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Senate

The Senate met at 9:30 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, our help in ages past, our hope for years to come. Our shelter from the stormy blast, and our eternal home. Before the years in order stood, or Earth received her frame, from everlasting, You are God, to endless years the same." Isaac Watts, 1719.

Lord, today we praise You for Your justice and the impartiality of Your love and mercy.

Shower our lawmakers with Your matchless favor as You enfold and sustain them with Your gracious love. Lord, quicken their minds to seek Your wisdom and infuse them with the desire to do Your will. Give them decisive guidance in the relationships and responsibilities ahead of us. Speak so clearly to them that their utterances will reflect the tenor and tone of Your truth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the scheduled termination date of this Congress is a week this coming Friday—a week after the day after tomorrow. We have a lot to do. We are going to finish, sometime today, the Defense authorization bill. I am in conference with Senator LEVIN to see if there is something we can work out. If not, this matter will be completed, no matter what anyone does, at 9:30 tonight. The vote tonight is on passage of the bill. It is not 60 votes. We just have to get a simple majority.

I will file cloture on the Coburn package, which has scores of bills in it that have been held up. I had a very good conversation with him yesterday. I will meet with him later today to see if we can work something out and move forward on that without a cloture vote. I hope that can be done. Senator COBURN said he thought it could be. I hope that is, in fact, the case. I will be as reasonable as I can be, and I am hopeful and confident that he will be.

After that—whatever is determined on that—we are going to move to the tax extenders. We need a vehicle to do

that. Any of the 99 Senators can object to having a vehicle to do that. We, of course, procedurally, could move to something, but it could take a couple extra days. Of course, everyone should understand that we may have to be working the next week or so with no time off. If we have people who are trying to slow things up, stall things, then we are going to have to use the time that we have to use, procedurally, to get to an instrument. Once we get to that, Senator MCCONNELL and I have an agreement that we are going to try to effectuate where we would vote on paying for all the tax extenders as it relates to renewables. Then we would have a vote on whether we are going to pay for AMT, and then a vote on the package and send that to the House.

Of course, after that, there are other things we need to do. We have an economic recovery package. The House will be sending us that. We have a CR that we have to complete to fund the Government. There is one thing I didn't mention by oversight.

When we finish the tax extenders, we have to do the rest of our energy legislation. That is the bill the House passed last night. We can use that for a vehicle. Everybody is expecting—rightfully so—that there would be a vote on Senator BINGAMAN's alternative, there would be a vote on the Republican alternative, and there would be a vote—if, in fact, they decide to move forward on it—on the Gang of 10's so-called bipartisan legislation. So there is the House-passed bill, the Bingaman bill, the Republican alternative, and the bipartisan bill. All of them include drilling. So people can vote their hearts out on drilling. Someone could actually vote for all four of those.

As I indicated, we have the CR. There are a lot of other things the CR may take care of that we have not finished, including MilCon, VA, and Homeland Security appropriations; and there are people out there who are concerned about things we should do before we

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



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leave here, such as LIHEAP. Hopefully, that could be included in either the stimulus package or the CR. Oil prices are not as high as they have been, but fuel oil in the Northeast is expected to be high this winter. We hope to work something out on mental health parity, the Ledbetter issue. We could have another vote on that, if I decide that. We have a lot to do.

This morning, we are going to have a period for morning business for up to 1 hour, as soon as I complete my statement. The majority will control the first 30 minutes. My understanding is that Senator DORGAN is here and available, and he will speak for about 15 minutes. The Republicans will control the last 30 minutes.

Following that, we will resume consideration of S. 3001, the Defense authorization. Yesterday, cloture was invoked on the Defense bill, and I announced at that time I was appreciative of the help we got from the Republicans. All postcloture debate time will expire about 9:30 tonight.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

RECOGNITION OF THE REPUBLICAN LEADER

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

HURRICANE IKE

Mr. MCCONNELL. Mr. President, the impact of Hurricane Ike, as we all know, devastated part of the United States, including my State of Kentucky. This past Sunday, 70-mile-per-hour winds blew through the State, leaving thousands of people with damaged or destroyed property.

I could give my own personal observation about it. My wife and I were out at lunch Sunday when the storm came through. There were very high winds, as I indicated—70-mile-an-hour winds—which we are certainly not accustomed to in Louisville, KY. We drove home and saw that one way into our house was blocked because a tree in our own yard had fallen across the road. We took another route around to try to get into the back of the house, and another

tree had fallen across the road. That was replicated across Louisville, KY. The power in my own house is still out—to personalize it—as it is in a huge number of houses in Louisville and northern Kentucky, which is across from Cincinnati. This had a severe impact on a lot of people. The good news is that the hospitals and major facilities do have power.

As many as 170,000 homes are still without power. And schools in several counties remain closed today as the cleanup continues.

State and local officials are working as hard as they can to survey the destruction and get help to anyone who needs it.

I expect the State will soon ask the Federal Government for disaster assistance, which I will strongly support.

THE ECONOMY

Mr. MCCONNELL. Mr. President, families all across America are concerned about their financial security. As Congress, the administration and Federal Reserve consider the appropriate measures to strengthen our capital markets, I believe it is imperative that we do so in a bipartisan manner.

Now more than ever is the time to rise above politics and work together. Our constituents do not want campaign speeches and hyperpartisan accusations—they want security for their home and savings. They want energy security and lower costs for gas and oil. And they want protection from future tax hikes on their income.

Government should be focused on bipartisan efforts to address the fundamental problems in the credit markets and must be cautious in putting taxpayer dollars at risk. And we should work together to help all Americans.

CONSTITUTION DAY

Mr. MCCONNELL. Mr. President, in giving these remarks, I am saluting Senator BYRD.

Just a few short blocks from this Capitol at the National Archives lies an old and yellowing document, encased under heavy glass.

It is the Constitution of the United States, signed on this day in 1787 by 39 brave Americans. They and their countrymen had just fought a war for liberty. And they understood that the highest goal of a government is to preserve and protect that liberty.

The oldest delegate, Benjamin Franklin, was already revered by his colleagues as one of America's greatest statesmen. They wanted to hear his opinion on their work. Franklin told his compatriots in Philadelphia, "I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best."

Over two centuries later, we can say proudly that the system of Government those great men devised is the best—simple in form, elegant in function, and firmly devoted to the preser-

vation of liberty. Amended many times but never abandoned, our Constitution is the oldest still in use today.

We celebrate, every year, the brilliant document our Founders gave us by marking September 17 as Constitution Day. Senator BYRD was the one who suggested that we do that. It is a day for all Americans, but especially schoolchildren, to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and change.

I want to thank the senior Senator from West Virginia for sponsoring the legislation 4 years ago to mark this day and to celebrate this seminal document. We all know the love Senator BYRD has for American history, and the history of the Senate.

He knows that you cannot truly understand how liberty is preserved in our country without understanding the Constitution. Thank you, Senator BYRD for your efforts.

Constitution Day serves to promote civic awareness. In Kentucky, we take this charge seriously, and through important efforts like the Civic Literacy Initiative of Kentucky and other projects, we are working to increase civic awareness across the Bluegrass State.

So on this day, we recognize the students, teachers, and community leaders in Kentucky and across the Nation who promote and protect the ideals of our glorious Constitution.

And we say a special thanks for our men and women in uniform, who defend it.

More than two centuries ago, the 39 signers of our Constitution gave us a more perfect Union through a document that endures and guides us here today. They understood, as we all must, that above all, Government serves to secure the blessings of liberty for the people of our great Nation.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I applaud my colleague for the statement he made. The Constitution is our guiding document in this great country. There isn't too much emphasis we can place on it. I respect the words of my colleague. I am confident that he speaks for all Senators.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

THE ECONOMY

Mr. DORGAN. Mr. President, it is now Wednesday of a week that began with a 504-point collapse in the stock market on Monday. The American economy, I think most people would understand, is in serious trouble. These are not ordinary times for our country. We have been the economic engine of the world. We have built an economic engine that is unparalleled. It has been an unbelievable economy, and created great jobs. Yet we now run into some very significant problems.

The financial wreckage that has occurred in recent months in this country is almost staggering. Very large investment banks that have been around for a long while are gone. Bear Stearns, Lehman Brothers, Merrill Lynch, venerable old investment firms. Bear Stearns, a 158-year firm, survived the Civil War, the Great Depression, but it could not survive today.

What has happened? What is causing all this? We understand in the months of this year up to \$1 trillion of taxpayers' money has been offered in support—loan guarantees and various things—to try to contain the growing financial difficulty in this country.

I am not going to second-guess those who are working day and night trying to figure out how we stem the damage. I don't know the figures. I am not in the engine room to know all of the dials, gauges, and knobs that they are working on to try to figure out how we stem the damage. So I am not going to be critical today of guarantees and takeovers and so on.

I am going to say to the American people that they should not worry about their bank account in an insured bank. I don't think anybody should be concerned or run down and try to take their deposits out of their local banks where their deposits are insured by the FDIC. Those are sound, and those deposits are not in jeopardy.

Even in the middle of a financial storm of the type we are experiencing, I think it is reasonable for the American people, when midnight meetings are proposing tens of billions, \$30 billion or \$85 billion of taxpayers' money to try to shore up institutions and deal with this spreading problem, to ask the question: How on Earth did this happen, and why did it happen?

There are two reasons, and it is important to talk about them even in the middle of the storm. One is greed, unbelievable greed; and the second is, in my judgment, deliberate neglect. I will talk about each.

The reason I want to talk about them is because we have to make sure we understand what has caused this problem in order to fix it and to make sure it doesn't happen again. It is not as if this country hasn't seen banks collapse. We saw banks collapse in the 1930s in the Great Depression. Franklin Delano Roosevelt put together the New Deal and put together very specific, very stringent provisions dealing with banking and the safety and soundness of banks. Not just the safety and soundness in numbers but the safety and soundness with respect to perception of that safety and soundness.

They said we learned a lesson in the 1920s, and that lesson is we ought not merge and fuse together inherently risky items such as securities, real estate, insurance, and other things with banking, whose entire existence depends on the perception of safety and soundness.

Glass-Steagall and other legislative provisions were created that separated

traditional banking from the more risky enterprises. That existed for many decades until about 9 years ago when the Financial Modernization Act, as it was inappropriately named and led by Senator Gramm from Texas, was passed by the Congress. I was one of eight Senators to vote against it because it repealed the elements of the Glass-Steagall Act and created the opportunities for large financial holding companies to once again fuse and merge together banking with inherently risky enterprises of securities, real estate, and others.

I know they said: No, no, we are building firewalls. The firewalls, it turns out, are not very thick. We learned a lesson and forgot it.

Let me describe what happened. Once all of this happened, at the root in this country that deals with greed, we had investment banks, mortgage brokers, hedge funds, and mortgage banks, all of them up to their neck in cash, barrels full of cash they were making. Let me describe how they were doing it, and most people will understand this wreckage is not a surprise at all.

Here is what they were doing in this country: As the housing bubble was building, caused in part by easy money advertised to people who had bad credit, we saw bad loans put out there in what was called then—the new lexicon—subprime lending. Here is what Countrywide, the largest mortgage banker said:

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

Isn't that unbelievable? Countrywide doesn't exist anymore because it was bought by another firm before it went belly up.

It wasn't just Countrywide. Here is an ad I pulled off the Internet. It was running on television and radio. Millennium Mortgage:

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

Isn't that unbelievable? That is nothing compared to these kinds of advertisements, and most of us have heard them.

Zoom Credit, here is what it said:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

Is this business? No, this is insanity. This is not business. Zoom Credit: Your credit is in the tank, there is money in the bank for you.

On top of that, in addition to putting mortgages out to people who had bad credit, here is what they advertised: You want to get a loan with no documentation so you don't even have to

document your income, that is no problem. We will give you a no-doc loan. You don't have to document your loan. We will give you low-doc loan so you do minimum documentation of your income. By the way, you don't have to make any payments the first 12 months, or you can make payments the first 12 months and pay no principal or you can pay no principal and only partial interest. Unbelievable. All of these companies, shame on them. Unbelievable, unfettered greed making money by the barrel, leaving the rest of us with the financial wreckage that occurred.

Here is what happened. They put out all these bad mortgages, called subprime mortgages. They mixed them with good mortgages and securitized them because these days they securitize everything. They discovered these new exotic financial instruments and put them all together like sawdust and sausage, as they used to do, and put bad loans in with good loans. With all these loans, they put in prepayment penalties saying: We are going to stick you with a reset with a much higher interest rate despite the fact we did a teaser rate at the front end. And when the higher interest rate happens 3 months from now, you may not be able to pay it, but it doesn't matter. You can flip your property because you will make money. Home prices are going up.

So they put in prepayment penalties, and the prepayment penalties made these little securities seem like this was a sure thing and big money. The broker got the mortgage, got a big bonus, went to the mortgage companies—Countrywide and others. They securitized them and set them up in a hedge fund and moved them around the world.

Now they sit with these pieces of security, and they don't have the foggiest idea what is in them. All of a sudden, they go belly up. Mr. President, \$1 billion, \$10 billion, \$100 billion, \$1 trillion, and the carnage spreads across this country's economy.

Greed, unbelievable greed. This is all about making big money in a manner that defies good business sense, and even more, deliberate neglect by regulators in this town. This is no time for politics, but let me say this. At the start of this administration, regulators came to this town and served notice: It's a business-friendly place. Don't worry, be happy. We don't intend to regulate. One regulator in one agency said: It's a new day here, a new sheriff in town. This is a business-friendly place.

When the regulators decide they are not going to regulate, it is like taking the cop off the beat. Regulators represent the referee or the cop. I have used the referee analogy—a striped shirt and whistle, and they call the fouls. There have been no fouls here. When you have a mortgage company that says: You have bad credit, you have been bankrupt. You can't pay

your bills? Come to us. The regulator should say: What are you doing? They say: We want to give you a mortgage that has an unbelievably low rate, 1¼ percent and resets at 10 percent and you don't have to document your loan. We will make the first 12 payments for you. Unbelievable, in my judgment.

Regulators sat by and watched, and it has cost this country \$1 trillion as a result of the unfettered greed that moved across this country.

The fact is, Senator MCCAIN recently said the economy is fundamentally sound. It is not. What has happened here is the erosion of economic strength as a result of unbelievable greed with the subprime mortgage that has spread all over the country.

By the way, I mentioned that what took away Financial Modernization Act Glass-Steagall and the protections we put in place was Financial Modernization Act, also known as the Gramm-Leach-Bliley Act. That is Senator Phil Gramm who led the fight here to do that. I didn't vote with him. He is out still advising Senator MCCAIN on the economy.

Again, this is not about politics, but it is about what happened, how it happened, why it happened, and what we ought to do to make sure it doesn't happen again. We need effective regulators who decide they are going to do, in the interest of the American taxpayers, what they should do. We ought to go back and plug the loophole that was opened by Senator Gramm and others who said: You know what. Let's forget the lessons of the past. Let's let big holding companies gather up big financial enterprises and put them into one big sack, and they will run just fine.

They are not running just fine. They are undermining this country's economic strength.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has used 13 minutes.

Mr. DORGAN. Mr. President, I will say again, as I said when I started, this is no ordinary time. Our economy is in peril. We will recover. I hope the kinds of things that are being done by good people who are working 24 hours a day to try to deal with this wreckage will help our economy recover. We are a very strong country, and we have had some people who have undermined this country's economic strength, but I believe we will overcome it. But we won't overcome it unless we understand what happened, how it happened, and why it happened.

I say again, as I said yesterday on the floor of the Senate, this is not some mysterious illness for which we don't have a cure. It is pretty obvious what happened, and it is pretty obvious what we have to do to fix it.

I have been on the floor of the Senate talking for some years about this issue, about the unbelievable amount of leverage and the exotic financial instruments. Does anybody out there know

that we have some \$40 trillion in notional derivative values of credit default swaps? Most people who have them don't even know what they are. Most people didn't understand what kind of infection existed deep in these securitized issues that were being sold back and forth and everybody making money. They had no idea what was in them that was going to blow up at some point. And it has blown up with a significant force at this point that, so far, has cost the American people, by my calculation, up to \$1 trillion.

This ought to be an indelible lesson learned for this institution and for the American people. Greed must be constrained.

The market system is a wonderful system, but you must have a traffic cop on the beat. You must have regulators who regulate. When you begin to take apart things that were protecting this country, such as the Glass-Steagall Act, and promising all kinds of nirvana for tomorrow, when it comes apart, you need to go back and do it over again and do it right.

Mr. President, as I said, these are difficult days, and I want to end as I started. I don't want people who listen to this discussion to believe they should run to the bank and take their deposits out. Insured deposits in American banks are sound, and the American people should understand and not worry about that. That is very important. What we should worry about are the political calculations that led us to take apart the protections, such as Glass-Steagall and others, and second, the unfettered greed that was going on under the noses of regulators who came to this town in 2001 and who decided they didn't have any interest in regulating anything. Those are lessons we need to learn and learn well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

ENERGY

Mr. TESTER. Mr. President, I first wish to thank the Senator from North Dakota for his comments. I think it is particularly important, as we get the news day after day about what is going on in the financial markets of this country, that we don't panic. The fact is, I think the investments we have in our banks are secure. There is no doubt about that. But the truth is, we have gotten here by an administration that, quite honestly, has not done its job with commonsense oversight, and greed has stepped in. The bottom line is that it is costing the Government a lot of money—\$85 billion yesterday—to basically nationalize AIG. So I thank the Senator from North Dakota. I think his comments are on point.

Today, I want to talk about something that has been on our minds for some time and will be on our minds for some time; that is, the cost of energy. It is an incredibly pressing issue, and it is long past due for a commonsense en-

ergy policy with short-term and long-term solutions—critically important. America deserves no less, and Americans deserve no less. It is a matter of national and economic security.

Securing our energy future will free America from being held hostage by foreign producers, and quite honestly, most of them don't like us much—countries such as Russia, Venezuela, and Saudi Arabia. Renewable energy projects will generate good new jobs here in America while creating a sustainable energy supply at affordable prices for American consumers.

I have spoken many times on this floor about the need to drill for oil in places that make sense in this country. One of them in particular is a formation called the Bakken formation in eastern Montana. I have called on my colleagues to work together to crack down on oil speculators who artificially drive up the price of oil, and, of course, I have spoken about the need to conserve—the low-hanging fruit, conserve, conserve, conserve—and to invest in alternative and renewable energy for the future to make this country energy independent.

That is why I rise today. In Montana, several alternative energy projects have been held up by the Federal Government. Why? Because of too much redtape. And this administration has cut staff and resources just when we need them the most in the area of renewable energy. That is why I am introducing legislation, along with Senator FEINSTEIN, that will help get renewable energy projects approved faster. The measure will cut through the redtape that slows down too many of these innovative and important projects. My bill will make it easier for folks who are figuring out how to use new technology to solve the energy crisis while also cutting down on the emissions of greenhouse gases. It would also create as many as six renewable energy pilot project offices across the country to coordinate Federal permits for renewable energy projects and transmission lines with State governments.

