on our review of PTSD claim files, we observed that the rating evaluation level typically increased over time, indicating the veteran's PTSD condition had worsened. Generally, once a PTSD rating was assigned,

it was increased over time until the veteran was paid at the 100 percent rate.

This fact is even more disturbing than the first. It suggests a trend toward not only increasing sickness over time but also permanent sickness. It also suggests a certain sense of inevitability among those with lower disability ratings that the natural progression is for them to slip into total 100 percent. Then, as time wears on, total and permanent disability is, in fact, established.

Mr. President, words have meanings. My greatest worry is that the message carried by an undesirable rating may lessen a veteran's resolve to seek treatment and to actually get better. They may feel themselves as beyond recovery, caught in the quicksand of permanent disability. If our current system encourages this kind of mindset, then we must change it.

Fact 3: There is evidence that PTSD is treatable and that VA has the tools to do it.

This may seem paradoxical, but it is true. The same agency that possesses disability claims showing veterans sliding toward increasing and permanent sickness is, in fact, the same agency that is recognized as having the tools necessary to successfully treat PTSD.

On the question of whether PTSD is treatable, here is what the Institute of Medicine found in their 2007 report:

The committee finds that the evidence is sufficient to conclude the efficacy of exposure therapies in the treatment of PTSD.

The Institute of Medicine also recommended additional research regarding the efficacy of other forms of PTSD treatment, but at a minimum, it concluded that the evidence suggests that at least one form of treatment worked.

What specific assets does the VA have to help veterans with PTSD? Well, let me list those assets, and let me also remind my colleagues that the VA health care system has been widely lauded by independent experts as one of the top health care providers in the United States.

The VA has 215 readjustment counseling centers, or Vet Centers, which offer readjustment counseling for PTSD for afflicted veterans. The VA has PTSD clinic teams or specialists at each of its 153 medical centers across the country. The VA has 8 specialized PTSD inpatient units, 10 PTSD residential rehabilitation programs, 9 PTSD domiciliary programs, 7 women's trauma recovery programs, 10 day hospital outpatient programs, 10 substance use PTSD outpatient programs, and 22 women's stress treatment outpatient programs. These programs offer a full spectrum of therapies, including exposure therapies and medications to treat our veterans for PTSD. In total, VA is planning to spend more than \$3 billion on health care services this year—roughly one-tenth of its total medical care budget.

So how do we explain this paradox? Why does a look at the compensation

rolls show us that veterans with mental illness are getting progressively worse even though the VA health system is recognized as having the tools to make them better?

That question leads me to my fourth and final fact: There is a poor linkage between the arm of VA that treats PTSD—the Veterans Health Administration—and the arm of the VA that awards disability compensation—the Veterans Benefits Administration.

One of VA's strategic objectives is to restore the capabilities of disabled veterans to the greatest extent possible. Most would agree with that objective, and most would conclude that restoring capability involves a focus on treatment and rehabilitation and not a rush to, in fact, award disability compensation.

The problem is that the VA is inconsistent in how it measures whether it is achieving its objective. On the health care side, VA measures whether it is obtaining this objective by measuring meaningful outcome data regarding wellness and disease prevention. On the disability benefits side, it measures it by how fast and accurate a disability claim can in fact be decided.

There is a serious disconnect here. One side emphasizes health and wellness, the other emphasizes a rush to award compensation confirming the existence of illness. There is no requirement that these two sides work together. Thus, disability compensation can be awarded and increased over the years without a veteran ever receiving medical treatment.

To me, there is something backward about how this works. The Veterans Disability Benefits Commission honed in on this point in its 2007 report. There is little interaction between the Veterans Health Administration, which examines veterans for evaluation of severity of symptoms, and treats veterans with PTSD, and the Veterans Benefits Administration, which assesses disability ratings and may or may not require periodic reexamination.

A further disconnect seen by the Veterans Disability Benefits Commission, the Senate Committee on Veterans' Affairs held a hearing last week at which the chairman of the Disability Commission, GEN James Terry Scott, testified. I asked General Scott specifically to expand on the Commission's findings and, more importantly, their recommendations. General Scott told me it was not his intent to offend anyone, but that we have been paying people with PTSD to go away; not to treat them, to go away. He went on to say that disability compensation has precluded, in the judgment of the Commission, any effort to make veterans with PTSD better, the No. 1 objective, I believe, of our system.

General Scott then made the following statement that represents the heart of the Commission's findings on the link between PTSD compensation and treatment:



It is our judgment that one of the principal goals of the VA and of the Commission, was that we want to make people better so they can return to the fullest extent possible, into ordinary lives without treatment. I do not see how we are fulfilling our obligation.

These facts lead me, and I hope they will lead my colleagues as well, to the inescapable conclusion that the current approach to helping our veterans diagnosed with PTSD simply is not working. It is abundantly clear that we need to try something new. Again to quote the Veterans Disability Benefits Commission report:

The Commission believes that PTSD is treatable, that it frequently reoccurs and remits, and that veterans with PTSD would be better served by a new approach to their care.

The Veterans Disability Benefits Commission says:

Veterans with PTSD would be better served by a new approach to their care.

I believe the legislation I am introducing today is, in fact, that new approach. Before I describe the legislation and how it works, let me describe how the present system is working or, as the evidence suggests, not working.

Let's say a young marine who is 2 years removed from his service in Iraq comes to the VA because he is suffering from PTSD-related flashbacks and cannot hold down a steady job. As a consequence, he is having trouble paying his bills. We all would.