This legislation is only a part of the puzzle, but it is a very important piece. In the 2005 Energy bill, we created an oil and gas pilot project to speed up onshore gas and oil exploration drilling, and it is working. If we had put the same focus on renewable energy that we have on oil and gas, we would be in a different spot today. And we won't run out of renewables as we will with oil.

I very much appreciate the work many of my colleagues have been doing to develop a bipartisan energy proposal, and I support their work. I call on the Senate to work together to pass commonsense solutions to this energy crisis. We can't put all our eggs in one basket energy-wise. Energy security will take a mix of solutions, and it is not going to happen overnight. But every day we delay is another day we continue to rely on foreign energy.

Mr. President, I yield the floor.

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

THE ECONOMY

Mr. DURBIN. Mr. President, yesterday evening, in room 219 just off the Senate Chamber, there was a historic meeting where Mr. Bernanke, Chairman of the Federal Reserve Board, and Mr. Paulson, Secretary of the Treasury, gathered at a large conference table with the leaders of both the House and the Senate, of both political parties. The information he gave us was serious, and we listened carefully as Mr. Bernanke explained that the Federal Reserve was about to loan \$85 billion to the largest insurance company in America—AIG.

Mr. Bernanke spelled out what would happen if AIG failed, which he believed was imminent, absent intervention by the Government; that this insurance company had 180 subsidiaries, a \$1 trillion operation, and the impact of its demise would be felt across America and around the world. He explained it is more than just an insurance company, it is a company that has insured many contracts, and if that insurance failed, it would call into question contractual obligations involving financial institutions and individuals across America.

It was very clear by the end of his explanation that we had few alternatives, few options other than to step in. Although I understand this to be unprecedented, it appears to be one of the few things we can do to stop AIG from collapsing and bringing down a large part of the American economy with it.

This, of course, comes on the heels of announcements earlier in the week that Lehman Brothers was going to fold. I understand a substantial portion of it may be taken over by Barclays, and I think that is a good thing, particularly for the 10,000 employees whose jobs may be preserved. We also heard that Merrill Lynch, one of the traditional giants on Wall Street, had to close down business and accept purchase by the Bank of America. That was a week after Fannie Mae and Freddie Mac, the two giants of the housing industry in America, reached a point where the Federal Government had to take over the responsibility for their future so that the housing market could be stabilized. And it was just a few weeks after that same administration stepped in to take over Bear Stearns.

This sequence of events has caused concern across America and around the world. I believe the response by the administration, at least through the Federal Reserve, is the best of the bad alternatives that were available to it. But it raises some extraordinary questions we have to face, and Congress has to accept the challenge these events present to us. The challenge was expressed by Mr. Bernanke last night

when I asked him: What can we do now to avoid further collapses of giant companies and institutions? He said: We have to step back and look at the whole system of regulation.

I think that was a very candid analysis because we know what has happened. The traditional basis for our financial dealings in America has been banks and other credit institutions, which are regulated by the Government. But in recent times, an additional credit world has emerged. It is a dark and shadowy world without the disclosure of these traditional institutions and with little or no regulation. It is that world which is coming down. It turns out that if these institutions are not carefully monitored, if there is not appropriate oversight and accountability, greed overtakes common sense, and that is what has happened. So many of these institutions are failing, and with their failure comes added responsibilities for taxpayers.

It is curious to me that when we reach these disastrous situations, it is the taxpayers—the average family in America—who need to ride to the rescue. It is their tax dollars that are going to keep these institutions afloat for some period of time. They didn't reap the profits of these institutions in their glory days, but now their tax dollars are sustaining the skeletons that are left so that there will at least be some continuity.

I think we need to step back and take an honest look at this and realize we have gone too far when it comes to this notion that we have to "get Government off our back." It turns out there are moments in history and there are situations where individuals, families, and even businesses alone cannot manage this economy. We need to have the American family—we need to have our Government that we have elected and chosen in a position of oversight to stop the excesses. We need to make sure we have agencies with the appropriate statutory authority to ask the right questions, to disclose the right information, and to stop wrongdoing. That has not happened, and that failure has led to the situation we see at this moment.

Senator MCCAIN and his inspiration, former Senator Phil Gramm of Texas, are part of the deregulation school—get Government out of the business of regulation. In fact, Senator MCCAIN prides himself on being a leader when it comes to deregulation. Well, it is that concept of deregulation that has brought us to this moment. We have to have appropriate regulation. I don't want the Government to go too far, but clearly, when the Government steps aside and says: Let 10,000 flowers bloom, let this economy emerge, let's see the miracle of capitalism, sadly, those miracles turn into tragedies, as they did over the last several weeks. We need to make sure we have agencies of Government doing the right thing.

In the darkest economic moment in American history—the Great Depres-

sion of the 1920s—it took a new President and a new way of thinking to turn America around and to get the economy back on its feet. That President, Franklin Roosevelt, came in and established Federal agencies that would demand accountability, and in return he said that we will stand behind the banks of America. It is a promise we have kept now for over 75 years.

Of course, there is regulation of financial institutions and there is also a guarantee that your deposits at your bank are going to be protected by the Government—the Federal Deposit Insurance Corporation. That is a good tradeoff. We will provide rescue if we can regulate. But currently we are coming to the rescue of unregulated entities for activities that the Government has had nothing to do with, and that has to change. We have to have accountability across the board in our economy. That is a critical element when it comes to the future. This Congress is not going to do it. The President is ending his term with only a few months left. He is not in a position to suggest major reform legislation in these closing months, and Congress is not in a position to pass it. But we have a responsibility in the new Congress to accept that challenge and to put in appropriate regulation.

The era of Phil Gramm deregulation is an era that has not only declined but fell over the last several weeks. That may have inspired JOHN MCCAIN years ago, but that cannot lead our country in the future. We have to have a much more honest appraisal that if the taxpayer dollars are going to be on the line to rescue these corporations, the Federal Government should have some oversight and demand accountability in the operation of these institutions before it reaches that point.

There is one other element that I think is important which we brought up in the meeting last night. Despite all this conversation about all the turmoil on Wall Street and all of the turmoil in our economy, there seems to be a hands-off attitude when it comes to the Americans facing mortgage foreclosure. What started this economic tumble was the subprime mortgage mess, where financial institutions were derelict in their responsibility, enticing people into mortgage debt way beyond their means, giving them these exotic financing packages which exploded when the ARMs reset, and now many of them are facing foreclosure.

This last August, we hit another record high in foreclosures—304,000 homes in some stage of default and 91,000 families losing their homes, according to RealtyTrac, an online marketer of foreclosed properties. I think this is the rot at the base of the economy, and when I have appealed to my colleagues in the Senate on the Republican side, the Secretary of the Treasury, and even the Chairman of the Federal Reserve, that we need to look at these mortgage foreclosures in a specific way to see how many of these

families, if given a reasonable opportunity, could stay in their homes, they have said: No, we don't want to put our hands on that; we have to let the market work its will. Well, we didn't let the market work its will with Bear Stearns. We came to their rescue. We didn't let the market work its will with Fannie Mae and Freddie Mac. We rescued them. We certainly didn't let the market work its will with AIG. We decided that for the good of our economy we had to step in. I believe those were reasonable efforts to stabilize our economy, but helping the families facing foreclosure is also reasonable. Now that our Government is taking over Fannie Mae and Freddie Mac, I think it ought to step in with a new policy when it comes to renegotiating the mortgages of people who are facing foreclosure.

I have had a proposal before the Senate, which was rejected on a largely partisan basis, which basically said that if you go into bankruptcy in foreclosure, the court will have a chance to rewrite the terms of your mortgage to keep you in your home. It is done now for investment property, vacation property, farms and ranches. But it does not apply to your primary residence, and that makes no sense whatsoever. I think the court ought to step back and say this family can make the payments they have made for the last 5 years and ought to be allowed to stay in their home as a result of it rather than foreclose the property. If the property is foreclosed, there are losers in every direction. First, the families are on the street; second, the financial institution; and then the neighborhoods and the community around them will see their property values go down because of the foreclosure.

If we want to staunch the bleeding going on at the base of our economy, it should start with those who are facing foreclosure. If we are coming to the rescue of major institutions, why do we turn our backs on the families facing foreclosure?

One of our colleagues in the meeting yesterday said we have to let the market find the bottom when it comes to foreclosure. We didn't let that happen with respect to giants. We shouldn't let it happen to families who deserve a second chance.

I yield the floor.

Mr. CORNYN. Mr. President, I ask unanimous consent that 20 minutes out of the allotted 30 minutes on this side be allotted to me and the remaining 10 minutes allotted to the Senator from Louisiana, Mr. VITTER.

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

DISASTER RELIEF

Mr. CORNYN. Mr. President, yesterday I had the chance, once again, to tour the devastated area in my State of Texas caused by Hurricane Ike, this time with the President of the United

States and the Secretary of Health and Human Services, Secretary Mike Levitt, along with David Paulson, the Administrator of the Federal Emergency Management Agency. It had been 2 days before that, on Sunday, that I had done the same thing in southeast Texas, in the Beaumont area, talking to the mayors and county judges in that afflicted part of the State, as well as having been to Galveston. Those two places, particularly Orange County and Galveston County, in the southeast part of our State, took the brunt of Hurricane Ike.

There are a lot of people hurting now in Texas. We have roughly 2 million people without power. Many people have left their homes under evacuation orders and do not know what the condition of their home is and certainly are dying to get back so they can assess where they are—whether they have been wiped out or whether there is something they will be able to rebuild, whether this is something from which they can recover.

At the same time, we know there are people who are in evacuation shelters set up by the Red Cross with FEMA's help, and others, where they are getting the necessities of life—food, water, and shelter. But these are the very same people who are eager to get back to their homes to see whether their houses are still standing, to see whether they can rebuild, as I say, or whether they are going to have to start from scratch.

The emergency response by the State of Texas, primarily the Governor and his team, as well as the leaders at the local level—county judges and the mayors—was about as good as I can imagine it could have been. Unfortunately, because of Hurricane Gustav, when it did not turn out to be as severe as many thought, and millions, literally, had evacuated, I don't think many people believed Ike was going to turn out to be as bad as it turned out to be. So many people hunkered down in place and did not take the advice of the local and State leadership to evacuate. Unfortunately, now they find themselves—roughly 2 million people—without power.

Yesterday, Mayor Thomas, in Galveston, pointed out that the toilets have not flushed since last Friday in Galveston. That not only presents an inconvenience and hardship, but it is also a public health hazard. We have many people who, yesterday, decided to give people a chance to look and leave. In other words, if they were worried about their home, give them a chance to come back on Galveston Island, check it out, and then leave because the air-conditioning, the refrigeration, the basic services provided by power were not available.

Unfortunately, if you saw, as I did, the entry and exit into Galveston Island, it was jammed with people wanting to come back under that look-and-leave policy. But the mayor decided, and I think wisely so, to suspend that because of the logjam.

In the worst of disasters, usually you find the greatest examples of the human spirit, neighbors helping neighbors. Faith-based organizations, for no other cause than serving their very basic mission, are out there making sure people are fed, making sure they are sheltered, doing everything they can to help people rebuild their lives.

We were fortunate in one sense that the storm was not as bad as originally predicted. At one point, there was an estimate that 125,000 homes would be lost; that the surge would reach up to 25 feet; that is, the water being pushed ahead of the storm would actually come all the way up the Houston Ship Channel and cause massive destruction and flooding and possibly loss of human life. While too many people did, in fact, lose their lives, fortunately it was not as bad as it could have been. Texans remember and history reminds us it was just 1900 when Galveston was hit by another hurricane where anywhere between 6,000 and 8,000 people died. Fortunately, the numbers were in the single digits in Texas. That is because of not only the preparation but because of modern building codes which created stronger houses for people who did decide to hunker down, and also because of the search-and-rescue operation conducted by the State and Federal authorities working together to try to get people out who had been trapped, literally, without electricity, without power, without gasoline. We were able to get many people out to safety in the shelters.

I think it is important for the people of this country to know that no matter who you are or where you live, we do have the systems in place both at the local and State level but also the Federal level to be of assistance to you if you need help. Of course, as I mentioned, many people are trapped, really, where they are. Maybe they went to a hotel. Maybe they went to a friend or relative's house.

Yesterday, the President announced the Federal Emergency Management Agency, the Federal Emergency Response Agency, had authorized people to basically stay in the hotel or motel, if that is where they are located, for up to 30 days while the power gets restored and while cleanup is ongoing and maybe downed power lines are removed. That ought to give people some relief, that they are not going to have to look for money they do not have just to be able to pay the bill to stay in place if they are in a hotel or motel for the next 30 days, if they come from the affected counties.

Because of the major disaster declaration that occurred, both public assistance in terms of helping to rebuild the affected areas in the State and also personal assistance is available through FEMA. We tried to announce the first step to the public yesterday. But, obviously, people do not have Internet access when their power is down. They do not have televisions to watch the announcements or maybe

even radios to be able to know what to do. But it is important for the public to know, and I think not just in the affected regions, that they need to register with FEMA, the Federal Emergency Management Agency, for personal assistance. That is the first step to getting back to their houses, making sure any damages are appropriately assessed, and making sure the affected people get the help they are entitled to under the law.

I would add, in addition to the Federal Emergency Management Agency's Web site and their 1-800 number, if my constituents will call any one of my offices, either here in Washington, DC, which we kept open 24-7 during the storm, and also any of my regional offices in Tyler, Dallas, Houston, San Antonio, Harlingen, Lubbock, or Austin, we will reach them and get them the help they need and to which they are entitled.

I have heard some rumors from the other side of the Capitol that Speaker PELOSI was talking about moving a stimulus package, a huge additional spending package of roughly \$50 billion, and there were going to be some provisions in it for disaster recovery and wild fires and other things.

I would welcome that with this caution: that we not allow politics and the opportunity to use this as a sort of Christmas tree for a bunch of bloated spending that is not necessary to restore people to their homes and to repair the damaged infrastructure; that this not be used as an occasion for politics. To me, the most cynical thing possibly that could happen in Congress is we look past the people in immediate need, and we look for political opportunities to perhaps spend the taxpayers' money on programs that would not otherwise pass because they are somehow bundled up with emergency spending for storm relief.

There is one other thing I learned in this disaster that I think is very important as we look at dealing with our energy crisis generally, with the high price of gasoline, and high price of oil, which, perhaps, is the No. 1 economic concern of the American people today. The gulf coast is indeed a laboratory of energy that supplies the daily needs of our country. When a big hurricane comes in, like this one did, of the 25 refineries—these are the places that actually make gasoline out of oil—representing more than one-quarter of the Nation's refining capacity, 17 of the 25 had to be taken offline because of the storm. In addition, nine different oil pipelines—these are the major oil pipelines that transmit oil from the gulf to various parts of the country—also had to be shut down because of Hurricane Ike. That is going to have an impact on America's oil and gas supply.

Hopefully, the first indications are going to prove to be true, and there were no major environmental spills or problems associated with this hurricane. To me, it was just another reminder of how much Congress needs to

remember that we cannot put all of the Nation's energy—or at least 25 percent of it—in one place. It is literally like putting all of our eggs in one basket. As the saying goes, if you put all your eggs in one basket, you better take care of that basket.

The fact is, as we look forward to hopefully removing the moratorium on Outer Continental Shelf drilling and exploration and production of oil and building of refineries at home so we have to depend less on imported energy from the Middle East, that we will remember the lessons of Hurricane Ike and Hurricane Gustav and Hurricane Katrina and Hurricane Rita.

Frankly, I think putting so much of our Nation's energy capacity in an area that is from time to time going to be affected by these natural disasters is something we ought to take note of and do something about. By producing the ability, or at least allowing the ability, for more exploration and development and building of pipelines, building of refineries in other parts of the country and, producing more at home, we, as we use less by conservation measures, can produce more American energy so we are less reliant on imported oil from the Middle East.

There have been a lot of interesting proposals being made. I want to caution my colleagues against some of the proposals that claim to do more about drilling but which in fact create further obstacles to further American oil exploration and drilling. As a matter of fact, one of the initial proposals we saw—I know this was in good faith. I am not questioning the good faith of the proponents. But the effect of it would actually be to raise taxes and diminish domestic oil production and actually limit energy exploration.

It is true, we would go from 85 to roughly 70 percent of the Outer Continental Shelf that would be available for drilling under this proposal, but what we would in effect be doing is putting a 60-vote barrier on going into that other 70 percent in the future. I do not know why, if we are willing to acknowledge the fact that modern drilling technology will allow for the exploration and production of oil in one place, such as the Outer Continental Shelf, why we would restrict it in other places on the Outer Continental Shelf, or developing the oil shale out West or perhaps even in the Arctic National Wildlife Refuge—in a 2,000-acre piece of frozen tundra in the middle of a 19 million-acre wildlife refuge—something that can be developed, I believe, in an environmentally responsible way.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes remaining.

DEFENSE AUTHORIZATION

Mr. CORNYN. I thank the Chair.

I want to move to another topic and say I am pleased that an amendment

which I have offered that will protect military voting rights has been apparently accepted as a part of the managers' package on the Defense authorization bill.

This is a provision which I offered last week and we had been unsuccessful getting a vote on that. But I am pleased that through negotiations in a bipartisan effort between the bill managers, Senator LEVIN, chairman of the Armed Services Committee, and Senator WARNER, the former chairman, who is the minority bill manager, that has been accepted as part of the managers' package.

The fact is, according to statistics compiled by the U.S. Election Assistance Commission, only 992,000 of the 6 million eligible military and overseas voters were able to request an absentee ballot for the 2006 election, and only 330,000 of those ballots were filled out and actually reached election officials.

That means, in other words, that only 5.5 percent of eligible military and overseas voters were able to fill out a ballot and mail it in and have it counted. To me that is a scandalous statistic, one I am glad that this body, in a bipartisan fashion, is going to respond to and say "no more."

We are going to deal with this issue in a way that makes sure that the ballot of those who are fighting, deployed in very dangerous places, is going to count as much as our ballots here in the continental United States.

CONSTITUTION DAY 2008

Mr. CORNYN. I have some remarks, this being Constitution Day, that I want to make in closing. It was 221 years ago today when the delegates of the Constitutional Convention in Philadelphia completed their work; 39 of them signed it and gave us the very Government we have come to know, we have come to love, and, sometimes, there are those who say they have come to loathe it.

But today, we celebrate the very fact that we live in a country where people have the freedom of speech, that we have our political rights to petition Government, where Government's power is acknowledged to come from the governed, "we the People" as Lincoln said, "Government of the people, by the people and for the people." It is not the decision of a small group of people here in Washington, DC that somehow has to be fed to us like castor oil and we have to take it. This literally is a government of the people representing all 300 million of us who live in this country that was created that day by that Constitution.