That veteran needs help immediately. First and foremost, he needs mental health treatment before his condition worsens, but he also needs short-term financial help during his treatment period. If we cannot address that, we cannot be assured that the correct amount of rehabilitation takes place.

Under the current system, the veteran might first be counseled to file a disability claim with the Veterans Benefits Administration. And who could blame him. It is the source of money. He sees that as the quickest route to solving his immediate financial crisis.

Although medical care would be made available at that time, the veteran cannot simply afford to put his life on hold to get well. We can all associate with this. After a 6-month wait, the average time it now takes to process a disability claim—average; some are sooner, more are later, but the average is 6 months—the veteran might be rated service connected due to disability. But by that time, a critical window of opportunity for wellness would have come and gone. The veteran's experience with the VA will have been one that emphasizes his sickness and the level of his disability rather than wellness through an aggressive treatment program.

What would my legislation do? It would establish a program to refocus the existing system to one that emphasizes and incentivizes wellness. It would say to a veteran eligible for VA health care who suffers from service-related PTSD, depression, anxiety dis-

order, or related substance use disorder, that our focus is to make certain you are given the best efforts to get healthy and to feel better.

It would do this by providing—get this—a wellness stipend, a wellness stipend for up to 1 year to any veteran diagnosed with these conditions so long as the VA diagnosing physician judges the conditions to be plausibly related to military service.

All the veteran would have to do is to agree faithfully to attend the prescribed treatment regime, in other words, go get the services that are already provided, and hold off on filing disability for those illnesses until you have completed your rehab schedule. So if the rehab schedule the doctor prescribes is 6 months, we want you to hold off filing the disability claim for 6 months so we can give you the financial help you need to get through it, we can focus you into treatment, and at the end of the time you and the system can assess where you are.

That is it. And we will do that for up to a year. Here is how it works for the marine whom I spoke about earlier. Upon diagnosis and treatment with the conditions of the program, an immediate \$2,000 wellness stipend is made to him. All of a sudden the immediate financial crisis could be over; no lengthy claims process, no 6-month delay in getting needed financial help.

With this immediate financial infusion, our marine can focus on getting well and not worrying about how he pays the next month's rent. More importantly, every 90 days that he participates, every 90 days that they can say "he came to rehab," it translates into an additional \$1,500 of a wellness stipend, a reward for continued participation. Finally, at the end of the treatment program, in this case the end of a year, a final \$3,000 wellness stipend would go to the marine. Thus, in the total of a 1-year treatment program, we would pay the maximum wellness stipend of \$11,000.

Think about this. We are actually taking the most difficult piece, which is the financial obligation, and we are setting that aside so we can focus on what I believe is our obligation: to make sure that we provide the best course of rehab, of prevention, of wellness.

I recognize treatment programs will vary depending on the medical needs of the veteran. My legislation gives the VA complete discretion to develop a recovery plan of an appropriate type and duration. Hence, if our marine only needs a 4-month program, he would receive \$2,000 of wellness stipend up front, \$1,500 after 90 days, and \$3,000 at the end of the program, for a total of \$6,500.

Hopefully, at the conclusion of the treatment of our marine, he will then be healthy, or at least healthy enough to reenter society and move on to a productive life. If the opposite is true and the marine did not get well, his option to file a disability claim is still

available in total. We have not deprived any veteran of their right to file disability claims.

What we have asked is: Set it aside, let's focus on treatment, let's make sure you are not financially strapped, and at the end of intense treatment, focus on that treatment, let's get back together, and if you are still in a situation where you are disabled, then we file the disability claim.

I know some might think this is a nonconcept, paying people to come in for what is basically free health care. But I think it is time for all of us to recognize what the Veterans Disability Benefits Commission and the Dole-Shalala commission have already recognized: treatment, rehabilitation, and recovery need to be the primary focus of our VA health and benefits system. And, more importantly, they need to be the focus of our mental health services.

Let me quote the Disability Commission on this very point.

The Commission believes that a new, holistic approach to PTSD should be considered. This approach should couple PTSD treatment, compensation, and vocational assessment.

The Disability Benefits Commission felt so strongly about focusing on treatment for those with mental illness, particularly PTSD, that it recommended that we condition the receipt of compensation on the receipt of treatment.

I am not proposing that we condition it as the Commission has proposed to Congress, but I want my colleagues to understand, you cannot have multiple commissions look at this issue and say: It is broken. It does not focus on the wellness our veterans need. It needs to be changed.

Senator Dole and Secretary Shalala's commission recommended providing transition payments for injured service personnel while they receive treatment and rehabilitation services, and they recommended an incentive bonus payment designed to reward participants in a rehab program for achieving certain milestones, that if they actually accomplished a milestone that was set, we give them a financial incentive.

Why? Because today's veteran, in many cases, has expectations that are unlike any generation before. Because of their age, because of the types of injuries they are exposed to, what their expectations are with an artificial limb—I lose no mobility, I am just as productive, I can play golf, I can run, I can play basketball, I can even pass a physical to stay in the Army. That is the reality. If we lose them up here, we have done them an injustice relative to their expectations for life. I think both commissions focused on an innovative approach to wellness, and the Disability Commission approach goes farther than mine in that it is a negative incentive as opposed to a positive one, but the underlying concepts are the same. The current system is not working. Let's try something new.