Mr. President, it was on this day, September 17, 1787, that the delegates to the Constitutional Convention in Philadelphia completed their work. Thirty-nine of them signed the U.S. Constitution, setting up the government system that we have come to know, love, and sometimes loathe.

As Senators, we have sworn an oath to protect and defend the Constitution

of the United States. This is a duty and a responsibility that does not discriminate based on our party ideology. Still, it is our mutual love for and defense of the Constitution that often provokes our most vigorous debates in this chamber. This spirited debate is vital to liberty and the continued survival of our Nation.

If you read Madison's notes from the Constitutional Convention, you will see that the delegates themselves engaged in a lively debate about how to best implement the principles of liberty, equality, and justice established in the Declaration of Independence. Years later, during the jubilee celebration of the Constitution, John Quincy Adams said, "The Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government."

With population growth, increasing diversity, agricultural and economic development and massive technological advancement, our Nation has changed tremendously in the 221 years since the Constitution was signed. Yet, despite these changes, there remains a fundamental consistency in human nature.

James Madison expressed it best in the *Federalist Papers*, Number 51: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

You see, we are indebted to the Founding Fathers for their wisdom and foresight. They understood that human nature would be unlikely to change, and that 18th century and contemporary American policymakers would be pressured to promote policy solutions that may not serve the public interest.

According to Madison, "Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. . . . These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations."

Madison was concerned about the effect of special interest groups on the policy process. In *Federalist 10* he wrote, "The latent causes of faction

are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. . . ."

"So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government."

In a pure democracy, Madison argues, "A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. . . . Such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions."

Since it is impossible to force everyone to share the same opinion and intensity of opinion, Madison seeks to control the effects of factions by creating a republican form of government.

"The two great points of difference between a democracy and a republic are," he writes, "First, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended".

"The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.

Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people".

Madison was skeptical that elected representatives would always act in the public interest. "Enlightened statesmen will not always be at the helm," he wrote in *Federalist 10*.

Today, we have only to see the parade of huge spending bills that find their way to the floor to know that it is a herculean task to whet, much less control the appetites of the hundreds of organized interest groups who want their piece of the federal pie made with tax dollars collected from hard working American families.

The entitlement mentality of many of these organized groups, many of which cannot lay claim to a substantial number of members, has pressured an all too receptive Congress to grow the size of government, increase spending to new heights, while we ignore insolvency of large entitlement programs like Medicare and Social Security, and hope that our children and grandchildren will bail us out for our bad decisions.

In their wisdom, the Founding Fathers wrote a Constitution that establishes a system of separate institutions that share policymaking and political power. This was a clear effort to control the effects of factions and to guard against despotic rulers.

The public elections established by the Constitution encourage the electorate to select their representatives wisely.

For those of us privileged to be elected by the people, we have a sworn obligation to protect and defend the Constitution and to show ourselves worthy of this great trust.

On any given day, not just anniversary dates like today, it is something we ought to think more about.

I see my colleague from Louisiana here. I am going to yield the rest of our time that we have in morning business to him.

THE PRESIDING OFFICER (MR. NELSON of Nebraska.) The Senator from Louisiana is recognized.

ENERGY

MR. VITTER. Mr. President, I stand to join with all other Senators, in fact, to join with all the American people, in offering our strong support for all of the hurricane victims Senator CORNYN talked about.

In fact, there is enormous devastation, enormous loss and continuing suffering in those parts of the country,

particularly in southeast Texas, hit hard by Ike, following right on the heels of Hurricane Gustav. Our hearts go out to all of those folks. Our best wishes, our prayers are with them and our intent and focus here in Congress to meet their basic needs, their key needs, is here as well.

Representing Louisiana, of course, I have spent most of the last 3 weeks touring Louisiana and looking at hurricane damage there. Of course we were first hit by Hurricane Gustav, which had enormous winds, caused major power outages, significant wind damage in many parts of the State. And then right on the heels of that came Hurricane Ike. While Hurricane Ike slammed into southeast Texas, it pushed floodwaters in the Gulf all through coastal Louisiana, from the western edge at the Texas border all the way to the eastern edge, Plaquemines Parish, where Louisiana meets Mississippi.

We are still struggling with those challenges. But again, I want to acknowledge the even greater suffering, the even greater devastation that others face from Hurricane Ike, particularly folks in Galveston and southeast Texas. Our hearts and prayers go out to them and our commitment to help in every reasonable way possible goes out to them as well. I trust Congress will act on that key priority as those folks face a true moment of crisis and extreme need.

As we act in that regard in the next couple of weeks, I also hope we notice something Senator CORNYN mentioned, that part of our country, the gulf coast, the Gulf of Mexico, particularly the western gulf, is enormously vital in terms of meeting our nation's energy needs. We are proud to offer that service to the Nation. We have a long, storied tradition in terms of that. We are very proud of that tradition. We want it to continue. But, quite frankly, we do not want to continue to be the only part of the country that meets our Nation's energy needs right here at home. We need to expand that activity. We need to bring that same activity to other parts of the country, diversify, if you will, have more activity and more places so we are not so singularly vulnerable to gulf hurricanes and storms as we are now, as we have lived through with the experiences of Katrina and then Rita, and now Gustav and now Ike.

So as this Congress responds to the immediate needs of hurricane victims in southeast Texas in the gulf coast, including Louisiana, I hope we also continue to focus and start acting on energy, and what remains a top priority for all of America.

I know there is a great rush to get out of here for the elections. I know the leadership is pushing to adjourn for the elections as early as the end of next week. But before we do that, we need to address the Nation's business. We need to pass immediate relief for suffering hurricane victims, and we

need to act, not just talk, not just debate, certainly not fight or finger-point, but act on energy. Even in that limited time period, I believe we can do all of those things in a substantial way.

With regard to developing an aggressive national energy plan, I have four key priorities, and all of those priorities, I believe, are absolutely achievable, even in that very tight timeframe.

No. 1, we must lift the current moratorium on offshore oil and gas production. The American people have spoken in a clear and resounding way. They think that current moratorium is crazy. They think we are nuts to take 85 percent or more of our domestic energy resources off the table, not allow energy companies and producers to access or touch them.

The way you change that is lifting the current moratorium under Federal law. Now, as we all know, that does not take action by Congress, it simply takes inaction by Congress. We need to make sure that that moratorium, which expires on its own October 1, is not renewed.

I urge all of my colleagues, Democratic and Republican, to listen to the clear, crystal clear, clarion call of the American people: Do not extend that moratorium. We cannot put that moratorium in any continuing law such as a continuing resolution. We must lift that moratorium and allow the American people to access their own energy resources right here at home.

No. 2, I think we should match aggressive action in that regard with aggressive action with regard to new forms of energy, including renewables. And the most significant, quickest thing we can do with regard to that is pass the major tax incentives that virtually all of us support with regard to new technology, new forms of energy, renewables.

As we all know, that robust package of tax incentives is a major component of the so-called tax extenders bill. We need to come together around a bipartisan version of that tax package, including those important incentives for new technology and renewable energy and pass that into law.

Again, even in this very tight timeframe in which we operate, we can do that. We must do that. We must act for the American people.

Third, I believe we should pass revenue sharing for offshore production to create an incentive for more States to get into that business. As we lift the moratorium, as we open up all of our offshore to potential energy production, we should give participating States an incentive. And that powerful incentive would be royalty sharing, revenue sharing, so they get 37.5 percent of the royalties produced from offshore production.

We set that policy, we set that precedent 2 years ago, with regard to new production in the Gulf of Mexico. We should expand that precedent. We

should expand that policy as we allow and encourage offshore production in all parts of the country: the western gulf, the east coast, the west coast, and elsewhere.

Finally, let me end with a fourth key point. My fourth key priority is something that is very important. It is not something we should do, it is something we should not do. If we are serious about domestic energy production, if we are serious about energy independence, getting away from our reliance on foreign sources, we should not raise taxes on domestic energy production.

The first rule of economics is that if you want more of something, you do not tax it. Because when you tax something, you get less of it, not more. I urge my colleagues, Democrats and Republicans, not to increase taxes in a significant way on domestic energy production. We want more domestic energy production, we do not want less. So it is simple economics that we do not tax what we want more of in a more onerous way because that will produce less of it.

This is not an economics theory, this is history and practice. This is our experience. President Jimmy Carter passed a windfall profits tax during his tenure as President. What did that produce? It produced exactly what one might expect, less domestic production, less energy.

The proposals that are being floated now with regard to section 199 and other energy tax provisions are a windfall profits tax by another name. They will have precisely the same effect. They will drive down domestic energy production when we want to drive it up. They will discourage activity at home in the energy sector when we want to encourage and expand it. It simply does not make any sense.

So I urge us not just to talk, not just to debate, certainly not to argue and finger-point and play partisan politics. I urge us to act. I urge us to come together in a bipartisan, responsible way and act as the American people want us to act.

They support hurricane victims in East Texas and elsewhere who are devastated by these storms, and we should support those victims too through concrete, responsible action. The American people support energy independence. They support doing more for ourselves right here in this country with regard to energy. We should reflect their wisdom and act in that regard as well.

Specifically with regard to the four points I mentioned, No. 1, we must ensure that the current moratorium on offshore production is lifted, that it is not renewed. All we have to do there is let the moratorium expire and not renew it.

No. 2, we need to encourage new technology, renewables, through a robust set of tax incentives in the tax bill. We need to pass that and do it now. We need to act.

No. 3, we must create an incentive for more States to get into the business of offshore oil and gas production through revenue sharing. We must expand that policy which we started 2 years ago in new production in the gulf.

No. 4, the last thing we should do if we want to increase domestic energy production is tax it at higher and higher rates. Let us not pass a new windfall profits tax by another name. Let us not discourage the domestic energy sector and discourage domestic energy production, when we all profess that we want to do the opposite.

I will be fighting for these four key priorities. We can accomplish all of them in the next 10 days. Let us show the American people we do get it, that we are responsible, that we can come together and work together, and that we can act in positive ways for their benefit.

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

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

Mr. NELSON of Florida. Mr. President, I want to bring to the attention of the Senate a little known fact, as the clock continues to tick for us to take up drilling legislation off the Outer Continental Shelf, in particular, the proposal that has been cast by the so-called Gang of 10 as a compromise, which is looking at a comprehensive approach, which I applaud, that includes revenues. But it also includes tax incentives for alternative fuels and so forth.

The part the two Senators from Florida extremely object to is the fact of intruding in the military mission, the only testing and training area that is the largest for our U.S. Department of Defense, and all other agencies, including for classified and black programs that go on for testing and evaluation in this training range.

But what is particularly egregious is that in opening up all of that area that is now closed pursuant to the statute we passed 2 years ago, the 2006 statute—that we closed all of that area to drilling because of the military—in the opening of that area, and in the so-called giving of revenue to the adjacent State—in this case Florida—well, lo and behold, all the revenue allocated to the State does not go to the State of Florida, even though it is the waters of the Gulf of Mexico off of the State of Florida.

What happens in the complicated formula that is there is that 10 percent of

all the revenues from the leasing of Federal lands for oil and gas production goes to each State on the gulf. That would include Texas, Louisiana, Mississippi, and Alabama. In other words, the revenue does not go to the State of Florida, even though it is off the coast of Florida. Forty percent of that State revenue due to the State would go to the other States instead of Florida.

That is simply not fair. When I explain that to Senators, they are surprised, and in some cases aghast, because common sense would tell you it is not fair. That is another reason this Senator has put his foot down that we are not going to let Florida, nor the Department of Defense, be the sacrificial lamb for some kind of proposal so people can say we are drilling out there.

I want to drill. I want to drill offshore. But I want to drill where it makes sense. The formula that has been concocted certainly does not make sense.

Mr. 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.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business.

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

HURRICANE IKE

Mrs. HUTCHISON. Mr. President, I rise today to speak about the devastation inflicted by Hurricane Ike. It is the worst hurricane to hit Texas in almost 50 years and probably the fourth costliest hurricane of all time.

Last week, when Hurricane Ike entered the Gulf of Mexico and started moving toward Texas, State, local, and Federal officials came together and moved into action. We had reason to fear the worst. In the year 1900, the island of Galveston was destroyed by a hurricane that claimed over 6,000 lives, the deadliest natural disaster in U.S. history. I was born on Galveston Island. I was raised in Galveston County. When I was growing up, I heard stories about 1900. There have been books written about that hurricane of 1900. And we also faced on a yearly basis hurricane warnings. Of course, some of them hit.

While preparing for this storm, the people of Texas had fresh memories from Hurricane Rita, another violent hurricane that came ashore around Sabine Pass in 2005. While Hurricane Rita only caused seven direct fatalities, the evacuation and recovery efforts along the gulf coast were not without difficulties, and for that rea-

son, everyone who could possibly be helpful in this wanted to improve the emergency preparedness in advance of the next storm.

So in the days leading up to Hurricane Ike, Texas was prepared. Over 1 million Texans successfully evacuated from their homes. However, when the skies cleared on Saturday afternoon, it was clear that Hurricane Ike had caused an appalling amount of property damage. From the early estimates, the cost of Hurricane Ike could reach almost \$30 billion. Forty-nine people are now confirmed dead. That number will surely rise. Thousands are homeless. Many communities remain under water and are completely inaccessible due to the significant amount of debris. Yesterday, 2.2 million Texans still lacked electricity. Emergency workers are struggling to distribute food, water, and ice. Offshore oil platforms are damaged and many refineries are without electricity. So it is likely that before the region's oil and gas industry return to capacity, we will see some shortages in gasoline and, therefore, some higher prices.

Gulf refineries and ports are the source of 50 percent of the fuel and crude used in the eastern half of the United States. Disruption of that infrastructure underscores the urgent need for us to expand refinery capacity. Indeed, we need to expand our entire energy supply so that America's economy is never undermined by acts of nature or foreign adversaries.

On Sunday, I joined with Senator JOHN CORNYN, my colleague, and the Secretary of Homeland Security, Michael Chertoff, and many members of our congressional delegation to survey the hardest-hit regions. We came to listen to the concerns raised by the mayors and the county judges, after we had been on the telephone with them for the 4 days before, trying to determine that people were as prepared as they could be in an instance such as this and, of course, we wanted to try to correct any concerns that had been raised. Some were raised. I will say that the mayors of our cities and the county judges have done a terrific job of representing their constituents at the local level. I met with Mayor Bill White of Houston, Mayor Lyda Ann Thomas from Galveston, Harris County Judge Ed Emmett, I talked on the phone with the mayor of Port Arthur, Beaumont, the county judge of Orange County, trying to help in every way we could from the Federal level.

Yesterday, I joined with the members of the Texas delegation who were here. Many were still in Houston touring with the President to see the damage and determine what more could be done. I talked to Senator LANDRIEU and Senator VITTER yesterday about their concerns about Hurricane Ike which hit them very hard. We all know Louisiana has suffered so much in the last few years with Hurricanes Katrina and Rita. Texas joined them in suffering from the evacuees in Katrina and then

Rita, and now we have Ike. We jointly must have the support of all of our colleagues in Congress to help our constituents. We are working together—our Texas delegation, our Louisiana delegation—to have a supplemental appropriation so that FEMA will be fully funded to address the concerns.

The Corps of Engineers will have repairs to make throughout the gulf coast. There are shelters that are going to be needed for families who have nothing to go back to. As I passed over Bolivar Peninsula and I saw what used to be a wonderful group of homes on stilts, today they are stilts. The homes are completely gone—completely gone—as if there was never anything there but sticks. It was amazing to me because I have been there so many times and seen these communities. So we are going to come together and we are going to help the people who have been afflicted.

I wish to speak for a moment about the people of Texas. We are known, I guess, around the country for being a hearty bunch and usually a happy bunch and always resilient. We have a great spirit in Texas. I never have seen it any more so than right now. Colleagues in Galveston and Bolivar Peninsula, Port Arthur, Beaumont, Orange, Harris County, Houston, many are down because they have not been able to get back in to see their homes. On Galveston Island the health conditions are so bad that they are not letting people come back on the island, so people have not even seen their homes. They are very frustrated.

But the generous spirit of Texans is surrounding those who are afflicted. The spirit, the pride, the resilience is there. I have seen our citizens do everything they can on a personal level. One of my regional directors of Harris County, Jason Fuller, has 12 Texans living with him right now, including three new dogs and a cat. He is doing his part on a personal level. He is also going out to the shelters and representing our constituents and trying to make sure that the points of distribution are open, things he can do. Some communities that don't have power organized block parties and they are having barbeques and cookouts because they have no electricity in their homes. Local churches, the Baptist Men, the Second Baptist Church in Houston has an incredible outpouring. The local churches are providing staff support. Volunteers are distributing the water and ice and food to surrounding communities. There are so many good things happening. Neighbors are coming together to help neighbors.

I wish to ask my colleagues to help us. Because we do have an emergency disaster bill coming through for many areas of the Midwest that have suffered from previous disasters, I am going to ask, along with my colleague JOHN CORNYN and my colleagues MARY LANDRIEU and DAVID VITTER that we be included in this. We don't have the

exact assessments yet, but we know it is going to be big. We know we have given for Katrina. We have given to other disasters. What we ask is to be treated in the same way so we can recover and get our economies going again, get our jobs going again, get our schools open, which are not yet done in many parts of our State, so that we can recover, clean up, and begin contributing again to the economy as we have done so much in the past.

I thank my colleagues for listening. My heart goes out to my constituents who are suffering right now in Texas. I am going to stay in constant contact with them. I wish to say particularly how much I appreciate our Secretary of Homeland Security who has so many responsibilities, who has already been to Texas and Louisiana once, who is going back today as we speak, and will be there to try to solve any problems that have arisen. As well prepared as we were, there were things that had not been done. Some lack of coordination has occurred. He is going down there personally to try to fix that. We appreciate that very much and we want to work with him hand in hand to assure that our communities get up and going and that my beloved Galveston Island will once again be able to bring in tourists because of its beauty and its historic value, its ports and its beautiful beaches. I am going to work tirelessly to make sure that happens, along with all of the other areas of our coast that have been damaged.

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

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

The bill clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. REID. Mr. President, last night, just a short ways off the Senate Chamber, I met with Chairman Bernanke, Secretary Paulson, and others. The meeting came at the request of the administration. These two men expressed their views on the deepening economic turmoil and laid out a plan that has now been reported in the media this morning.

AIG, arguably the largest insurance company in the world, was in the process of going bankrupt. The deadline was 8 o'clock last night. The board of directors met to see if they would accept the offer made by the Federal Government to attempt to save parts of the company. Obviously, the meeting ended with the board of directors approving the bailout. The Secretary and the Chairman promised to provide more details of their plans in the near future, which I believe must address the broader underlying structural issues in the financial markets.

I just completed a press conference with a number of other Senators, and the press was asking question after question: What is the Senate going to do? The answer is very clear: This is a multitrillion dollar problem which has been ongoing for a long time. We are going to have to get some committee hearings underway, which is why we are not going to adjourn. We will be in pro forma session so committees can still meet, though we won't have any activities here on the floor as relates to these markets.