I want to make a few points clear. First, under my legislation, no veteran would have to give up his or her right to receive disability compensation. Veterans can file a claim whenever they want. If they decide when they are presented this option right at the beginning that they want to file a disability claim and roll the dice on rehab, they can do that. If they get a month into rehab and they decide: I do not think this is working, they can file a disability claim. They will not get a financial stipend at the end of 90 days. They can drop out. They can continue to access VA benefits. They can continue to stay in rehab. But they may feel compelled to go ahead and file a disability claim. They can do that. The financial stipend ends, but we still continue the treatment, we just do not have an incentive for them to attend.

The wellness stipend, as I said, will be paid only if the veteran agrees to stay faithful to the program and holds off on filing the claims during that treatment period of up to 1 year.

Second, none of the nearly 300,000 veterans already in receipt of PTSD-related compensation and the thousands of others in receipt of compensation for depression and anxiety disorder would have to give up their compensation in order to participate in the treatment first program. For them, my legislation would pay a wellness stipend that is one-third the amount I mentioned earlier, so long as they agreed not to file a claim to increase their disability rating during this treatment period.

Let me draw a distinction. For somebody who has already filed a disability claim, regardless of how old they are, and annually goes to be rerated, if they delay that rerating, if they go into an intense rehabilitation program, if, in fact, one has been identified by a medical professional within the Veterans' Administration for them to enter into, if they agree not to be rerated until the completion of that program, we will actually include them in the cash stipend, but it will be one-third the amount of somebody who enters the system for the first time. So whether you are a veteran who has never filed a claim before, a veteran with a claim pending, a veteran already in receipt of compensation, the treatment first program would be available to all.

Finally, my legislation contains no requirement that disability compensation be reevaluated at the end of the treatment period. If treatment works—and the Institute of Medicine says it does—then veterans will have better lives because of it. That is the only goal of this legislation. I think we can all look at it, with what we know about the health care system, we can probably find a rationale to say, if we invest now in these veterans, we might save money on the back end for taxpayers in actual health care services that might be provided to somebody who drops out of the workforce who doesn't regard their health as important because they have now become

locked into a monthly disability check for their livelihood.

But for the ones who could end up there that we have now gotten into rehab successfully and increased or changed the quality of their life, the likelihood is the back end health care cost is minimal, if any.

In conclusion, the status quo is not working. We need a new and bold approach. My legislation represents a direct challenge to all of us to think outside the box, to think about things that work elsewhere, but we haven't tried. Doing so sometimes requires taking steps that are a little unknown and a little bit unique. I am sure not only Members of the Senate but the veterans service organizations and, I am sure, the veterans themselves will look at this and say: Where is the cash?

There is no cash. For once, we have a piece of legislation that is focused on how to make people better. We are willing to put our money where our mouth is because it is that important to a 19-year-old who comes back from Iraq who can truly be made well with the right type of rehab and who may, because of financial decisions in his own life, not choose to fully exhaust the rehabilitation needed to overcome that mental health challenge. This at least would give the American people the assurance that we have done everything possible for that 19-year-old to get the services he or she would need to lead a productive and fruitful life.

I ask my colleagues for their support. It is time to put the treatment of our veterans with mental health illnesses first.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. INOUE, Mr. LEVIN, and Mrs. BOXER):

S. 2577. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Gun Show Background Check Act of 2008. I am proud to be joined by lead cosponsor Senator JACK REED from Rhode Island, as well as Senators FEINSTEIN, KENNEDY, MENENDEZ, KERRY, SCHUMER, WHITEHOUSE, INOUE, LEVIN, and BOXER.

It was almost 9 years ago, on May 20, 1999, that I stood in this chamber and urged my colleagues to close the gun show loophole once and for all.

Barely 1 month earlier, two teenagers had shot and killed 12 students and one teacher at Columbine High School in Littleton, Colorado. None of us will ever forget the horror we felt as we watched students run in fear from a shooting rampage that took the lives of 13 innocent people.

Those 13 people never should have died because those teenagers never should have had those guns. Some of the guns were purchased from unlicensed dealers at gun shows.

Although the Federal Brady Law requires licensed firearms dealers to conduct background checks before selling guns, a loophole in Federal law allows unlicensed dealers—who make up 20 to 50 percent of all dealers at gun shows—to sell guns without conducting background checks.

Because the Columbine killers' guns were bought from unlicensed dealers, they were sold without a single background check being done. A friend who bought them guns said she never would have done it if she had to go through a background check.

In the wake of that terrible tragedy, the Senate responded. We passed my legislation to close the gun show loophole, with Vice President Al Gore casting the tiebreaking vote.

Unfortunately, the gun lobby stripped my legislation in conference, and 9 years later, the gun show loophole is still open. Nine years after the horror of Columbine, easy access to guns is still the law of the land, and gun violence still plagues our schools, our streets, and our communities.

Last April, we witnessed the worst school shooting tragedy in our Nation's history. Thirty-two students and professors were killed, and 15 more were wounded at Virginia Tech.

We know now that the Virginia Tech shooter never should have been permitted to buy the two weapons he used that day. He should have been on a prohibited list because of his history of treatment for serious mental illness. In response, we are working to make sure that States include these mental health records in the FBI's background check database.

However, even if the Virginia Tech shooter had been stopped from buying a gun at a gun shop, he still could have walked down the street to a gun show to buy a gun from an unlicensed dealer. All the mental health records in the world will not stop mentally ill people or other prohibited purchasers from buying guns unless all gun dealers—including unlicensed dealers at gun shows—have to consult those records before selling a gun.

That is why the Virginia Tech Review Panel recommended closing the gun show loophole to prevent prohibited purchasers from buying guns. That is why the survivors of the Virginia Tech massacre and families of the victims are fighting to close the gun show loophole.

Today, I ask my colleagues to finish the job we started almost 9 years ago. We must close the loophole that allows convicted felons, fugitives and domestic abusers to buy guns without going through a background check.

The Lautenberg-Reed bill would close the gun show loophole by requiring background checks for all gun sales at gun shows. Specifically, our bill would require background checks by licensed firearms dealers for all gun transactions at gun shows; define a gun show as an event where 50 or more guns are offered or exhibited for sale; require gun show promoters to register

with the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, and ensure that sellers understand their legal obligations; require licensed gun dealers to keep records of guns sold at gun shows to make it easier to trace guns that are later used in crime.

This bill is a common-sense public safety measure. It has been endorsed by the International Association of Chiefs of Police.

Now, let me be very clear: Our bill would not hurt law-abiding gun owners. It would simply require a background check to stop unlicensed sellers from selling guns to people who are not allowed to own one. Approximately 92 percent of background checks are completed within minutes, and 95 percent are completed within 2 hours.

Those few minutes are worth it. From the enactment of the Brady Act in 1993 through 2005, nearly 70 million background checks have been performed, denying guns to 1.36 million prohibited purchasers.

I am proud to say that more than 150,000 of those guns have been denied to convicted domestic abusers as a result of a law I wrote in 1996.

We can only imagine how many lives have been saved by preventing felons, fugitives, and domestic abusers from getting those guns. Now we have the opportunity to save even more lives by requiring that every gun sold at the thousands of gun shows held across the U.S. each year goes through a background check.

It has been almost 9 years since the Columbine tragedy. We should not wait another day to close the gun show loophole.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in support of the Gun Show Background Check Act to reduce gun violence. Closing this dangerous loophole in current Federal gun laws will make gun show transactions safer for all our people.

Americans overwhelmingly favor responsible gun control laws. They want effective background checks for firearm purchases at gun shows or anywhere else. Yet, year after year, the "gun show loophole" allows firearms to be purchased with no questions asked, and legislation is urgently needed to close this flagrant loophole in our current gun laws.

Under today's laws, licensed gun dealers must be approved, must register with the Federal Government, and must conduct background checks on gun buyers who come to their stores. But in most States, almost anyone can be an unlicensed private seller of guns. Timothy McVeigh, the Oklahoma City bomber, was one such private seller at gun shows. These private sellers have no obligation to conduct criminal background checks on buyers or keep any records at all about the sale. It is no surprise that felons and other prohibited gun buyers go to gun shows to buy guns in order to evade background checks. That is unacceptable.

Closing the gun show loophole and requiring background checks for purchasers at gun shows is vital for public safety.

The Gun Show Background Check Act defines gun shows as any event at which 50 or more firearms are offered or exhibited for sale and requires gun show promoters to register with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. It requires the promoters to maintain a list of vendors at all gun shows, and these vendors must acknowledge receipt of information about their legal obligations. It also requires that all firearm sales at gun shows go through a Federal Firearms Licensee. Private vendors and non-licensed persons will be required to complete the sale of weapons using such a licensee, who will be responsible for conducting a background check on the purchaser and maintaining a record of the transaction. Finally, the bill improves the tracing of firearms by requiring these licensees to submit information about firearms sold at gun shows to the ATF's National Tracing Center.

Approximately 50 percent of all gun sales in the U.S. today are "private" sales made by individuals at thousands of gun shows. No proof of identification and no criminal background check are required. Even after the horrific events of September 11, suspected terrorists and felons can easily purchase any quantity of firearms, including military style assault weapons, without an ID or background check at gun shows in 32 States. Federal law permits gun owners to sell rifles, shotguns, and even assault weapons to children, without their parent's knowledge or permission.

It is not enough to leave this issue any longer to State action. As John Rosenthal, founder of the nonprofit organization, Stop Handgun Violence, has pointed out, Massachusetts has enacted some of the most effective laws to prevent gun violence in the country, but Massachusetts is surrounded by States, which have no such laws and allow individuals to buy and sell guns easily. According to ATF data for 2006, many of the gun crime weapons recovered in Massachusetts had been obtained in other States with little or no regulation of firearms sales.

Critics claim that mandating background checks at gun shows will not reduce crime significantly and will be a step towards banning private firearms sales between individuals. Some even make the preposterous claim that there is no gun show loophole, and that gun control advocates are trying to address a non-existing problem. Evidence clearly proves, however, that gun shows are an important source of the guns used in crime in the U.S. During the late 1990s, cases involving gun shows and flea markets accounted for 30 percent of all trafficked guns in the U.S. That is no surprise, since there are over 4,000 gun shows in the U.S. every year, and no Federal laws to reg-

ulate them. Statistics also show that States such as Massachusetts, where strict gun control legislation has been enacted, have significantly lower firearm fatality rates than States with lax gun laws.

In another appalling move, the Bush administration successfully pushed legislation requiring the FBI to destroy records of approved gun purchases within 24 hours of a completed background check. That action prevents law enforcement from identifying whether a person under investigation for another crime, including terrorism, has purchased a firearm. In addition, if federally licensed gun dealers fail to report stolen or missing guns, they face only misdemeanor charges, despite the fact that thousands of guns are stolen from gun stores every year. The rifle used by the DC sniper was "lost" by a gun store—the same store that "lost" 238 guns in 3 years.