Secretary Paulson has said this will have to take place in the next administration because there is so much to be determined in the direction we need to go. They gave every impression, these two good men, that they are attempting to do the best they can to understand America's financial institutions and the problems with them. But the good intentions of these two decent men cannot escape the reality that the Bush administration's willful neglect of oversight and an overzealous embrace of big business are directly responsible for the crisis we now face.

The most important job of our country is to safeguard the American people from physical and financial harm. This was the role of the great Franklin Roosevelt. That is the role of any President. But it seems this President has focused only on protecting us from physical harm. The financial harm needs to be part of the duties of the President. When it comes to the financial sector, this means ensuring that institutions do not impose systematic risks on the entire system because of the ripple effect that can have on our economy.

Democrats and Republicans who have served before our current President have all understood that providing oversight—oversight of everything but also of our financial sector—is not somehow anticapitalistic. Just the opposite—it helps capitalism flourish. But that all changed with George Bush and DICK CHENEY. When they came to power, there was no more oversight. They are such devout followers of the top-down, big-business-first, Herbert Hoover approach to the economy that they see any oversight as a threat to their greed. They put cronies and ideologues in charge of the most critical agencies, including the Justice Department. Alberto Gonzales is the poster child of that, hiring people who only graduated from certain select religious universities. I repeat, they put cronies and ideologues in charge of our most critical regulatory agencies, who ensured that special interests would always come before the common good. They refused to exercise their regulatory authority over the mortgage industry, allowing massive fraud and widespread predatory lending.

Now, what is predatory lending? Look it up in the dictionary. I did. It is the practice of preying on borrowers with deceptive, dishonest loan offers. This paved the way for the largest

mortgage crisis in American history—a bigger crisis than during the Great Depression. And the reason for that is the great work done by President Roosevelt and the New Deal and the work done by President Johnson with the great things he did so people could buy homes. So of course more people own homes now than then. Republicans, though, continued to ignore the problem long after the extent of the plundering and pillaging of the mortgage market became widely known.

I have a friend, Mr. President. I have known him a long time. We did work together. His name is Joe Alioto, Jr. His father was a famous lawyer and mayor of San Francisco. In my estimation, Joe Alioto, Jr., is one of the most legal scholars and the finest antitrust lawyer in the country—doing plaintiffs work, not defense work. He has done some great things to help our society. He is so concerned about what has happened these past 8 years. The Justice Department has not touched these economic conspiracies going on. They have ignored it. It has to change.

Mr. President, talking about regulation, remember last Christmas? It started around this time, a couple weeks from now. What were people concerned about? Kids getting sick and dying from toys. Why? Because 80 percent of our toys are manufactured in other places, most of them in China.

We discovered, during that period of time, that the Bush administration, in their zealousness to do away with regulation—they hate oversight so much that the Consumer Product Safety Commission had literally one man in a cubbyhole, a windowless cubbyhole, in charge of testing every toy in America for the safety of our children. Our children were not protected by a team of engineers or by consumer experts but by a single employee who could do little more than to drop a toy from his desk on the floor to see if it would break. And that is the truth.

The financial turmoil we are now seeing is a direct outcome of the irresponsible Bush-Cheney approach to governing—which, by the way, JOHN MCCAIN has supported every step of the way. As he said day before yesterday: The fundamentals of this economy are strong.

There is a cartoon today running in the Las Vegas Sun newspaper. The cartoon is by syndicated columnist Mike Smith. You see all his cartoons in all the newspapers and magazines in the country. It shows a ship in the ocean. Three-quarters of it is underwater, but the caption is: The hull is fundamentally strong.

This administration's fervor to favor big business has crippled the very big companies they sought to strengthen, and now the American consumer is the one hurt the most. When the history books are written, they will show that while Bush and CHENEY were giving away the keys to the castle to big business, Democrats in Congress were trying to restore fiscal sanity.

In 2000, Senator Paul Sarbanes of Maryland, a senior Democrat on the Banking Committee and one of America's all-time great Senators, introduced the Predatory Lending Consumer Protection Act to restrict abusive lending practices. The same year, Senator SCHUMER introduced the Predatory Lending Consumer Protection Act. In 2002, Senator Sarbanes reintroduced his bill.

When we came with the rewrite of the bankruptcy law, Senator DURBIN offered an amendment to say, if you have predatory lending practices you cannot recover that matter in Bankruptcy Court. That was defeated by the Republicans by one vote.

In 2004, Senator Sarbanes and the current chairman of the Banking Committee, Senator DODD, called on the Federal Reserve to take action on alternative mortgages. Senator DODD called them a "nightmare" for low-income Americans—4 years ago.

In 2005, the House of Representatives passed bipartisan legislation to reform the regulation of government-sponsored enterprises such as Fannie Mae and Freddie Mac. After passing the House 331 to 90, the Democratic minority in the Senate tried to pass it but were blocked by the White House and Senate Republicans. This was one of the many Republicans have put out.

Representative Mike Oxley, one-time chairman of the House Banking Committee and a devout Republican, brought this legislation to the White House. As he put it, these are his words, the administration gave the legislation the "one-finger salute."

In February 2008 Senate Democrats introduced the Foreclosure Prevention Act, which was blocked by Senate Republicans after a veto threat from the White House. This is one of the Republicans' 94 filibusters in the last 20 months.

In June 2008 the White House threatened to veto the Federal Housing Finance Regulatory Reform Act, which would have improved oversight of Fannie and Freddie. The reason for the veto threat is here. This is what they said—they didn't want to help communities struggling with foreclosed properties. That is what I said, not what they said, but that is what it boiled down to. They wanted the market to take care of it.

If the President had signed that bill this past June, we perhaps could have saved billions—I won't say "perhaps." We would have saved billions we will now have to spend to bail out Fannie and Freddie. In every one of these instances, Democrats saw the storm clouds gathering and attempted to pass legislation that could have steered our course away from the crisis we now face. But every time the White House and Senate Republicans chose to continue along their irresponsible path. Think about how irresponsible this is.

Even this year, with the housing market fully in turmoil and crisis, Republicans broke all Senate records by

filibustering the housing bill—not once, not twice, not three times, not four times, not five times, not six times—seven times. Every day the Republicans blocked us from finally passing housing legislation at least 9,000 Americans went into foreclosure. People in Pennsylvania, people in Maryland, all over this great country, went into foreclosure. During the Republicans' seven-time filibusters more than 160,000 homes went into foreclosure.

When Republicans had a chance to help, they wanted the status quo. One thing has happened here the last few weeks. Republicans can no longer have the status quo. That is gone. They tried for almost 8 years to maintain the status quo, and it is not going to be the status quo anymore. After 8 years of a failed approach, President Bush is ready to leave office and have the financial nightmare given to the next President. President Bush's preferred candidate is a disciple of the Bush-Cheney school of economics. If there is any doubt about it, just look to the man JOHN MCCAIN hired to tell him what to say on this economy, former Senator Phil Gramm.

This is the same Phil Gramm who pushed through legislation that allowed firms such as Enron to avoid regulation and destroy the life savings of its employees and now allows Wall Street traders today to bid up the price of oil without oversight, leaving us the bill to pay—and some bill it is to pay.

An eminent economist at the University of Texas, James Galbraith, said Gramm was "the most aggressive advocate of every predatory and rapacious element the financial sector has. . . . He's a sorcerer's apprentice of instability and disaster in the financial system."

Warren Buffett, one of the richest men in the world, called the result of Gramm's legislation "weapons of mass destruction."

I don't know about you, but after all that has gone on in the financial sector, the last person I want whispering in the ear of the next President of the United States is the chief architect and No. 1 cheerleader for the elimination of responsible oversight.

My office received a call: I don't know if you should say anything about Senator Gramm because there was something called the Gramm-Leach-Bliley Act that said one holding company could own more than one financial services company. They said you better look how you voted.

I voted against that bill. I remember very clearly. I was the person handling this floor during that period of time for Senator Daschle. I voted against that bill. We took that matter to conference, and we improved the bill in conference. The main issue at that time, for we Democrats, was they were red-lining people. The banks would just red-line places. They wouldn't make loans outside of a certain area.

It happened in Pennsylvania. The Presiding Officer is aware of that. We

spent a lot of time trying to change that. Did we get everything we wanted? No, we didn't. But it came back from conference, and it passed by an overwhelming vote. I voted against the bill. But the main point of that legislation is that it still allowed regulation. It didn't say the regulators could no longer regulate. The problem is regulators, during that period of time, had been asleep at the switch. They have not enforced what is on the books, and that should be the focus: that McCain's philosophy and Bush's philosophy are the same.

I am going to continue talking about the fact this man, JOHN MCCAIN, is taking a lot of advice from a person who eminent economists and business people say has been a disaster for our economy.

After 8 years of this failed approach, we have what we have. On Monday, with one major investment bank headed for bankruptcy, another sold at a bargain price to avoid the same fate, tens of thousands of people losing their jobs, and one of the largest insurance companies teetering, JOHN MCCAIN declared that the fundamentals of the economy are strong.

The straight talk express is really in bad shape. This vehicle has fenders ripped off of it. There are very few seats left inside it. It hit another big wall on Monday, hit another big wall on Tuesday, and today it hit another big wall. The wall today is that JOHN MCCAIN said today—this just came out in the Associated Press—he said today the reason for all this stuff is lack of good regulation.

How in the world could the straight talk express say that? I think that is one reason I am not sure the straight talk express is even running after the last three collisions. It is in very bad shape. But yesterday even JOHN MCCAIN finally acknowledged what everyone else already knew. I guess he no longer thought the fundamentals of the economy were great, as he said a day or so before that. What he said is the economy is broken. That is some switch, isn't it—from being sound fundamentally to broken? But who does MCCAIN think broke it? Was it George Bush, DICK CHENEY, Phil Gramm, MCCAIN's own Republican Congress?

The economy is not going to turn around overnight. We can't snap our fingers or pass a bill and expect the problems to be solved instantly. We were told that last night by Chairman Bernanke and Secretary Paulson. This whole situation is not going to be easy. It is going to take bipartisan cooperation. I know for certain we are not going to fix our economy with a candidate who only yesterday woke up and realized there is a problem.

Last month, 606,000 jobs were lost. I don't know how many will be lost this month. I know Hewlett-Packard gave it a good start by laying off 25,000 people yesterday. I don't know how many people lost their jobs with Lehman Brothers. I don't know how many peo-

ple are going to lose their jobs with AIG.

I would like for once this administration to come to me with a problem that they would like to help us work on to help the middle class. They come to us all the time to bail out that big company or that big company or that big company or this big conglomerate. But where are they for emergency meetings to help people who can't afford gas or health insurance or can't afford to keep their kids in college?

We are paying record prices for gas, groceries, health care. That didn't happen yesterday. Millions of families are losing their homes to foreclosure or seeing their home equity disappear. That didn't happen yesterday.

Monday's MCCAIN said our economy is strong. Tuesday's MCCAIN said our economy is broken. Wednesday's MCCAIN said it is because of lack of regulation. Try to figure that out. This is the straight talk express which is broken and in bad shape, and he can't find passengers anymore.

Perhaps today's MCCAIN will explain how a candidate who spent 30 years in Washington siding with Wall Street over Main Street, who changed his view on the economy 180 degrees in 24 hours—I think he is running into himself—is prepared to lead us on the road to economic recovery? I don't think he is.

The extraordinary economic challenges we now face demand leadership and a new approach. The Senate will continue to listen intently to any proposal the administration offers, but we know the real change we need will come only when we have a President who will act as a guardian for the American people—not only their physical protection but their fiscal protection—rather than as a guarantor for the titans of Wall Street.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank the majority leader for his comments. I agree completely with him that the circumstances have reached a point that we need to change direction, and we need leadership that will move us from the policies of the past to deal with the economic problems that we currently confront.

Mr. President, I ask unanimous consent I can proceed as in morning business.

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

Mr. CARDIN. Mr. President, the problems we have been talking about on Main Street America have reached Wall Street. I have taken the opportunity to speak on the floor on several occasions about the fact that the problems homeowners were facing in losing their homes in foreclosure were not just the problems of those particular homeowners, that it affects each and every one of us, that it was a housing crisis in America that would affect our entire economy. I talked about the fact that we have an obligation to try to do something to help.

Foreclosure rates are now at historically high levels. In August of this year, there were over 300,000 foreclosures in America. In my own State of Maryland, we have had over 3,000 foreclosures each and every month. Maryland is normally a quiet State. Homeowners are wondering whether they are going to be able to hold on to their homes. Homeowners have suffered from a significant reduction in property values. All homeowners have suffered through this. When there is a foreclosure in a neighborhood, it affects every house in that community.

The real estate industry is suffering through declining home sales. We know the numbers are dramatically lower. We know what that means as far as the economy is concerned. Housing starts are at their 17-year low.

We know the impact these economic conditions are having on middle-income families. Their wages have been stagnant—in fact, in real terms, have fallen—and yet their needs have increased; the high cost of energy, the high cost of health care, the cost of trying to afford a college education for their children, even affording their food budget. So we know middle-income families are hurting. We know Main Street is hurting.

But now we see that these problems have gone to Wall Street. We learned a few months ago about Bear Stearns and that the Government had to come to the rescue of Bear Stearns in order to make sure the jitters on Wall Street would be contained. That was followed by the Government coming in and standing behind Freddie Mac and Fannie Mae, putting tens of billions of dollars of U.S. Government potential expenditures at risk. This past week, we saw that Lehman Brothers, an entity that had survived the stock market crash of 1929, went bankrupt. Merrill Lynch was sold at a bargain-basement price. AIG now has Government involvement. This past Monday, the stock market fell by over 500 points—the Dow Jones average—which is the largest single drop since the terrorist attacks of September 2001. The taxpayers are being asked to stand behind these financial institutions. Individuals who depended upon their investments for retirement or for savings have seen a large part of that evaporate.

The administration says the economy is basically sound. JOHN MCCAIN says the fundamentals of our economy are strong. Well, it is the economic policies of this administration that have made it much more vulnerable. It was the former Secretary of HUD, Alphonso Jackson, who said, "Let's take a hands-off approach." The lack of Federal regulation and the lack of this administration's oversight of the financial institutions in our country have certainly led to where we are today.

Our economy is much more vulnerable because of the economic policies of this administration. Let me give you a few examples.

We have seen that during the past 8 years this administration has taken an economy with large budget surpluses to an economy with large budget deficits. This administration took a national debt that was a little over \$5 trillion and we are now approaching \$10 trillion. They took a surplus of a couple of hundred billion dollars a year and turned it into a deficit of over \$400 billion a year. They have grown the trade deficit to over \$700 billion a year, costing us jobs here in America. They have had a policy that yielded to the oil companies this oil dependency where we are not energy independent, so gasoline prices approach \$4 a gallon. The health care system has seen 6 million more Americans lose their health insurance and become uninsured as a result of the administration's policies. And the unemployment rate that was a little over 4 percent has grown to over 6 percent.

Now, Congress has taken some steps in order to try to deal with this. Quite frankly, we could have taken those steps a little faster if it were not for the Republican filibusters. But we need to do a lot more. We have taken steps to try to help families save their homes. Yes, I think we should be doing more. I was listening to the assistant majority leader talking about ways we could do that through changes in the bankruptcy laws. I think we need to do that. There are things we can do to help homeowners save their homes.

We can certainly do more to help families deal with the consequences of this economy, whether it is the high cost of energy and air-conditioning their homes or, in the winter, heating their homes or whether there are other areas we can help those who are suffering through this economy.

I hope our colleagues will not filibuster those opportunities so we can help those who have lost their jobs. I think we have a responsibility. That is what Government should be doing. The economy is not producing the jobs they need. They cannot find jobs through no fault of their own; it is the economic problems. That is where Government can help.

We could certainly have the right regulatory and oversight system to deal with what is happening with our financial institutions.

But we need to get back to basics. We need to get back to fiscal responsibility. You cannot cut taxes, go to war, and not pay for the war or pay for the tax cuts and get these huge deficits and expect our economy to be strong. Fiscal responsibility starts with balancing the budget, by recognizing that tax cuts have to be paid for and this war spending has to be paid for. Quite frankly, I believe the right course is to get our troops out of Iraq and save those dollars.

We have to help deal with a trade policy, a trade policy that will give American workers a level playing field so they can compete. They can compete with any country in the world,

with their workforce, if it is a level playing field. But we need an administration that is going to fight for environmental and labor standards so that we have that level playing field and that will eliminate the tax breaks we give in our own code for companies that take their jobs overseas. That makes no sense at all. We need to fight for those changes.

We need an energy policy that will make this country truly independent. We need to do that not just for our economy—and we know the cost of energy and what has happened because of countries halfway around the world changing their production, and it affects the price here in America. It affects our economy. But we have to do it for our own security so we do not have to go to war because we are in danger of losing oil. We have to do it for our environment because global climate change is real. We can accomplish all three of those goals by energy independence and help our economy.

But we are not going to achieve it through drilling. I know there are a lot of people here who want to drill. We have 3 percent of the world's reserves; we use 25 percent of the world's oil. You are not going to get energy independence through drilling. Yes, we support drilling where it can be done in a sensible way because we need the oil, certainly in the short term, but we need to develop alternative and renewable energy sources. That makes the most sense for this country. That is what we have to do. We have to use less energy.

We can become energy independent if we set our minds to do it. I hope we will take this as the last wake-up call and at least enact policies that will truly make us energy independent. We are going to have a chance to do that later this week—at least move in that direction—and I hope my colleagues will join me in supporting that legislative effort.

We have to take on the health care system. It is too costly in America. We spend too much money on health care. We do not have the results to indicate that. It is a national disgrace that we have 47 million without health insurance in America. And each of us is paying for it. We are paying for it through higher taxes and through higher premium costs. It is time that every American has access to affordable, quality health care, and that means we have to deal with the 47 million who are uninsured. They need to have insurance.

We need to deal with preventative health care. It saves a lot of money to make sure people are able to get the test and lab work necessary to have early intervention into diseases.

It makes sense for us to take on the pharmaceutical manufacturers. Why are we paying three times what the consumers of the industrialized world are paying for the same medicines that are manufactured here? Our taxpayers are paying for that. And those of us

who pay our bills are also paying more for pharmaceuticals than we should.

In short, we have to get back to basics. We have to get back to basics. We need to change the economic policies of this administration, get back to fiscal responsibility, get back to energy independence, and get back to health care reform.

Let's do the things that will make this Nation competitive. And if we do, our economy will not be as vulnerable as it is today. That is why what started as a mortgage problem grew into a housing crisis, grew into an economic problem for working families, and now it is affecting Wall Street. It does not make any difference whether you are an employee or employer, company or worker, you are being hurt badly by the economic policies of this administration.