We can't ensure public safety unless we stop kowtowing to the gun lobby. We can't accept a system that allows criminals and terrorists to buy guns at gun shows without detection. The gun show loophole should have been closed long ago. I urge my colleagues to enact this vital legislation to do that. I commend Senator LAUTENBERG and Senator REED for introducing this bill, and I look forward to its enactment into law as soon as possible. Too many lives are on the line for us to delay any longer.

By Mr. INOUE (for himself and Mr. INHOFE):

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; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUE. Mr. President, since its founding in 1775, the U.S. Army has served this country well for over 230 years and has played a decisive role in protecting and defending freedom throughout the history of the U.S., from the Colonial period to today, in wartime and in peace; and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War. The sacrifice of the American soldier, of all ranks, since the earliest days of the Republic, has been immense and is deserving of the unique recognition bestowed by commemorative coinage.

Today I rise to introduce the U.S. Army Commemorative Coin Act, and am joined by Senator JAMES INHOFE of Oklahoma in support of the bill, as well as the U.S. Army, the National Museum of the U.S. Army, and the Army Historical Foundation.

The U.S. Army Commemorative Coin Act authorizes the Secretary of the

Treasury to mint 100,000 five dollar gold coins, 500,000 one dollar silver coins, and 750,000 half-dollar copper-nickel clad coins.

These coins will be the first U.S. coins to honor the Army as an institution in its entirety. Coin designs will be emblematic of the traditions, history and heritage of the U.S. Army, and its role in American society, from the Colonial period to today. Design motifs will specifically honor the American soldier, both today and yesterday, in wartime and in peace; and commemorate the traditions and heritage of the U.S. Army.

A surcharge will be applied to each coin, in the amount of \$35 for each \$5 gold coin, \$10 for each silver dollar coin, and \$5 for each half-dollar clad coin. Proceeds from the sales of these coins will be directed to the Army Historical Foundation specifically to be used to help finance construction of the National Museum of the U.S. Army at Fort Belvoir, VA.

The Army, the Nation's oldest and largest military service, is the only service that currently lacks a comprehensive, national museum celebrating, preserving and displaying its heritage and honoring its veterans. The Army also lacks a national memorial to serve as its national landmark here in America's capital city. The museum will eventually fill both roles.

One of the ways that the museum already honors Army veterans is through its "Registry of the American Soldier." The Registry potentially could contain millions of names and service histories, and can already be viewed online. It is open to all who have worn the Army's uniform, and I myself recently became the first Member of the U.S. Senate to be listed. This registry will eventually be permanently displayed at the museum after its public opening, due in 2014.

In 2000, the Secretary of the Army designated the Army Historical Foundation as its primary partner in building the National Museum of the U.S. Army, and today the Foundation is actively engaged in executing a major, \$200 million, capital campaign to support the Museum.

These commemorative coins will do more than just honor the Army and our Army veterans. They will also help ensure that the extraordinary accomplishment and sacrifice of our soldiers will live on as a legacy for future generations. This bill authorizes surcharges that may generate over \$12.2 million for the Army museum. I want to assure my colleagues that this bill will not place any burden on the American taxpayer. The profits generated by the sales of these coins will cover all costs incurred by the Department of the Treasury.

Personally, I will never forget the pride I felt in wearing my uniform during the Second World War, and I know that I share this pride of service with millions of fellow veterans from all walks of life across this great country.

I urge my colleagues to support this important legislation, which will honor the U.S. Army while helping to open an outstanding, world-class National Museum of the U.S. Army just across the river from this building.

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. 2579

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Army Commemorative Coin Act of 2008".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Army, founded in 1775, has served this country well for over 230 years;

(2) the United States Army has played a decisive role in protecting and defending freedom throughout the history of the United States, from the Colonial period to today, in wartime and in peace, and has consistently answered the call to serve the American people at home and abroad since the Revolutionary War;

(3) the sacrifice of the American soldier, of all ranks, since the earliest days of the Republic has been immense and is deserving of the unique recognition bestowed by commemorative coinage;

(4) the Army, the Nation's oldest and largest military service, is the only service branch that currently does not have a comprehensive national museum celebrating, preserving, and displaying its heritage and honoring its veterans;

(5) the National Museum of the United States Army will be—

(A) the Army's only service-wide, national museum honoring all soldiers, of all ranks, in all branches since 1775; and

(B) located at Fort Belvoir, Virginia, across the Potomac River from the Nation's Capitol, a 10-minute drive from Mount Vernon, the home of the Army's first Commander-in-Chief, and astride the Civil War's decisive Washington-Richmond corridor;

(6) the Army Historical Foundation (in this Act referred to as the "Foundation"), founded in 1983—

(A) is dedicated to preserving the history and heritage of the American soldier; and

(B) seeks to educate future Americans to fully appreciate the sacrifices that generations of American soldiers have made to safeguard the freedoms of this Nation;

(7) the completion and opening to the public of the National Museum of the United States Army will immeasurably help in fulfilling that mission;

(8) the Foundation is a nongovernmental, member-based, and publicly supported nonprofit organization that is dependent on funds from members, donations, and grants for support;

(9) the Foundation uses such support to help create the National Museum of the United States Army, refurbish historical Army buildings, acquire and conserve Army historical art and artifacts, support Army history educational programs, for research, and publication of historical materials on the American soldier, and to provide support and counsel to private and governmental organizations committed to the same goals as the Foundation;

(10) in 2000, the Secretary of the Army designated the Foundation as its primary part-

ner in the building of the National Museum of the United States Army; and

(11) the Foundation is actively engaged in executing a major capital campaign to support the National Museum of the United States Army.

#### SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the United States Army in 1775, and notwithstanding any other provision of law, the Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins, contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

#### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, history, and heritage of the United States Army, and its role in American society from the Colonial period to today.

(2) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2011"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that specifically honor the American soldier of both today and yesterday, in wartime and in peace, such designs to be consistent with the traditions and heritage of the United States Army, the mission and goals of the National Museum of the United States Army, and the missions and goals of the Foundation;

(2) be selected by the Secretary, after consultation with the Secretary of the Army, the Foundation, and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coinage Advisory Committee.

#### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITIES.—For each of the 3 coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$35 per coin for the \$5 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.
- (3) A surcharge of \$5 per coin for the half dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation to help finance the National Museum of the United States Army.

(c) **AUDITS.**—The Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2-commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. INHOFE. Mr. President, today I rise to express my support for an effort that I believe is long overdue. I am honored today to join Senator INOUE as a co-sponsor of the U.S. Army Commemorative Coin Act of 2008. As co-chair of the Senate Army Caucus and a former soldier, I am proud to pay tribute to the U.S. Army, which has dutifully served our Nation for over 230 years.

The Army is the only service branch that currently does not have a comprehensive museum honoring its members and veterans. The Commemorative Coin Act will help raise the revenue needed to build a museum dedicated to the men and women who have for so long protected the sovereignty and freedom of our country. The museum will serve to commemorate the enormous sacrifice of our soldiers, and will be a symbol of the Army's dedication to the fight for freedom.

Since the days of the Continental Army of the Revolution, to the highly

mobile and technological force of today, the U.S. Army has been the bulwark against which tyranny and oppression have consistently failed. It is time we permanently memorialize the sacrifice that the U.S. Army has given to the cause of liberty around the world.

I urge the Congress to quickly grant its approval to the U.S. Army Commemorative Coin Act of 2008.

By Mr. BYRD (for himself and Mr. ROCKEFELLER)

S. 2581. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, today I am pleased to join with my friend and colleague from West Virginia, Senator JOHN D. ROCKEFELLER, to introduce legislation entitled the Wild Monongahela: A National Legacy for West Virginia's Special Places. Our legislation would designate additional wilderness areas in the Monongahela National Forest, located in eastern West Virginia. A bipartisan companion measure was introduced yesterday in the U.S. House of Representatives.

I have long supported efforts to provide permanent protections for our most treasured lands. Along with Senator KENNEDY and Senator INOUE, I voted for the original Wilderness Act in 1964. We can proudly say that the nine million acres of lands protected by the Wilderness Act has now grown to over 106 million acres in 44 States.

One of the most important sectors for economic development in West Virginia is environmental tourism. Our "Wild and Wonderful" slogan aptly describes the beautiful vistas, flower covered valleys, free flowing streams and rivers, and impressive sandstone formations, that can be found in the Monongahela National Forest. Inclusion of these sites in and nearby federally protected wilderness areas puts them "on the map" for those seeking an adventure in nature. Attracting these visitors is one of the keys to future economic growth in West Virginia.

Since the Forest Service released its new Forest Management plan for the Monongahela National Forest in September 2006, I have heard from many West Virginians wishing to express their strong opinions on proposals that call for new wilderness areas. I was particularly touched by a Christian youth group that visited my office. These young people spoke in personal terms of how a hike in these wild areas brought them closer to God.

Currently, the Monongahela National Forest has five protected wilderness areas, including Otter Creek, Dolly Sods, Laurel Fork North and South, and Cranberry. These areas comprise about 78,000 acres of land, approximately eight percent of the Monongahela's 919,000 acres.

Our legislation would designate seven additional areas for wilderness protection out of the 18 roadless areas evaluated by the Forest Service. Three of these are expansions of existing wilderness areas. These are the Cranberry expansion, Dolly Sods expansion, and the Otter Creek expansion. We propose four new areas for wilderness protection—Big Draft, Cheat Mountain, Roaring Plains West, and Spice Run. In all, our legislation would protect an additional 47,000 acres of wilderness. This would bring the total acreage of wilderness in the Monongahela National Forest to approximately 125,000 acres, or just under 14 percent of the total forest.

Our legislation would add a significant amount of land to those areas protected as wilderness. However, the vast majority of the Monongahela National Forest will continue to be available for the multiple uses envisioned when the National Forest System was first created. These include timber harvesting operations, wildlife and fish management, and recreation.

It is my hope that after much thought and reflection all West Virginians will see this proposal as a straightforward effort to reach a bipartisan compromise that has a true chance to become reality. The result will be that future generations of West Virginians and all Americans will be able to enjoy the benefits of God's creation.

I wish to thank my fellow members of the West Virginia delegation, especially Chairman RAHALL, for their hard work on this measure. Senator ROCKEFELLER and I look forward to working with Chairman BINGAMAN and Ranking Member DOMENICI of the Senate Energy and Natural Resources Committee to ensure that this measure is passed and signed into law this year.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 437—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO INVESTIGATE THE AWARDDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM**

Mr. DORGAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

**S. RES. 437**

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan

and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch;

Whereas the Senate Special Committee to Investigate the National Defense Program, popularly known as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities;

Whereas the Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars; and

Whereas the public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent: Now, therefore, be it

*Resolved,*

#### **SECTION 1. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.**

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this resolution referred to as the "Special Committee").

#### **SEC. 2. PURPOSE AND DUTIES.**

(a) **PURPOSE.**—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) **DUTIES.**—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) **INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.**—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) **EVIDENCE CONSIDERED.**—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

#### **SEC. 3. COMPOSITION OF SPECIAL COMMITTEE.**

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) **DATE.**—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) **VACANCIES.**—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **SERVICE.**—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) **CHAIRMAN AND RANKING MEMBER.**—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) **QUORUM.**—

(1) **REPORTS AND RECOMMENDATIONS.**—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) **TESTIMONY.**—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) **OTHER BUSINESS.**—A majority of the members of the Special Committee, or  $\frac{1}{3}$  of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

#### **SEC. 4. RULES AND PROCEDURES.**

(a) **GOVERNANCE UNDER STANDING RULES OF SENATE.**—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) **ADDITIONAL RULES AND PROCEDURES.**—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

#### **SEC. 5. AUTHORITY OF SPECIAL COMMITTEE.**

(a) **IN GENERAL.**—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) **HEARINGS.**—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, docu-

ments, tapes, and materials as the Special Committee considers advisable.

(c) **ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**—

(1) **ISSUANCE.**—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) **MEETINGS.**—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

#### **SEC. 6. REPORTS.**

(a) **INITIAL REPORT.**—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than 270 days after the appointment of the Special Committee members.

(b) **UPDATED REPORT.**—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) **ADDITIONAL REPORTS.**—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) **FINDINGS AND RECOMMENDATIONS.**—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 2.

(e) **DISPOSITION OF REPORTS.**—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

#### **SEC. 7. ADMINISTRATIVE PROVISIONS.**

(a) **STAFF.**—

(1) **IN GENERAL.**—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) **APPOINTMENT OF STAFF.**—

(A) **IN GENERAL.**—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) **MAJORITY STAFF.**—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) **MINORITY STAFF.**—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) **NONDESIGNATED STAFF.**—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) **COMPENSATION.**—

(1) **MAJORITY STAFF.**—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.



(2) **MINORITY STAFF.**—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) **NONDESIGNATED STAFF.**—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) **REIMBURSEMENT OF EXPENSES.**—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) **PAYMENT OF EXPENSES.**—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

#### **SEC. 8. EFFECTIVE DATE; TERMINATION.**

(a) **EFFECTIVE DATE.**—This resolution shall take effect on November 5, 2008.

(b) **TERMINATION.**—The Special Committee shall terminate two years after the date of the adoption of this resolution.

#### **SEC. 9. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.**

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Mr. DORGAN. Mr. President, I am going to be introducing legislation—I have previously introduced this—that deals with the construction in the Congress of what is called a Truman Committee.

In fact, President Truman was from the home State of the Presiding Officer and the ranking member of the Intelligence Committee on the floor. So the two Senators from Missouri, of course, I know harbor great pride in Harry Truman.

One of the interesting things about Truman's tenure here in Washington, DC was not just his service in the Senate and not just him being President, but one of the sources of pride was his stewardship of something called the Truman Committee.

At a time when a President of his own party was in power in the White House, he and the Congress created a committee here in the Senate to take a look at waste, fraud, and abuse in contracting, particularly in the military. It cost him \$15,000 to start it. Estimates are they saved \$15 billion—in dollars from that time. Think of that: \$15,000 to start the committee and saved \$15 billion.

Now I know there are some who will disagree, but I happen to think it is long past time for us to be far more aggressive to find out what is happening to all this money. I will give you a couple of examples. One I have used a lot—I shall not today—by bringing a towel to the floor of the Senate, but I have held up a towel that Henry Bunting

brought. He was a buyer for Kellogg, Brown, and Root, a subsidiary of Halliburton. He was a buyer stationed in Kuwait. One of the things he was to do was buy hand towels for American soldiers. So he filed out the order for hand towels. His supervisor saw it and said: No, we are not going to buy those hand towels; we are going to buy hand towels with the initials of our company embroidered on the hand towels, KBR.

He said: Well, that will almost triple the cost. He was told: That does not matter; this is a cost-plus contract. The American taxpayer is going to pick up that tab.

So they ordered the towels that cost four or five times more. It did not matter; the taxpayers pick up the tab. That little towel is a very small reminder of what has been going on and how much the taxpayer has been fleeced. There is so much more.

Why do we need to track these things? Well, Paul Mullinax is a good reason. I called Paul Mullinax one Sunday. He was a truck driver in Florida. Here is what Paul Mullinax did. This is a good example of contracting in FEMA.

Paul Mullinax drives a refrigerated 18-wheeler. He was in Florida. He got a call from FEMA when Hurricane Katrina hit. They needed ice down in the Gulf of Mexico. So Paul Mullinax, God bless him, drove up, and he picked up some ice in New York for a FEMA contract; picked up a load of ice in his refrigerated truck. They said: Take it to Carthage, MO. This is ice that is destined for the Gulf of Mexico for the relief of the Katrina victims.