It is time for us to work together, Democrats and Republicans. This is not a partisan issue. It should not be a partisan issue. Energy independence should not be a partisan issue. Health care reform should not be a partisan issue. Balancing the budget should not be a partisan issue. So let's work together, Democrats and Republicans. Let's help those who are looking to their Government in this time of need to be there to help them. Let's do the right thing for the people who need our help. But then let's rebuild our economy so we are never as vulnerable as we are today, so that we have the economic basis to be able to deal with the normal cycles in the economy without so many families losing their homes and so many families being wiped out on their savings. We can do this if we work together. I urge my colleagues to do this.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. On behalf of the majority leader, I ask unanimous consent that the period for morning business be extended to 2:15 p.m. today, with Senators permitted to speak for up to 10 minutes each.

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

THE ECONOMY

Mr. DEMINT. Mr. President, my colleague has made a case for more Government intervention into the problems on Wall Street and in our economy, basically blaming the free markets for our failures.

I would like to make it clear what I think most Americans already know, which is that many of the problems we are having today, particularly the problems with AIG, the failures on Wall Street, the mortgage industry, actually go back not to greed in the private market but political greed—the problems that were created when this Congress and this Government set up Fannie Mae and Freddie Mac as government-sponsored enterprises with

the implied and now very explicit backing of the American people. It provided so much cheap credit to the market, securities that were bought and sold by many companies. AIG is in trouble because of these bad mortgages that basically originated with Fannie Mae and Freddie Mac.

My point is that the problems we are having are caused by the wrong kind of Government intervention. This is not a failure of free enterprise; this is a failure of Government solutions and the lack of Government oversight into enterprises such as Fannie Mae and Freddie Mac that were started.

Now, in a situation where we already have debt as a nation, we are borrowing excessively and our economy is slowing down. We are in a situation where we have to continue to spend money to bail out these companies because of bad Government decisions decades ago. A lot of money is being spent and a lot is being wasted by this Congress.

We have had a debate over the last 2 years about wasteful spending and earmarks. There has been a lot of talk about creating more transparency and stopping this wasteful spending. We had an ethics bill that passed with a lot of fanfare where we talked about making these earmarks more transparent, putting them in the bills themselves so that the American people could see what we are spending, and that if we were going to have a "bridge to nowhere," at least the American people knew we were spending that money.

We have talked about this for the past 2 years, and even the President has recognized that so much of this earmarking has resulted in wasteful spending in transportation, and especially in the military, that he has issued an Executive order that has made it clear that when we produce a bill, such as the Defense authorization bill, and then, as an aside, we produce what we call report language, with oftentimes thousands of earmarks, politically directed spending all over the country—few that the military asked for, most they did not.

A lot of these are meritorious projects. The fact is, if we want to look up the bill itself, the text, and search for different types of spending, it is not available because it is not in the bill itself. For many years in the Senate and the Congress as a whole we have produced spending and authorization bills and then did the report language on the side with hidden earmarks that people didn't know were there. The President said in his Executive order that when we send a bill over with report language on the side, he is going to direct his agencies not to honor these earmarks unless they are meritorious, unless they agree with the mission of the agency and the purpose of the legislation. It doesn't mean these are all taken out and lost, which is what has been presented on the Senate floor today. What it means is they

have scrutiny; that the administration, if it sees wasteful projects, does not feel obligated to spend the money, which is a good thing.

In this Defense authorization bill, some Senators, my Democratic colleagues, have decided they want to go around the Executive order. They want all of these earmarks to have the force of law, which means whether they are meritorious or not the administration has to honor them. The way they have done this, which sets us back years as far as earmark reform in the Senate, is they have put a little section in this bill that references all of these earmarks and in effect makes them law. What I have offered is an amendment. I asked to have one amendment on this bill. There is a tradition in the Senate that Senators are allowed to offer an amendment. I have been waiting a week to offer the amendment. It strikes that section that tries to secretly attach all of the earmarks to the actual law. It is a simple amendment of three words: "Strike section 1002." It does not eliminate all of the earmarks, but it gives the administration the right they should have not to spend money on projects in this green book that are not needed by the military or to defend this country and that the military considers wasteful. We should not allow Members of the Senate to pretend to have reformed the earmark process, to pretend to have a more ethical process, when, in fact, what they have done is the most unethical thing we have ever done with earmarks: to try to make something secret actually have the force of law with a little section written here.

My amendment would change that and put it back to the way it has been for years. I ask my colleagues not to go backwards as far as earmark reform, not to defy what the American people have told us increasingly about wasteful spending at a time of an economic downturn, a time of war, a time of heavy debt, when we have 5 billion dollars' worth of earmarks in this little green book that Americans won't see, and we can't bring it up, as we talked about in the ethics reform bill, in a searchable format where people can find all this wasteful spending. It is hidden, and it is not right.

I encourage my colleagues to appeal to the majority leader to give me this amendment so that we can at least have a vote. I encourage all colleagues to vote for it.

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

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

CONSTITUTION DAY

Mr. BYRD. Mr. President, I think that September 17 should be honored equally with the Fourth of July. Both dates mark bedrock, fundamentally important events in the life of our country. Most Americans know that July 4, 1776, marks the signing of the Declaration of Independence, but far fewer could say what is so important about September 17.

I am sure that you are not scratching your head over this date, but perhaps some who are listening are doing just that. September 17—does it mark the end of the American Revolution? Was it the date of George Washington's inauguration? Did Christopher Columbus spot land or the passengers of the Mayflower disembark on this date? The answer to all of the above is no. Those are important historical events, to be sure, but none of those dates reaches out to touch the daily lives in as many ways as September 17.

On September 17, 1787, the U.S. Constitution was signed. Our great national experiment in representative democracy began nearly 2 years later with the approval and entry into force of the Constitution on March 4, 1789, after New Hampshire became the ninth State to ratify it. September 17, 1787, however, marks the "miracle in Philadelphia" when the Constitutional Convention gave birth to its masterpiece.

We all know that the Declaration of Independence describes in soaring oratory the grand goals for the new Republic, chief among them the "life, liberty and the pursuit of happiness" that most people recognize. It is also full of more specific examples of things the Founders could no longer tolerate, such as taxation without representation, having British troops quartered in private homes, and lack of access to fair trials. In the Constitution, the Founders created the structures of government to implement both the grand visions of a free republic and to prevent the abuses of government they had suffered under British rule and outlined in the Declaration. As a result, the Constitution generally makes for less compelling reading material than the Declaration of Independence. It is not full of stirring prose, but rather, it is like an assembly and repair manual, straightforward and commonsense. Yet it supports the framework for freedom and justice. Its words, and those of its amendments, are as critically important to every American as instructions on how to operate a lifeboat are to the passengers of a storm-tossed ship.

The Constitutional Convention that met in Philadelphia managed to build an entire government in just seven articles and a preamble. One article for the legislative branch, one for the executive branch, one for the judicial branch, one for the States, one for the amendment process, one to define Federal power, and one to set forth the requirements for ratification—the Constitution is shorter than many instruction manuals for new cars, even if you

add the 27 amendments. Yet, for over 200 years, the Constitution and the Government it created have overcome the challenges of insurrection, war, depression, growth, and technologies that could never have been anticipated by the Founding Fathers.

This fall and winter, Americans will again witness their Constitution in action. We will elect a new President and many new Members of the House and Senate as well. Through the processes outlined in the Constitution and honed through years of practice, the Nation will peacefully transition to a new government. It seems routine to us, but the peaceful transition of government is a precious thing. Our system of checks and balances is a precious thing.

On September 17, I hope that all Americans who love our country and cherish our flag will take just a few minutes to read and think about our remarkable Constitution. Keep it close to your heart, as I do.

Mr. President, I ask unanimous consent to have printed in the RECORD a Washington Post article entitled "Cheney Shielded Bush From Crisis."

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

[From the Washington Post Sept. 15, 2008]

CHENEY SHIELDED BUSH FROM CRISIS

(By Barton Gellman)

Vice President Cheney convened a meeting in the Situation Room at 3 p.m. on Wednesday, March 10, 2004, with just one day left before the warrantless domestic surveillance program was set to expire. Around him were National Security Agency Director Michael V. Hayden, White House counsel Alberto R. Gonzales and the Gang of Eight—the four ranking members of the House and the Senate, and the chairmen and vice chairmen of the intelligence committees.

Even now, three months into a legal rebellion at the Justice Department, President Bush was nowhere in the picture. He was stumping in the battleground state of Ohio, talking up the economy.

With a nod from Cheney, Hayden walked through the program's vital mission. Gonzales said top lawyers at the NSA and Justice had green-lighted the program from the beginning. Now Attorney General John D. Ashcroft was in the hospital, and James B. Comey, Ashcroft's deputy, refused to certify that the surveillance was legal.

That was misleading at best. Cheney and Gonzales knew that Comey spoke for Ashcroft as well. They also knew, but chose not to mention, that Jack L. Goldsmith, chief of the Office of Legal Counsel at Justice, had been warning of major legal problems for months.

More than three years later, Gonzales would testify that there was "consensus in the room" from the lawmakers, "who said, 'Despite the recommendation of the deputy attorney general, go forward with these very important intelligence activities.'" By this account—disputed by participants from both parties—four Democrats and four Republicans counseled Cheney to press on with a program that Justice called illegal.

In fact, Cheney asked the lawmakers a question that came close to answering itself. Could the House and Senate amend surveillance laws without raising suspicions that a new program had been launched? The obvious reply became a new rationale for keeping Congress out.

The Bush administration had no interest in changing the law, according to U.S. District Judge Royce C. Lamberth, chief of the federal government's special surveillance court when the warrantless eavesdropping began.

"We could have gone to Congress, hat in hand, the judicial branch and the executive together, and gotten any statutory change we wanted in those days, I felt like," he said in an interview. "But they wanted to demonstrate that the president's power was supreme."

* * * * *
Late that Wednesday afternoon, Bush returned from Cleveland. In early evening, the phone rang at the makeshift FBI command center at George Washington University Medical Center, where Ashcroft remained in intensive care. According to two officials who saw the FBI logs, the president was on the line. Bush told the ailing Cabinet chief to expect a visit from Gonzales and White House Chief of Staff Andrew H. Card Jr.

A Senate hearing in 2007 described some of what happened next. But much of the story remained untold.

Alerted by Ashcroft's chief of staff, Comey, Goldsmith and FBI Director Robert S. Mueller III raced toward the hospital, abandoning double-parked vehicles and running up a stairwell as fast as their legs could pump.

Comey reached Ashcroft's bedside first. Goldsmith and his colleague Patrick F. Philbin were close behind. Now came Card and Gonzales, holding an envelope. If Comey would not sign the papers, maybe Ashcroft would.

The showdown with the vice president the day before had been excruciating, the pressure "so great it could crush you like a grape," Comey said. This was worse.

Was Comey going to sit there and watch a barely conscious man make his mark? On an order that he believed, and knew Ashcroft believed, to be unlawful?

Unexpectedly, Ashcroft roused himself. Previous accounts have said he backed his deputy. He did far more than that, Ashcroft told the president's men he never should have certified the program in the first place.

"You drew the circle so tight I couldn't get the advice that I needed," Ashcroft said, according to Comey. He knew things now, the attorney general said, that he should have been told before. Spent, he sank back in his bed.

Mueller arrived just after Card and Gonzales departed. He shared a private moment with Ashcroft, bending over to hear the man's voice.

"Bob, I'm struggling," Ashcroft said. "In every man's life there comes a time when the good Lord tests him," Mueller replied. "You have passed your test tonight."

* * * * *
Goldsmith was out the door. He telephoned Ed Whelan, his deputy, who was at home bathing his children.

"You've got to get into the office now," Goldsmith said. "Please draft a resignation letter for me. I can't tell you why."

All hell was breaking loose at Justice. Lawyers streamed back from the suburbs, converging on the fourth-floor conference room. Most of them were not cleared to hear the details, but a decision began to coalesce: If Comey quit, none of them were staying.

At the FBI, they called Mueller "Bobby Three Sticks," playfully tweaking the Roman numerals in his fancy Philadelphia name. Late that evening, word began to spread. It wasn't only Comey. Bobby Three Sticks was getting ready to turn in his badge.

Justice had filled its top ranks with political loyalists. They hoped to see Bush re-

elected. Had anyone explained to the president what was at stake?

Whelan pulled out his BlackBerry. He fired off a message to White House staff secretary Brett Kavanaugh, a friend whose position gave him direct access to Bush.

"I knew zilch about what the matter was, but I did know that lots of senior DOJ folks were on the verge of resigning," Whelan said in an e-mail, declining to discuss the subject further. "I thought it important to make sure that the president was aware of that situation so that he could factor it in as he saw fit."

Kavanaugh had no more idea than Whelan, but he passed word to Card.

The timing was opportune. Just about then, around 11 p.m., Comey responded to an angry summons from the president's chief of staff. Whatever Card was planning to say, he had calmed down suddenly.

What was all this he heard, Card asked, about quitting?

"I don't think people should try to get their way by threatening resignations," Comey replied. "If they find themselves in a position where they're not comfortable continuing, then they should resign."

"He obviously got the gist of what I was saying," Comey recalled.

It was close to midnight when Comey got home, long past the president's bedtime. Bush had yet to learn that his government was coming apart.

* * * * *
Trouble was spreading. The FBI's general counsel, Valerie E. Caproni, and her CIA counterpart, Scott W. Mueller, told colleagues they would leave if the president reauthorized the program over Justice Department objections.

Assistant Attorney General Christopher A. Wray, who ran Justice's criminal division, stopped Comey in a hallway.

"Look, I don't know what's going on, but before you guys all pull the rip cords, please give me a heads-up so I can jump with you," he said.

James A. Baker, the counselor for intelligence, thought hard about jumping, too. Early on, he got wind of the warrantless eavesdropping and forced the White House to disclose it to Lamberth. Later, Baker told Lamberth's successor that he could not vouch that the Bush administration was honoring its promise to keep the chief surveillance judge fully informed.

"I was determined to stay there and fight for what I thought was right," Baker said in an interview, declining to say what the fight was about, on or off the record. He had obligations, he said, to the lawyers who worked for him in the Office of Intelligence Policy and Review. "If it had come to this, if people were willing to go to the mat and tolerate the attorney general and deputy attorney general resigning, that's pretty serious. God knows what else they would have come up with."

* * * * *
At the White House on Thursday morning, the president moved in a bubble so tight that hardly any air was getting in. It was March 11, decision day. If Bush reauthorized the program, he would have no signature from the attorney general. By now that was nowhere near the president's biggest problem.

Many of the people Bush trusted most were out of the picture. Karl Rove was not cleared for the program. Neither was Dan Bartlett or Karen Hughes.

National security adviser Condoleezza Rice had the clearance, but Cheney did not invite her to the meetings that mattered.

Bush gave a speech to evangelicals that morning and left the White House for an after-lunch fundraiser in New York. In whatever time he took to weigh his options, the

president had only Cheney, Card and Gonzales to advise him.

The vice president knew exactly where he stood, unswerving in his commitment to keep the program just as it was. Gonzales later told two confidants that he had broken with David S. Addington, Cheney's lawyer, urging Bush to find common ground with Justice. Card, too, told colleagues that he had urged restraint.

"My job was to communicate with the president about the peripheral vision, not just the tunnel vision of the moment," he said, deflecting questions about the details.

Did peripheral vision mean a broader view of the consequences?

"Yes," Card replied. "It was like—I don't want to limit it to this particular matter, but that's part of a chief of staff's job. A lot of people who work in the White House have tunnel vision, and not an awful lot of people have peripheral vision. And I think the chief of staff is one of the people who should have peripheral vision."

Card didn't really need the corner of his eye to see a disaster at hand. Even so, Bush didn't know what his subordinates knew that Thursday morning.

Cheney, Addington, Card and Gonzales had plenty of data. Card had heard the news directly from Comey the night before. On Thursday, the FBI director delivered much the same warning.

For Cheney, it didn't matter much whether one official or 10 or 20 took a walk. Maybe they were bluffing, maybe not. The principle was the same: Do what has to be done.

"The president of the United States is the chief law enforcement officer—that was the Cheney view," said Bartlett, Bush's counselor, who was later briefed into the program and the events of the day. "You can't let resignations deter you if you're doing what's right."

Cheney and Addington "were ready to go to the mat," he said, and the vice president's position boiled down to this: "That's why we're leaders, that's why we're here. Take the political hit. You've got to do it."

* * * * *

Addington opened the code-word-classified file on his computer. He had a presidential directive to rewrite.

It has been widely reported that Bush executed the March 11 order with a blank space over the attorney general's signature line. That is not correct. For reasons both symbolic and practical, the vice president's lawyer could not tolerate an empty spot where a mutinous subordinate should have signed. Addington typed a substitute signature line: "Alberto R. Gonzales."

What Addington wrote for Bush that day was more transcendent than that. He drew up new language in which the president relied on his own authority to certify the program as lawful. Bush expressly overrode the Justice Department and any act of Congress or judicial decision that purported to constrain his power as commander in chief. Only Richard M. Nixon, in an interview after leaving the White House in disgrace, claimed authority so nearly unlimited.

The specter of future prosecutions hung over the program, now that Justice had ruled it illegal.

"Pardon was in the air," said one of the lawyers involved.

It was possible to construct a case, he said, in which those who planned and carried out the program were engaged in a criminal conspiracy. That would be tendentious, this lawyer believed, but with a change of government it could not be ruled out.

"I'm sure when we leave office we're all going to be hauled up before congressional committees and grand juries," Addington told one colleague in disgust.

* * * * *

Bush signed the directive before leaving for New York around lunchtime on Thursday, March 11, 2004.

Comey got word a couple of hours later. He sat down and typed a letter.

"Over the last two weeks . . . I and the Department of Justice have been asked to be part of something that is fundamentally wrong," he wrote. "As we have struggled over these last days to do the right thing, I have never been prouder of the Department of Justice or of the Attorney General. Sadly, although I believe this has been one of the institution's finest hours, we have been unable to right that wrong. . . . Therefore, with a heavy heart and undiminished love of my country and my Department, I resign as Deputy Attorney General of the United States, effective immediately."

David Ayres, Ashcroft's chief of staff, pleaded with Comey to wait a few days. He was certain that Ashcroft would want to quit alongside him. Comey agreed to hold his letter through the weekend.

Bush was not a man to second-guess himself. By Friday morning, he would need new facts to save him. Somebody, finally, would have to tell him something.

It was Rice, largely in the dark herself, who threw the president a lifeline. She had a few minutes alone with him, shortly before 7:30 a.m., on the day after he renewed the surveillance order. She told Bush about Comey's agitated approach, the day before, to Frances Fragos Townsend, the deputy national security adviser for combating terrorism. This was no way to keep a secret.

"It was a compartmented issue," Rice recalled in an interview. "Obviously, there was a security issue here and not just a legal one, because you didn't want this sort of bumping around."

Rice made a suggestion.

Comey is "a reasonable guy," she told the president. "You really need to make sure that you are hearing these folks out."

An hour later, Comey and Robert Mueller arrived at the White House for the regular 8:30 terrorism briefing. They had a lot to cover: Bombs aboard commuter trains in Madrid had killed 191 people.

Both men told aides that this would be their last day in government. There would be no door-slamming, but the president had made his choice and they had made theirs.

Bush stood as the meeting ended, crossing behind Cheney's chair. Comey moved in the opposite direction, on his way out. He had nearly reached the grandfather clock at the door, two witnesses said, when the president said, "Jim, can I talk to you for a minute?"

Bush nodded toward the private dining room a few steps from his desk, the one he shared with Cheney once a week. This time the vice president was not invited.

"I'll wait for you downstairs," Mueller told Comey.

* * * * *

By now, around 9:15 Friday morning, Bush knew enough to be nervous about what the acting attorney general might do. That did not mean he planned to reverse himself. One high-ranking adviser said there was still an "optimism that maybe you can finesse your way through this."

Afterward, in conversations with aides, the two men described the meeting in similar terms.

"You don't look well," Bush began.

Oldest trick in the book. Establish dominance, put the other guy off his game.

"Well, I feel okay."

"I'm worried about you. You look burdened."

"I am, Mr. President. I feel like there's a tremendous burden on me."

"Let me lift that burden from your shoulders," Bush said. "Let me be the one who makes the decision here."

"Mr. President, I would love to be able to do that."

Bush's tone grew crisp.

"I decide what the law is for the executive branch," he said.

"That's absolutely true, sir, you do. But I decide what the Department of Justice can certify to and can't certify to, and despite my absolute best efforts, I simply cannot in the circumstances."

Comey had majored in religion, William and Mary Class of 1982. He might have made a connection with Bush if he had quoted a verse from Scripture. The line that came to him belonged to a 16th-century theologian who defied an emperor.

"As Martin Luther said, 'Here I stand; I can do no other,'" Comey said. "I've got to tell you, Mr. President, that's where I am."

Now Bush said something that floored Comey.

"I just wish that you weren't raising this at the last minute."

The last minute! He didn't know.

The president kept talking. Not the way it's supposed to work, popping up with news like this. The day before a deadline?

Wednesday. He didn't know until Wednesday. No wonder he sent Card and Gonzales to the hospital.

"Oh, Mr. President, if you've been told that, you have been very poorly served by your advisers," Comey said. "We have been telling them for months we have a huge problem here."

"Give me six weeks," Bush asked. One more renewal.

"I can't do that," Comey said. "You do say what the law is in the executive branch, I believe that. And people's job, if they're going to stay in the executive branch, is to follow that. But I can't agree, and I'm just sorry."

If they're going to stay.

Comey was edging toward a breach of his rule against resignation threats.

This man just needs to know what's about to happen.

"I think you should know that Director Mueller is going to resign today," Comey said.

Bush raised his eyebrows. He shifted in his chair. He could not hide it, or did not try. He was gobsmacked.

"Thank you very much for telling me that," he said.

Comey hurried down to Mueller, who sat in the foyer outside the Situation Room. A Secret Service agent followed close behind. The president would like to see you, the agent told Mueller.

Comey pulled out his BlackBerry and sent a note to six colleagues at 9:27 a.m.

"The president just took me into his private office for a 15 minute one on one talk," he wrote. "Told him he was being misled and poorly served. We had a very full and frank exchange. Don't know that either of us can see a way out. . . . Told him Mueller was about to resign. He just pulled Bob into his office."

The FBI director was no more tractable than Comey. This was a rule-of-law question, he told the president, and the answer was in the Justice Department. The FBI could not participate in operations that Justice held to be in breach of criminal law. If those were his orders, he would respectfully take his leave.

And there it was, unfinessable. Bush was out of running room, all the way out. He had only just figured out that the brink was near, and now he stood upon it.

Not 24 hours earlier, the president had signed his name to an in-your-face rejection of the attorney general's ruling on the law. Now he had two bad choices. March on, with all the consequences. Or retreat.

The president stepped back from the precipice. He gave Mueller a message for Comey.

"Tell Jim to do what Justice thinks needs to be done," he said.

Seven days later, Bush amended his March 11 directive. The legal certification belonged again to the attorney general. The surveillance program stopped doing some things, and it did other things differently. Much of the operation remained in place. Not all of it.

* * * * *

Because Bush did not walk off the cliff, and because so much of the story was suppressed, an extraordinary moment in presidential history passed unrecognized.

"I mean, it would be damn near unprecedented for the top echelon of your Justice Department to resign over a position you've taken," Bartlett said.

There might be one precedent, he allowed. He did not want to spell it out.

"Not a good one," he said.

During the Watergate scandal, the attorney general and deputy attorney general resigned, refusing to carry out Richard Nixon's order to fire the special prosecutor. Nixon lost his top two Justice officials, and that was called the Saturday Night Massacre.

Bush had come within minutes of losing his FBI director and at least the top five lawyers at Justice. What would they call that? Suicide, maybe?

"You don't have to be the smartest guy to figure out that [mass resignations] would be pretty much the most devastating thing that could happen to your administration," said Mark Corallo, Ashcroft's communications director and, during Bush's first race for the White House, chief spokesman for the Republican National Committee. "The rush to hearings on the Hill, both in the House and Senate, would be unbelievable. The media frenzy that would have ensued would have been unlike anything we've ever seen. That's when you're getting into Watergate territory."

Long after departing as chief of staff, Card held fast to the proposition that whatever happened was nobody's business, and no big deal anyway.

"I think you're writing about something that's irrelevant," Card said. "Voyeurism." Because?

"Nobody resigned over this," he said. It all boiled down to trash talk: "'Oh, I was gonna swing at the pitch but it was too high.'"

That seems unlikely to stand as history's verdict. In the fourth year of his presidency, a man who claimed the final word was forced by subordinates to comply with their ruling on the law. Ashcroft, Comey, Goldsmith, Philbin—believers, one and all, in the "unitary executive branch"—obliged the commander in chief to stand down. For the first time, a president claimed in writing that he alone could say what the law was. A rebellion, in direct response, became so potent a threat that Bush reversed himself in a day.

"This is the first time when the president of the United States really wanted something in wartime, and tried to overrule the Department of Justice, and the law held," said Goldsmith, after studying similar conflicts under Abraham Lincoln and Franklin D. Roosevelt.

In the aftermath, the White House senior staff asked questions. Was the president getting timely information and advice? Had he relinquished too much control to Cheney?

Bush, aides said, learned something he would not forget. Cheney was the nearest thing to an anti-politician in elected office. Bush could not afford to be like that. In his second term, his second chance, the president would take greater care to consult his own instincts.

"Cheney was not afraid of giving pure, kind of principled advice," Bartlett said. "He

thinks from a policy standpoint, and I think he does this out of pure intentions. He thinks of the national security interest or the prerogatives of the executive. The president has other considerations he has to take into account. The political fallout of certain reactions—he's just going to calculate different than Cheney does."

"He grew accustomed to that," Bartlett said.

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

I thank all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. 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. SANDERS. Mr. President, I wish to say a few words in thanking Senator BYRD, not only for his years of illustrious service to the American people but for reminding us about the importance of the Constitution. It is incredible that year after year he has come up here—and perhaps more than any other Member of the Congress—to instruct the American people about that great document and to urge people—children, old people, people from all over this country—to once again study what the Constitution is about.

I would hope, as a result of Senator BYRD's efforts, classrooms all over this country—our young people—will understand the importance of the Constitution.

So I say to Senator BYRD, thank you so much for your service in that regard.

Mr. BYRD. I thank the Senator.

Mr. SANDERS. Mr. President, as we observe Constitution Day today, we do not have to look very far to be reminded why it is important for us to reflect on the 221st birthday of the Constitution, which was signed by the Framers in Philadelphia on this date in 1787. I think the reason why it is so important to take a hard look at the Constitution today is because of what has happened over the last 8 years, because in many respects we have had a President who did not do as Senator BYRD urged us to do: Study the Constitution.

We all know that international terrorism is a very serious issue. We take it terribly seriously, and all of us are pledged to do everything we can to protect the American people from international terrorism. However, many of us believe we can do it within the context of the United States Constitution and the separation of powers—

Mr. BYRD. Yes.

Mr. SANDERS. Brought forth in that Constitution.

Unfortunately, over the last 8 years under the Bush administration, we have seen a tragic effort on the part of the executive branch to impose on the people of this country a vision of government where, instead of three co-equal branches of government as laid

out by our Constitution—the executive, the legislative, and the judicial branches—we have moved toward one dominant branch, that of the executive ruling under the theory of the unitary executive.

Mr. BYRD. King.

Mr. SANDERS. In my view, that is not what the Constitution of our great country is about, nor is it what the Framers wanted it to be. The theory of unitary executive states that since the Constitution inherently gives the President the power to do all kinds of things—especially within the military and defense context beyond what is detailed in article II, then the President essentially can make up whatever he wants to justify for this or that action. In other words, he can say: We are threatened by international terrorism and I, as the President of the United States, can do anything I want to fight international terrorism. I don't have to worry about separation of powers. I don't have to worry about the laws of the land. I don't have to worry about the Constitution. I am the President. In my judgment, I can do what I want. I think the Senator from West Virginia would agree with me, that that is not what the Constitution of this country is about.

Mr. BYRD. That is right.

Mr. SANDERS. And that, unfortunately, we have a President who does not understand that.

In the last 8 years, sadly, we have seen a steady erosion of the fundamental rights and balance of power laid out in the Constitution and in our Bill of Rights. We have seen the President, the Vice President, and the administration carry out an unprecedented number of programs that insult our constitutional system and erode our standing around the world—

Mr. BYRD. Yes.

Mr. SANDERS. Because our Nation was founded as a nation of laws, not of individuals.

Mr. BYRD. Right.

Mr. SANDERS. Let me list a few of the programs. I will not go on for too long, but I want the American people to get a glimpse of what has, in fact, gone on in the last 8 years under a President who neither understands the Constitution nor respects the Constitution. Let me enumerate some of those provisions:

Passage of the original PATRIOT Act and the PATRIOT Act Reauthorization.

Illegal and expanded use of national security letters by the FBI.

The NSA's warrantless wiretap program.

Using Presidential signing statements to ignore the intent of Congress's laws.

Mr. BYRD. Yes.

Mr. SANDERS. We have a President who says: Well, it is an interesting law. I will pick and choose which of the provisions I want to implement. That is not what the Constitution says. If you don't like the law, veto it.

Mr. BYRD. Yes.

Mr. SANDERS. But you cannot pick and choose. That is clearly not what the Constitution had in mind.

Furthermore, we have seen profiling of citizens engaged in constitutionally protected free speech and peaceful assembly. My view is, if you are an American, you have a right to protest, you have a right to engage in the political process without worrying that somebody is spying on you.

Mr. BYRD. Yes.

Mr. SANDERS. We have seen in recent years data mining of personal records.

We have seen, of course, the Abu Ghraib prison scandal.

We have seen a broad interpretation of congressional resolutions regarding use of military force as justification for unauthorized surveillance and other actions.

Mr. BYRD. Yes.

Mr. SANDERS. We have seen extraordinary renditions of detainees to countries that allow torture.

We have seen getting rid of the right of detainees to file habeas corpus petitions.

We have seen the condoning of the use of torture.

We have seen political firings of U.S. Attorneys.

We have seen destruction of CIA tapes.

The list goes on and on and on. Those are just some of the insults to the Constitution that we have seen over the last 8 years.

Mr. BYRD. Yes.

Mr. SANDERS. Mr. President, I also wish to take a few moments to highlight one of the more egregious examples of this abuse which was recently chronicled by the Washington Post.

Mr. BYRD. Yes. Please do.

Mr. SANDERS. This article describes the unprecedented use of executive authority which trampled on the rule of law and, in the process, Americans' basic civil liberties. Specifically, the article focuses on how a small group of people in the White House—the President, the Vice President, the Vice President's Chief of Staff, and a few others—decided through their own twisted interpretation of the Constitution that with the President's say-so alone, they had the power to perform warrantless surveillance on innocent Americans known as the NSA warrantless wiretapping program. They created a program almost completely outside of the authority of our laws based on the principle that because the President of the United States is the Commander in Chief, and it is his job to protect the country, anything they think of that protects this country—anything that fights terrorism—is justified under the Constitution. That, in my view, is dead wrong.

Mr. BYRD. Shame.

Mr. SANDERS. This view of the Constitution and the balance of power in our Government should make all Americans, no matter what political

persuasion—and I do want to say there are a number of conservatives all over this country—and every honest conservative should be appalled by the constitutional abuse that has taken place by President Bush. No matter what your point of view is, you should be concerned, but especially for those citizens in our country who consider themselves conservatives and wish to limit the role of government.

I ask the Senator from West Virginia: How often have we heard conservatives talk about a limited role in government and then go out and say: Oh, the government can do anything they want; forget the Constitution.

Mr. BYRD. Yes, how often?

Mr. SANDERS. I think that is absolutely hypocritical.

Mr. BYRD. Yes.

Mr. SANDERS. Even more amazingly, when a few members of the Department of Justice—the top law enforcement agency of our Government—including then-Attorney General John Ashcroft, FBI Director Robert Mueller, and Acting Attorney General James Comey, who learned of the program and refused to renew the program unless it was redrafted to fall within the confines of U.S. surveillance law, the President and his aides attempted to completely bypass these critics and decide that the President, and the President alone, could decide what is lawful or unlawful.

Mr. BYRD. Oh, my, my.

Mr. SANDERS. During a debate about who had the final word on the warrantless wiretapping program, the Washington Post quotes President Bush as saying: "I decide what the law is for the executive branch."

Mr. BYRD. Oh, my God.

Mr. SANDERS. I concur.

The President does not decide the law. It is the people of this country through the Congress who decide the law, and the President, as every other American citizen, obeys the law.

Mr. BYRD. Right.

Mr. SANDERS. When we lose that understanding, we lose what our Constitution is about, we lose the essence of what the United States of America is about. Thankfully, thankfully—let's give credit where credit is due—by threatening their mass resignation, the top leaders of the Justice Department forced the President to revise his and the Vice President's legal justification for this wiretap program, making it only a bit less objectionable.

While I am opposed to the wiretapping program in its current form due to the fact that it does not have an adequate check on the power to monitor the conversations of innocent Americans, I do respect—and I hope we all respect—those individuals at the Department of Justice who, during this time in 2003 and 2004, stood up for the basic aspects of our legal system.

Mr. BYRD. Yes.

Mr. SANDERS. Mr. President, I ask unanimous consent that a copy of the Washington Post articles written by

Barton Gellman and published on September 14 and 15 of this year be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SANDERS. Mr. President, I am not the only person with these concerns about the balance of power between the branches of Government. An August poll conducted by the Associated Press and the National Constitution Center found that:

Two-thirds of Americans oppose altering the balance of power among the three branches of government to strengthen the presidency, even when they thought that doing so would improve the economy or national security.

Mr. BYRD. Amen.

Mr. SANDERS. This is not a partisan issue, no matter what administration, no matter what party. I am quite confident that whether it is a Democratic President or a Republican President, Senator BYRD will be there raising exactly the same issues.

Mr. BYRD. Yes.

Mr. SANDERS. Because he understands—and I hope all of us understand—that the Constitution is far deeper than partisan politics or who happens to sit in the White House in this or that year.

Mr. BYRD. Yes.

Mr. SANDERS. The secret creation of the warrantless wiretapping program outside the confines of law is only one example of a number of the ways the Constitution has been abused over the last 8 years.

I conclude by again congratulating Senator BYRD. Because the work he is doing here of trying to make sure that people from Maine to California study our Constitution—something that is not happening enough in our schools—

Mr. BYRD. Right.

Mr. SANDERS. People should understand the Constitution and understand that the Constitution has laid out an extraordinary framework from the first day of this country. It is an extraordinary document, perhaps the greatest document ever written in the Western World.

Mr. BYRD. Yes, it is.

Mr. SANDERS. We should be enormously proud. What we have to do regardless of our political views is we have to stand and defend and fight for the integrity of that Constitution.

So I thank Senator BYRD so much for what he has done in that regard to protect our constitutional rights.

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

Mr. BYRD. And I thank Senator SANDERS.

EXHIBIT 1

[From the Washington Post, Sept. 14, 2008]
CONFLICT OVER SPYING LED WHITE HOUSE TO BRINK

(By Barton Gellman)

A burst of ferocity stunned the room into silence. No other word for it: The vice president's attorney was shouting.

"The president doesn't want this! You are not going to see the opinions. You are out . . . of . . . your . . . lane!"

Five government lawyers had gathered around a small conference table in the Justice Department command center. Four were expected. David S. Addington, counsel to Vice President Cheney, got wind of the meeting and invited himself.

If Addington smelled revolt, he was not far wrong. Unwelcome questions about warrantless domestic surveillance had begun to find their voice.

Cheney and his counsel would struggle for months to quash the legal insurgency. By the time President Bush became aware of it, his No. 2 had stoked dissent into flat-out rebellion. The president would face a dilemma, and the presidency itself a historic test. Cheney would come close to leading them off a cliff, man and office both.

On this second Monday in December 2003, Addington's targets were a pair of would-be auditors from the National Security Agency. He had displeasure to spare for their Justice Department hosts.

Perfect example, right here. A couple of NSA bureaucrats breeze in and ask for the most sensitive documents in the building. And Justice wants to tell them, Help yourselves? This was going to be a very short meeting.

Joel Brenner and Vito Potenza, the two men wilting under Addington's wrath, had driven 26 miles from Fort Meade, the NSA's eavesdropping headquarters in Maryland. They were conducting a review of their agency's two-year-old special surveillance operation. They already knew the really secret stuff: The NSA and other services had been unleashed to turn their machinery inward, collecting signals intelligence inside the United States. What the two men didn't know was why the Bush administration believed the program was legal.

It was an awkward question. Potenza, the NSA's acting general counsel, and Brenner, its inspector general, were supposed to be the ones who kept their agency on the straight and narrow. That's what Cheney and their boss, Lt. Gen. Michael V. Hayden, told doubters among the very few people who knew what was going on. Cheney, who chaired briefings for select members of Congress, said repeatedly that the NSA's top law and ethics officers—career public servants—approved and supervised the surveillance program.

That was not exactly true, not without one of those silent asterisks that secretly flip a sentence on its tail. Every 45 days, after Justice Department review, Bush renewed his military order for warrantless eavesdropping. Brenner and Potenza told Hayden that the agency was entitled to rely on those orders. The United States was at war with al-Qaeda, intelligence-gathering is inherent in war, and the Constitution appoints the president commander in chief.

But they had not been asked to give their own written assessments of the legality of domestic espionage. They based their answer in part on the attorney general's certification of the "form and legality" of the president's orders. Yet neither man had been allowed to see the program's codeword-classified legal analyses, which were prepared by John C. Yoo, Addington's close ally in the Justice Department's Office of Legal Counsel. Now they wanted to read Yoo's opinions for themselves.