He drove his truck from New York to Carthage, MO; got there, they said: No, you are not supposed to be in Carthage, MO; you are supposed to be in Montgomery, AL. So he turned his truck south and east and went to Montgomery, AL. When he got there, he said there were over 100 18-wheel trucks. They had him park. He sat there for about 12 days with his refrigerated unit running on his truck. After about 12 or so days they sent him to Gloucester, MA, to offload his ice. This is ice destined for victims of Katrina. He picked it up in New York, went to Carthage, went to Alabama, and then they said: Offload it in a warehouse in Massachusetts, 15,000 bucks for that truckload of ice.

There were another 100 18-wheelers sitting where he was sitting. Should somebody ask questions and say: Who on Earth is responsible for this? The answer is yes. Waste, fraud, and abuse in contracting is epidemic. It is unbelievable.

Connected to the Katrina issue, this is a photograph, of course, of 8,420 brandnew, never-used FEMA trailers clogging an unused airport. The question is: Who made that decision and why? Were there any consequences as a result of this decision? I do not know.

This is money wrapped in Saran Wrap. Hundred dollar bills. This guy, by the way, told me—this is in a base-

ment in Baghdad. This guy told me that they wrapped this money in Saran Wrap and occasionally threw it around like a football because it is about the size of a football—I have never wrapped hundred dollar bills. I have never seen that many hundred dollar bills. But if you wrap hundred dollar bills in Saran Wrap, I guess that is what it looks like. He said they actually threw them around like footballs in that room in Baghdad. The reason these were wrapped in Saran Wrap, with some rubber bands around them, is because this guy was in charge of distributing the money. He said we were paying contractors and subcontractors in Iraq, and our motto was: We pay in cash; you bring a bag.

This payment happened to be a \$2 million payment. We pay in cash, so bring a bag. He said it was just like the Wild West.

Question: Who is watching over all of this? Who is tracing it all? There is, I think, substantial evidence, with the release just 2 days ago of the Special Inspector General for Iraq, and another report, if you go through all of those reports, not just with Iraq, go through the reports on Katrina, and so many other similar examples, there is, I think, substantial evidence to lead one to conclude this is the greatest waste, fraud, and abuse in the history of this country.

Harry Truman, at a time when there was substantial concern about that, was able to get a select or special committee created here in the Congress, bipartisan; cost \$15,000 to create, they saved \$15 billion. Pretty successful. It ought to happen again. I am going to introduce legislation today, once again. We have voted on it several times previously. I propose that we once again create a Truman Committee, a bipartisan committee to investigate waste, fraud, and abuse, and on behalf of the American taxpayer say: This cannot continue. This has to stop.

I am going to make a longer presentation at some point, but I wanted to simply indicate that there is so much that needs to be done on this issue, and my hope is that at last, at long, long last, this Senate will adopt a select committee or a special committee similar to the Truman Committee.

If ever the American taxpayer deserved good Government, it is now, with something like this in which we can begin to unravel who got what and how we stop this from happening again.

**SENATE RESOLUTION 438—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 1867-2008"**

Mr. BYRD (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 438

*Resolved*, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 1867–2008", and that there be printed one thousand five hundred additional copies of such document for the use of the Committee on Appropriations.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3972. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3972.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE IX—MISCELLANEOUS

##### SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary transaction between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. 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 business meeting on Wednesday, January 30, 2008, at 11:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this mark-up, the Committee will consider pending bills on its shortlist of agenda items.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, January 30, 2008 at 10 a.m., in Room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, "Examining Threats and Protections for the Polar Bear."

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

##### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to conduct a hearing entitled "Private Fee for Service Plans in Medicare Advantage: A Closer Look."

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

##### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, in order to consider an original bill entitled, "The Economic Stimulus Act of 2008"; and to consider changes to the Rules of Procedure of the Committee on Finance.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 11 a.m. in order to hold a nomination hearing.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 30, 2008, at 3:30 p.m. in order to hold an intelligence briefing on Afghanistan.

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

##### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Oversight of the U.S. Department

of Justice" on Wednesday, January 30, 2008 at 10 a.m. in room SH-216 of the Hart Senate Office Building.

#### Witness list

The Honorable Michael B. Mukasey, Attorney General of the United States, Department of Justice, Washington, DC.

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

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Holding the Small Business Administration Accountable: Women's Contracting and Lender Oversight," on Wednesday, January 30, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

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

I suggest the absence of a quorum.

#### AUTHORIZING PRINTING WITH ILLUSTRATIONS OF "COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 1867–2008"

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 438, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 438) authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 1867–2008."

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

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

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

The resolution (S. Res. 438) was agreed to, as follows:

S. RES. 438

*Resolved*, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, 1867–2008", and that there be printed one thousand five hundred additional copies of such document for the use of the Committee on Appropriations.

#### ORDERS FOR THURSDAY, JANUARY 31, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 11 a.m. tomorrow, Thursday, January 31, and that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the

leaders be reserved for their use later in the day, and that the majority leader be recognized.

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

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ADJOURNMENT UNTIL 11 A.M.  
TOMORROW

Mr. BROWN. 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 7:34 p.m., adjourned until Thursday, January 31, 2008, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

ROBERT J. CALLAHAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA J. STEPHENSON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

WILLIAM EDWARD TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

### DEPARTMENT OF JUSTICE

ELISEBETH C. COOK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RACHEL BRAND.

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## WITHDRAWALS

Executive message transmitted by the President to the Senate on January 30, 2008 withdrawing from further Senate consideration the following nominations:

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DENNIS W. CARLTON, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KATHERINE BAICKER, RESIGNED, WHICH WAS SENT TO THE SENATE ON AUGUST 2, 2007.