"This is none of your business!" Addington exploded.

He was massive in his swivel chair, taut and still, potential energy amping up the menace. Addington's pugnacity was not an act. Nothing mattered more, as the vice president and his lawyer saw the world, than

these new surveillance tools. Bush had made a decision. Debate could only blow the secret, slow down vital work, or call the president's constitutional prerogatives into question.

The NSA lawyers returned to their car empty-handed.

* * * * *

The command center of "the president's program," as Addington usually called it, was not in the White House. Its controlling documents, which gave strategic direction to the nation's largest spy agency, lived in a vault across an alley from the West Wing—in the Eisenhower Executive Office Building, on the east side of the second floor, where the vice president headquartered his staff.

The vault was in EEOB 268, Addington's office. Cheney's lawyer held the documents, physical and electronic, because he was the one who wrote them. New forms of domestic espionage were created and developed over time in presidential authorizations that Addington typed on a Tempest-shielded computer across from his desk.

It is unlikely that the history of U.S. intelligence includes another operation conceived and supervised by the office of the vice president. White House Chief of Staff Andrew H. Card Jr. had "no idea," he said, that the presidential orders were held in a vice presidential safe. An authoritative source said the staff secretariat, which kept a comprehensive inventory of presidential papers, classified and unclassified, possessed no record of these.

In an interview, Card said the Executive Office of the President, a formal term that encompassed Bush's staff but not Cheney's, followed strict procedures for handling and securing presidential papers.

"If there were exceptions to that, I'm not aware of them," he said. "If these documents weren't stored the right way or put in the right places or maintained by the right people, I'm not aware of it."

Asked why Addington would write presidential directives, Card said, "David Addington is a very competent lawyer." After a moment he added, "I would consider him a drafter, not the drafter. I'm sure there were a lot of smart people who were involved in helping to look at the language and the law."

Not many, it turned out. Though the president had the formal say over who was "read in" to the domestic surveillance program, Addington controlled the list in practice, according to three officials with personal knowledge. White House counsel Alberto R. Gonzales was aware of the program, but was not a careful student of the complex legal questions it raised. In its first 18 months, the only other lawyer who reviewed the program was John Yoo.

By the time the NSA auditors came calling, a new man, Jack L. Goldsmith, was chief of the Justice Department's Office of Legal Counsel. Soon after he arrived on Oct. 6, 2003, the vice president's lawyer invited him to EEOB 268. Addington pulled out a folder with classification markings that Goldsmith had never seen.

"David Addington was doing all the legal work. All the important documents were kept in his safe," Goldsmith recalled. "He was the one who first briefed me."

Goldsmith's new assignment gave him final word in the executive branch on what was legal and what was not. Addington had cleared him for the post—"the biggest presence in the room," Goldsmith said, during a job interview ostensibly run by Gonzales.

Goldsmith did not have the looks of a guy who posed a threat to the Bush administration's alpha lawyer. A mild-mannered law professor from the University of Chicago, he

was ruffled and self-conscious, easy to underestimate. On first impression, he gave off a misleading aura of softness. Goldsmith had lettered in football, baseball and soccer at the Pine Crest School in Fort Lauderdale, Fla., spending his formative years with a mob-connected Teamster who married his mother. He was not a bare-knuckled brawler in Addington's mold, but Goldsmith arrived at Justice with no less confidence and strength of will.

Addington's behavior with the NSA auditors was "a wake-up call for me," Goldsmith said. Cheney and Addington, he came to believe, were gaming the system, using secrecy and intimidation to prevent potential dissenters from conducting an independent review.

"They were geniuses at this," Goldsmith said. "They could divide up all these problems in the bureaucracy, ask different people to decide things in their lanes, control the facts they gave them, and then put the answers together to get the result they want."

Dec. 9, 2003, the day of the visit from Brenner and Potenza, was the beginning of the end of that strategy. The years of easy victory were winding down for Cheney and his staff.

* * * * *

Goldsmith began a top-to-bottom review of the domestic surveillance program, taking up the work begun by a lawyer named Patrick F. Philbin after John Yoo left the department. Like Yoo and Goldsmith, Philbin had walked the stations of the conservative legal establishment: Federalist Society, a clerkship with U.S. Circuit Judge Laurence H. Silberman, another with Supreme Court Justice Clarence Thomas.

The more questions they asked, the less Goldsmith and Philbin liked the answers. Parts of the program fell easily within the constitutional powers of the commander in chief. Others looked dicier.

The two lawyers worked at the intersection of three complex systems: telecommunications, spy technology, and the statutory regimes that governed surveillance. After a few weeks, Goldsmith said, he decided the program "was the biggest legal mess I'd seen in my life."

He asked for permission to read in Attorney General John D. Ashcroft's new deputy, James B. Comey. As always, he found Addington waiting with Gonzales in the White House counsel's corner office, one floor up from the chief of staff. They sat in parallel wing chairs, much as Bush and Cheney did in the Oval Office.

"The attorney general and I think the deputy attorney general should be read in," Goldsmith said.

Addington replied first.

"Forget it," he said.

"The president insists on strict limitations on access to the program," Gonzales agreed.

Weeks passed. Goldsmith kept asking. Addington kept saying no.

"He always invoked the president, not the vice president," Goldsmith said.

Comey was not exactly Mr. Popular at 1600 Pennsylvania Ave. He had arrived at Justice as a 6-foot-8 golden boy, smooth and polished, with top chops as a federal terrorism prosecutor in Northern Virginia and New York City. Then came Dec. 30, 2003. Comey did something unforgivable: He appointed an independent counsel to investigate the leak of Valerie Plame's identity as a clandestine CIA officer, a move that would bring no end of grief for Cheney.

In late January, Goldsmith and Addington cut a deal. Comey would get his read-in. Goldsmith would get off the fence about the program, giving his definitive answer by the March 11 deadline.

"You're the head of the Office of Legal Counsel, and if you say we cannot do this thing legally, we'll shut it off," Addington told him.

Feel free to tell the president that his most important intelligence operation has to stop.

Your call, Jack.

Goldsmith wanted to fix the thing, not stop it. He and Philbin traveled again and again to Fort Meade, each time delving deeper. They were in and out of Gonzales's office, looking for adjustments in the program that would bring it into compliance with the law. The issues were complex and remain classified. Addington bent on nothing, swatting back every idea. Gonzales listened placidly, sipping Diet Cokes from his little refrigerator, encouraging the antagonists to keep things civil.

There would be no easy out, no middle ground. Addington made clear that he did not believe for a moment that Justice would pull the plug.

* * * * *

Mike Hayden and Vito Potenza drove down from NSA headquarters after lunch on Feb. 19, 2004, to give Jim Comey his first briefing on the program. In the Justice Department's vault-like SCIF, a sensitive compartmented information facility, Hayden got Comey's attention fast.

"I'm so glad you're getting read in, because now I won't be alone at the table when John Kerry is elected president," the NSA director said.

The witness table, Hayden meant. Congressional hearing, investigation of some kind. Nothing good. Kerry had the Democratic nomination just about locked up and was leading Bush in national polls. Hardly anyone in the intelligence field believed the next administration would climb as far out on a legal limb as this one had.

"Hayden was all dog-and-pony, and this is probably what happened to those poor folks in Congress, too," Comey told his chief of staff after the briefing. "You think for a second, 'Wow, that's great,' and then if you try actually to explain it back to yourself, you don't get it. You scratch your head afterward and you think, 'What the hell did that guy just tell me?'"

The NSA chief insisted on limiting surveillance to e-mails, phone calls and faxes in which one party was overseas, deflecting arguments from Cheney and Addington that he could just as well collect communications inside the United States.

That was one reason Hayden hated when reporters referred to "domestic surveillance." He made his point with a folksy analogy: He had taken "literally hundreds of domestic flights," he said, and never "landed in Waziristan." That sounded good. But the surveillance statutes said a warrant was required if either end of the conversation was in U.S. territory. The American side of the program—the domestic surveillance—was its distinguishing feature.

By the end of February, Goldsmith and Philbin had reached their conclusion: Parts of the surveillance operation had no support in law. Comey was so disturbed that he drove to Langley one evening to compare notes with Scott W. Muller, the general counsel at the CIA. Muller "got it immediately," agreeing with the Goldsmith-Philbin analysis, Comey said.

"At the end of the day, I concluded something I didn't ever think I would conclude, and that is that Pat Philbin and Jack Goldsmith understood this activity much better than Michael Hayden did," he said.

On Thursday, March 4, Comey brought the findings to Ashcroft, conferring for an hour one-on-one. Three senior Justice Department

officials said in interviews that Ashcroft gave his full backing. He was not going to sign the next presidential order—due in one week, March 11—unless the White House agreed to a list of required changes.

* * * * *

A few hours later, Ashcroft was reviewing notes for a news conference in Alexandria when his color changed and he sat down heavily. An aide, Mark Corallo, ducked out and returned to find the attorney general laid out on his back. By nightfall, Ashcroft was taken to George Washington University Medical Center in severe pain, suffering acute gallstone pancreatitis. Comey became acting attorney general on Friday.

The next day—Saturday, March 6, five days before the March 11 deadline—Goldsmith brought the Justice Department verdict to the White House. He told Gonzales and Addington for the first time that Justice would not certify the program.

A long silence fell. It lasted three full days. Gonzales phoned Goldsmith at home before sunrise on Tuesday, March 9, with two days left before the program expired. Obviously there was bad chemistry with Addington. Why not come in and talk, he asked, just the two of us?

Goldsmith arrived at the White House in morning twilight. Alone in his office, Gonzales begged the OLC chief to reconsider. Gonzales tried to dispute Goldsmith's analysis, but he was in over his head. At least let us have more time, he said. Goldsmith said he couldn't do that.

The time had come for the vice president to step in. Proxies were not getting the job done. Cheney was going to have to take hold of this thing himself.

Even now, after months of debate, Cheney did not enlist the president. Bush was across the river in Arlington, commending the winners of the Malcolm Baldrige awards for quality improvement in private industry. Campaign season had come already, and the president was doing a lot of that kind of thing. That week he had a fundraiser in Dallas, a "Bush-Cheney 2004 event" in Santa Clara, Calif., and a meet-and-greet at a rodeo in Houston.

Soon after hearing what had happened between Goldsmith and Gonzales, the vice president asked Andy Card to set up a meeting at noon with Mike Hayden, FBI Director Robert S. Mueller III, and John McLaughlin from the CIA (substituting for his boss, George J. Tenet). Cheney spoke to them in Card's office, the door closed.

Four hours later, at 4 p.m., the same cast reconvened. This time the Justice contingent was invited. Comey, Goldsmith and Philbin found the titans of the intelligence establishment lined up, a bunch of grave-faced analysts behind them for added mass. The spy chiefs brought no lawyers. The law was not the point. This meeting, described by officials with access to two sets of contemporaneous notes, was about telling Justice to set its qualms aside.

The staging had been arranged for maximum impact. Cheney sat at the head of Card's rectangular table, pivoting left to face the acting attorney general. The two men were close enough to touch. Card sat grimly at Cheney's right, directly across from Comey. There was plenty of eye contact all around.

This program, Cheney said, was vital. Turning it off would leave us blind. Hayden, the NSA chief, pitched in: Even if the program had yet to produce blockbuster results, it was the only real hope of discovering sleeper agents before they could act.

"How can you possibly be reversing course on something of this importance after all this time?" Cheney asked.

Comey held his ground. The program had to operate within the law. The Justice Department knew a lot more now than it had before, and Ashcroft and Comey had reached this decision together.

"I will accept for purposes of discussion that it is as valuable as you say it is," Comey said. "That only makes this more painful. It doesn't change the analysis. If I can't find a lawful basis for something, your telling me you really, really need to do it doesn't help me."

"Others see it differently," Cheney said.

There was only one of those, really. John Yoo had been out of the picture for nearly a year. It was all Addington.

"The analysis is flawed, in fact facially flawed," Comey said. "No lawyer reading that could reasonably rely on it."

Gonzales said nothing. Addington stood by the window, over Cheney's shoulder. He had heard a bellyful.

"Well, I'm a lawyer and I did," Addington said, glaring at Comey.

"No good lawyer," Comey said.

In for a dime, in for a dollar.

Addington started disputing the particulars. Now he was on Jack Goldsmith's turf. From across the room the head of the Office of Legal Counsel jumped in. And right there in front of the big guys, the two of them bickered in the snarly tones of a couple who knew all of each other's lines.

* * * * *

As the sun went down on Tuesday, March 9, the president of the United States had yet to learn that his Justice Department was heading off the rails. A train wreck was coming, but Cheney wanted to handle it. Neither Card nor Gonzales was in the habit of telling him no.

"I don't think it would be appropriate for the president to be engaged in the to-and-fro until it is, you know, penultimate," Card said in a recent interview. "I guess the definition of 'penultimate' could vary from four steps to three steps to two steps to one step. That's why you have White House counsel and people who do the legal work."

Participants in the afternoon meeting, including some of Cheney's recruits, left the room shaken. Mueller worked for the attorney general, and the FBI's central mission was to "uphold and enforce the criminal laws of the United States." Hayden's neck, and his agency, were on the line. The NSA director believed in the program, believed he was doing the right thing. But keep on going when the Justice Department said no?

Early the next morning—Wednesday, March 10, with 24 hours to deadline—Hayden was back in the White House. One colleague saw him conferring in worried whispers with Homeland Security adviser John A. Gordon, a mentor and fellow Air Force general, much the senior of the two. They huddled in the West Wing lobby, Hayden on a love seat and Gordon in a chair.

Jim Comey was in the White House that morning, too, arriving early for the president's regular 8:30 terrorism brief. He had heard nothing since the discouraging meeting the day before.

Comey found Frances Fragos Townsend, an old friend, waiting just outside the Oval Office, standing by the appointment secretary's desk. She was Bush's deputy national security adviser for combating terrorism. Comey had known her since their days as New York mob prosecutors in the 1980s. Since then, Townsend had run the Justice Department's intelligence office. She lived and breathed surveillance law.

Comey took a chance. He pulled her back out to the hallway between the Roosevelt Room and the Cabinet Room.

"If I say a word, would you tell me whether you recognize it?" he asked quietly.

He did. She didn't. The program's classified code name left her blank. Comey tried to talk around the subject.

"I think this is something I am not a part of," Townsend said. "I can't have this conversation." Like John Gordon and deputy national security adviser Steven J. Hadley and Homeland Security Secretary Tom Ridge, she was out of the loop.

Oh, God, Comey remembers thinking. They've held this so tight. Even Fran Townsend. The president's counterterrorism adviser is not read in? Comey towered over his diminutive friend. He chose his words carefully.

"I need to know," he said, "whether your boss recognizes that word, and whether she's read in on a particular program. Because we had a meeting here yesterday on that topic that I would have expected her to be at."

He meant national security adviser Condoleezza Rice. Comey was hoping for an ally, or maybe rescue.

"I felt very alone, with some justification," Comey recalled. "The attorney general is in intensive care. There's a train coming down the tracks that's about to run me and my career and the Department of Justice over. I was exploring every way to get off the tracks I could."

Townsend had a pretty good guess about what was on Comey's mind. Cheney had kept her out of the loop, but it was hard to hide a warrantless domestic surveillance program completely from the president's chief terrorism adviser.

"I'm not the right person to talk to," she told her friend, her voice close to a whisper. Comey ought to go see Rice.

"I'm going to tell her you've got concerns," Townsend said.

Comey's concerns no longer interested Cheney. The vice president had tried to back him down. That didn't work.

Only one day remained before the surveillance program expired. Time for Cheney to take the fight somewhere else.

Mr. REED. Mr. President, today we celebrate the 221st anniversary of the signing of the Constitution of the United States, the longest-living written constitution in history and the very foundation of our democracy. I thank Senator BYRD for his tireless commitment to the Constitution and to ensuring its recognition every year on Constitution Day, which he established in 2004.

Our Constitution serves as a testament to the brilliance of the Founding Fathers, who sought to create a document that would ensure that political power was derived from the people and that their rights would never be infringed upon. The Framers worked diligently over the summer of 1787 to forge a document that has persisted for more than two centuries. The Framers rightly understood that it would take hard work and compromise to establish a solid foundation for a new government that aspired to protect the liberty of all its people. A remarkably brief document, containing only seven articles, the Constitution limits the power of the government, maximizes the freedom of the people, and provides for the common good.

Although my home State of Rhode Island did not send delegates to the Constitutional Convention in 1787, the effects of this small State on the formation of the Constitution are still felt today.

Roger Williams, whose statue stands just outside this Chamber, founded what would become the State of Rhode Island in 1636 after he was exiled from the Massachusetts Bay Colony. A theologian, he founded Providence Plantation on the principles of separation of church and state and religious freedom.

One hundred fifty-one years later, the Framers enshrined these same principles in the Bill of Rights. Williams and the Framers recognized that religious freedom is a natural right that had to be afforded to all people. Indeed, this freedom is one of the defining freedoms of our democracy.

I would again like to thank Senator BYRD for his dedication to honoring our Constitution and the achievements of our Founding Fathers. His devotion to this document enriches our understanding of its importance and reminds us of its essential role in our democracy. He has taken up the call to protect and defend the Constitution by ensuring that its central place in American history is not forgotten. I join him in asking all Americans to honor our great national charter today and every day.

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

• Mr. KENNEDY. Mr. President, today we celebrate Constitution Day, the 221st birthday of the founding document of our country. Now, more than ever, it is time to reaffirm our commitment to defending the liberties guaranteed by the Constitution, and to recognize that strengthening civic education is an important part of this commitment. "Democracy must be reborn in every generation, and education is its midwife," wrote John Dewey. In fact, civic education was the original mission of American public education.

Sadly, students today know too little about the civil liberties established in the Constitution that define our American way of life. On the most recent national civics assessment in 2006, only 20 percent of eighth grade students scored at or above the proficient level. Less than one-third could identify the purpose of the Constitution. Less than a fifth of high school seniors could explain how citizen participation strengthens democracy. Gaps in understanding like these translate later in life to reduced voter turnout, decreased civic engagement and community service, and a weaker sense of national identity.

As a result of legislation enacted in 2005, more students across the country are receiving instruction on the Constitution, civics, and American history in their schools today. To become responsible citizens, students need to know that the Constitution is not about the 39 men who signed it. It is a vital document that shapes events today and in the future. Instilling an understanding of the American ideals of liberty, justice, equality, and civic responsibility should be a central task in every school, every day.

It should encourage the type of civic-mindedness displayed by the actions of community-based organizations and private citizens who rushed to aid victims of Hurricane Katrina and the September 11 terrorist attacks. The long-term health of our democracy and America's standing in the world depend on our own understanding of our past.

In the reauthorization of the No Child Left Behind Act next year, we can strengthen our commitment to history and civics education, and encourage them to be integrated into all subject areas, extracurricular activities, and service-based learning.

Our Nation's Founders understood that education was critical to the strength of our democracy. As James Madison said to Thomas Jefferson after the Constitution was written, "Educate and inform the whole mass of the people . . . They are the only sure reliance for the preservation of our liberty."

As we commemorate the anniversary of the ratification of the Constitution, those words are especially timely, because they remind us that their work alone cannot sustain American democracy. Our democracy depends heavily on enlightened and engaged citizens, and high-quality civic education is the best way to ensure that its fundamental principles will continue to guide America for the next 221 years, as we and future generations do our best "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." May it always be so. •

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

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

CONTINUATION OF MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate continue in a period of morning business with Members permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MISSILE DEFENSE

Mr. SESSIONS. Madam President, it is easy for us to fall into the trap and the habit of believing the United States and our friends around the world are immune from the aggressive actions of hostile nations. Since the Cold War has ended, I think we have come to think that conflicts between industrialized nations are an historic relic. I believe one writer who has since admitted he was in error wrote a book called "The End of History." But we are not beyond history. We are not immune from the threats that have apparently always been out there in the world. And I wish it were not so, but I am afraid it is. I believe the world clearly remains a dangerous and unpredictable place. Significant and serious threats exist. North Korea and Iran, for example, seek nuclear capabilities despite all kinds of efforts by the rest of the world to convince them to the contrary. They continue to invest heavily in the development of long-range missiles that could cause us great harm. Russia's recent actions in Georgia remind us that country, which we once hoped was on a path to greater integration into the global world community, might again be seeking to restore old Soviet ideas of dominance throughout their neighbors and in Eastern Europe, all of which should serve as a motivation to move ahead with the necessary capabilities to defend ourselves and our allies from missile attack, in particular. If a government, by way of the skills, knowledge, and technical achievements of its citizens, has the ability to protect itself from a known threat, does it not have a moral obligation to do so?

I remember once former Secretary of State Henry Kissinger saying:

I never heard of a nation whose policy it is to keep itself vulnerable to attack.

Why would we want to allow ourselves to remain vulnerable to a potential missile attack from North Korea or Iran? Well, we do not. We have been working for some time now to develop a defense system to block any such missile attack. Although it is highly technical and complex, we have made tremendous progress, and we now know we have a system that fundamentally works and we are continuing to advance it every year.

We cannot do this alone, however. We have our friends in Europe. We asked them for assistance in developing a third site there. In fact, perhaps one of the threats we face would be from a missile launch from Iran. The Iranians are continually working on advanced missiles. I believe they are also openly moving forward to develop nuclear capabilities. If they were to launch such an attack against the United States, it would pass over Europe. So Europe would be an important site for us in protecting the United States.

Indeed, the importance of recent decisions, therefore, taken by the Governments of Poland and the Czech Re-

public to base missile defense assets on their territory to protect our NATO allies and the United States against long-range ballistic missile threats is very important. The United States has been negotiating with the Czech Republic and Poland since early 2007 to base a missile-tracking radar and 10 long-range interceptors—just 10, but importantly 10—in those countries. I am pleased to note that those agreements were signed between the United States and the Government of the Czech Republic on July 8 of this year and with the Government of Poland on August 20 of this year. Ratification of these agreements by the allied parliaments in those countries is expected this fall. These deployments are intended to provide protection for the United States and most of Europe against long-range ballistic missiles such as those that might be launched by Iran.

The strategic objective of extending missile defense protection to our allies is to enhance the ability of the alliance to more effectively deter aggression and counter the growing threat posed by Iran. These deployments would send a strong message to our allies and adversaries alike that the NATO alliance will not be intimidated or blackmailed by any missile threat.

You have leaders of Europe, NATO, and the United States, and if some country threatens that they will launch a missile, and we have only 1 or 2—OK, maybe 10—but if we have the ability to knock those down, that alters the strategic threat capability significantly and allows the President of the United States or any European nation to say: We are prepared to defeat your missile attack. We will not be blackmailed. We will not alter our policies that we believe are in our national interests as a result of such threats.

So the planned deployments in Poland and the Czech Republic are supported by the NATO alliance. Some of our Members have wanted that. They have said that they would feel better about going forward if the alliance itself spoke on this, and so we have obtained that now. The system to be deployed will be fully integrated into NATO's ongoing plans to provide defense against shorter range ballistic missile threats.

The April 3, 2008, NATO Bucharest Summit Declaration notes:

Ballistic missile proliferation poses an increasing threat to allies' forces, territories and populations.

They went on to say:

We therefore recognize the substantial contribution to the protection of allies from long-range ballistic missile to be provided by the planned deployment of European-based U.S. missile defense assets.

In May, the Senate Armed Services Committee, of which I am a member and its bill is on the floor today, reported out of the committee, I am proud to say, a bill which authorizes fully the administration's \$712 million request for the Polish and Czech mis-

sile defense sites. I am proud that our committee did that. It was the right thing. It is important now that the appropriators recognize the critical importance of following through with adequate funding for these sites. Events of the past month reinforce the decision by the Armed Services Committee to recommend full funding. Not only does Iran persist in defying international calls to end its nuclear program, Iran continues to test space launch vehicles and ballistic missiles of increasing range, while also conducting military exercises in the gulf with operational ballistic missiles.

We should not take lightly the courageous action taken by the Governments of the Czech Republic and Poland to agree to establish a missile defense site on their territory, for by supporting the defense of NATO in this manner, and the defense of the United States, these countries have earned the ire of their big neighbor on the east, Russia.

In an effort to exert pressure on our allies to not do this, in February of 2008 Prime Minister Putin of Russia stated that:

If it is deployed, we will have to react appropriately. In that case, we will probably be forced to target some of our missiles at the objects threatening us.

Let's take a moment to analyze that language. What threat is it to Russia, let me ask, that an independent, sovereign nation would agree to have a defensive missile system deployed on their territory—not a hostile missile system, not a nuclear weapon missile system, a missile system designed to protect their own country and other countries from a potential threat? What possible threat is that to Russia? Zero. Of course, we know Russia has hundreds and hundreds of nuclear-armed missiles. The 10 silos and missiles we would propose to place in Poland would have no ability whatsoever to resist a massive Russian attack, God forbid they would ever launch.

So I would suggest something more is at stake here, and I think it is something that the Poles and the Czechs and the Georgians and the Ukrainians and the Estonians and the Latvians and the Lithuanians understand full well, and that is that Putin desires to reestablish hegemony over the former Soviet satellites. They think they have a right to tell Poland whether to undertake a military partnership with the United States. They have no right whatsoever to do so. Poland is glad to be rid of them. They are glad to be out from under the Soviet boot. They have no intention whatsoever of allowing themselves to fall back under their dominance. They have values that are close to our values. They want to be part of our heritage and the Western heritage.

Just days after the Czech Republic signed the radar basing agreement with the United States, Russia reduced its oil shipments to the Czech Republic without providing any explanation.

Boom. The oil shipments have since been restored, but threats continue.

Despite increasingly bellicose threats by Russia to cut off energy supplies and to target Poland and the Czech Republic with military means, these allied Governments have maintained their freedom, their independence, their sovereignty, and their courage, and have stood fast with the United States and NATO. So the very least this Senate could do would be to recognize the importance of these decisions, to express our full and strong support for what these nations have done on behalf of themselves and the Atlantic alliance and affirm that with the support of legislation that would move forward with the third site.

In closing, I would share with my colleagues the words of Mirek Topolánek, the Czech Prime Minister. The Czech Republic and Poland are such wonderful countries. They are so proud to be free and independent. They are some of our best allies in the world.

The Prime Minister placed this issue in the proper context, when he stated:

The moral challenge is clear and simple. If we are not willing to accept, in the interest of the defense of the Euro-Atlantic area, such a trifle as the elements of a missile defense system, then how shall we be able to face more difficult challenges that may come?

Isn't that a great statement? That is the right context.

I hope this part of the bill will remain intact. I am confident it will. I hope our appropriators will find the money necessary to move forward rapidly to complete the development of these systems. Indeed, our NATO allies and the United States are certain to face more difficult challenges in the days ahead, as Iran and other nations continue to develop weapons of mass destruction and the ballistic missile capability to deliver them. As the crisis in the Caucasus suggests, there may be even greater challenges ahead. By supporting the European missile defense initiative, we extend missile defense capabilities to our allies while bolstering the defense of the United States homeland. In so doing, we strengthen our partnership and our collective security. We send a strong message to potential adversaries that this alliance will take such actions as necessary to ensure its security against threats that may occur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to speak in morning business for whatever time I may consume.

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

Mr. INHOFE. Madam President, allow me to echo strong agreement with my colleague from Alabama. We both serve on the Armed Services Committee. It is our hope and belief that we will be able to get a bill tonight. There are a lot of amendments that we

would have liked to have had time to add. Senator SESSIONS talked about the successes we have had in the Czech Republic and in Poland. It is absolutely necessary. This is a life-threatening situation. I believe we are in pretty good shape there. I had several programs that are going to be included in this bill expanding the training and equipment. Sections 1206, 1207, and 1208 are significant. Those are things we can do in the field in these countries where we are in a position to train and equip these people, which is certainly to our advantage. Expanding what used to be called the CERP, the Commanders Emergency Response Program—they changed the name. I can never keep up with these things. But instead of having it only apply to Iraq and Afghanistan, it now applies to other areas also. It gives the commanders in the field a chance to respond immediately rather than go through all the bureaucratic redtape of correcting problems back in Washington.

With the IMET program, which is a program whereby we bring in officers and train them in our facilities in the United States, it used to be that until they signed an article, we would not allow them to be trained in the United States. The assumption was that somehow we were doing them a favor by training them. The reverse is true. They want to come to the United States to train because they know we have the best training. If we refuse to do it, countries such as China will welcome them with open arms. One of the interesting things is, once officers are trained in this country, they develop an allegiance that stays.

A lot of these things are in the bill that are good. I am delighted, because I understand we will be voting on it very soon.

AFRICA

Mr. INHOFE. Madam President, the main reason I wanted to come to the floor today is another resolution we hope we will be able to get passed before we leave having to do with Darfur. I have had the habit of bringing attention to situations and conflicts in places around the world that get little attention. However, in the case of Darfur, it has had all the attention. When people ask, what are the problems with Africa, they always talk about Darfur. So while they have received all of the attention, there hasn't been any kind of action that has followed. It is distressing that the situation in Darfur has received so much press and generated so much attention, with documentaries and advocacy campaigns and waves of public support, but it has not spurred the international community to more action.

We have been saddened and horrified at the pictures we have seen and the stories we have heard about the genocide in Darfur that has unfolded since 2003. At least 300,000 people have died,

and 2½ million have been forced from their homes at the hands of violent militias called the jingawit who have been encouraged and supported by the Khartoum Government, President Bashir. One of the things that is interesting about this is, we recall the tragic genocide that took place in the middle 1990s in Rwanda. People are now aware of that and wondering why we couldn't have done something about it earlier to prevent it. They have now killed about a third the number of people of the genocide that took place in Rwanda, and President Kagame is doing such a great job there. But where were we when we could have helped President Kagame and prevented the genocide from taking place?

It is now up to a third that many in Darfur. So we can do something and do something now to avoid it. Last week we received news that Sudan's central government is launching land and air attacks in Darfur, with many dead and injured. Last month, in August, the Sudanese military and police opened fire on Darfur refugee camps, killing 31 people and injuring a lot of others. The United Nations/African Union hybrid peacekeeping force assessed the incident and concluded that Sudan used an excessive, disproportionate use of lethal force. For the United Nations to come up with that, it has to be bad. They also concluded that the refugees were only carrying sticks and knives and spears while the Sudanese forces were armed with guns. Khartoum insisted that they were searching the camp for drugs and weapons.

In July, The Hague, the International Criminal Court, began the process of indicting President Bashir on 10 charges, including three counts of genocide, five crimes against humanity, two of murder, and masterminding the campaign to annihilate the tribes in Darfur. A senior U.S. official said recently that he expects the ICC, the International Criminal Court, to issue an arrest warrant in the next month—long overdue, I might add. Bashir, who no doubt is beginning to feel the political ground shifting beneath him, continues to resort to more intimidation and violence. One major factor in the ongoing violence in Darfur can be traced to the continued violations of the U.N. arms embargo on Sudan. China is Khartoum's major source of weapons used in Darfur. China has embarked on a new form of colonialism in Africa, grabbing as many natural resources as it possibly can while disregarding the effect on the people. I wish more Members were familiar with Africa and the history of Africa. There are so many books written about that, one of them addressing the Belgium situation there in the early years. They came in, raped the country, took all the natural resources, and left the people there to die. We should be aware that that is exactly what China is doing right now.

Beijing has declared 2006 the year of Africa. It shows no signs of slowing

down in spreading its influence to claim resources. Currently, China's national petroleum company is pumping roughly 500,000 barrels a day from wells in southern Sudan. Keep in mind, China is our biggest competitor for oil and gas around the world. Obviously, we are dependent upon foreign countries, many of them not too friendly to us, for our ability to even fight a war. That is another issue and one we will address. But China is right in the middle of this one, making it more difficult for us. In order to assure continued access to the oil, China has provided weapons to Khartoum and taken a very passive stance toward the government's brutal treatment of the people of Darfur.

Last year Amnesty International reported that both China and Russia had broken the arms embargo by supplying Sudan with attack helicopters, bombers, and weapons. On July 12, the British Broadcasting Corporation reported they had evidence that the Chinese Government provided training and equipment to Bashir's government. In February, the report said that China was training pilots to fly Chinese Fantan aircraft jets on missions from the airfield in southern Darfur. This is a direct violation of the U.N. arms embargo which covers training, not just the supply of weapons, equipment, and military vehicles. The BBC also investigated weapons that China sold to Sudan in 2005 and found postembargoed trucks that carried anti-aircraft guns. This news, although not a surprise, comes at a time when Khartoum is using force against refugees with the very planes and weapons that China is supplying.

China is not the only problem there. Russia is actually a problem also. Russia is to blame for violating the arms embargo. During the last couple of weeks of attacks, Darfur rebels stated that the government used four helicopter gunships and two Russian-made Antonov airplanes. Russia's continued disregard for crimes perpetrated by the Khartoum Government in Darfur and the selling of arms to carry out such violence against the people of Darfur is inexcusable and needs to be stopped immediately.

I hasten to say there are many other problems I have come to the floor and talked about over the last 12 years in Africa. Darfur is one that has captivated everyone's attention. But I assure my colleagues, there are problems in other areas. Right now, as we all know, China is currently Zimbabwe's largest investor and President Mugabe has destroyed the economy in Zimbabwe. We can all remember when they were considered to be the breadbasket of all of Africa. It is amazing that Zimbabwe is able to buy military articles such as their recent purchase from China that included \$240 million in fighter jets, in light of their dying economy. When I say "dying economy," they don't even talk anymore about the value of their currency be-

cause their currency has no value. So the only ones eating in Zimbabwe, the area that used to be the breadbasket of all of Africa, are the ones who are subsistence farmers, able to grow what they and their families can eat.

In 2005, I gave a series of speeches detailing why I believe China to be a threat to our national security. From what we have talked about today, we know China is also a threat to other countries' national security. I challenge my African friends to be wary of current and future Chinese involvement in their countries. It seems that much of the power-sharing agreement in Zimbabwe has been reached with Mugabe remaining as President and opposition leader Tsvangirai taking over the day-to-day running of the Government as Prime Minister. I hope it works out, but I am not optimistic that it will.

We have a problem there. We have a country that had been the breadbasket of sub-Saharan Africa and is now unable to provide anything.

As to other threats in Africa, I have been quite distressed for some time that as we get the squeeze in the Middle East and al-Qaida and the various terrorist elements down through the Horn of Africa, but we have finally made a good decision in this country to assist Africa in building five African brigades, located north, south, east, west, and central. This is going to be necessary for them to take care of the problems. As to other problems in Africa, it has been 30 years now since western Sahara was kicked out of their homeland, and they have been out in the desolate areas now for more than 30 years. It is shocking to me that we don't do anything to help them get repatriated and sent back to their proper areas.

In northern Uganda, on several of my trips there, I have become familiar with what President Museveni has been trying to do for a long period. Frankly, President Museveni has been doing a great job. He was a warrior before he became President of Uganda. But the problem in Uganda is every bit as bad as it is in Darfur, and it is a problem everybody knows about, though it is totally different. We have a guy up there named Joseph Kony, who heads the Lord's Resistance Army. You have heard about the Children's Army and how he goes and trains these little kids, these little boys who are 12 to 13 and 14 years old, how to use automatic weapons. They have to go back to their villages and murder both their parents and all of their family. If they do not do it, they mutilate them. They cut their ears off.

I have been up in the northern part of Uganda and have been able to see it. What have we been able to do about that? Very little. He is still loose. Just recently they put him on the list of global terrorists for the United States, but that did not really resolve anything major. So we have that problem. And we have Joseph Kony, who is still

to this day killing and mutilating little kids.

I guess I am a little sensitive to that. We had a great experience in my family. We found a little girl in Ethiopia when she was 3 days old, and her health was not very good. As we might expect in Addis Ababa, in Ethiopia, there is a great need for nurseries and health care for kids, but the health care just isn't there.

I remember looking at this little girl. As the weeks went by and she started developing—escaping death time and time again—she finally grew up and she became a very attractive little girl. I have said on this Senate floor several times that my wife and I have been married 49 years, and we have 20 kids and grandkids. Well, this little girl shown in this picture is one of them now because my daughter Molly, who had nothing but boys, wanted to have a girl, so she adopted this little girl, Zegita Marie, and she has turned out to be an outstanding little girl.

So there are these problems. One of the problems with adopting in Africa is that culturally some countries do not approve of adopting. They think the village should be able to take care of the children who become orphans. The problem with that is, with such things that are taking place right now in Darfur, with such things that have taken place in Rwanda, the villages cannot absorb the killing and mutilating of a million people in a short period of time. That is what has happened in Rwanda.

So I am glad several Members of this body, including MARY LANDRIEU from Louisiana, have been interested in helping with the adoption of some of these kids so that other children like my little granddaughter are not left there to die in a country in sub-Saharan Africa but can find a loving family.

Anyway, right now, the subject is Darfur. The subject is Darfur because what is going on there right now is kind of in the early stages of what we witnessed taking place in Rwanda. That genocide can be stopped, and it can only be stopped by us along with anyone else in the international community who cares enough to save lives in sub-Saharan Africa. Certainly, the southern part of Darfur is a crisis right now that needs to be dealt with.

So I would ask my colleagues to join Senator BILL NELSON of Florida and me in asking for the adoption of a resolution that should take place today. It is one that is going to establish a specific position for the United States of America. The resolution is S. Res. 660, which we have submitted this week. It condemns the ongoing sales of arms to belligerents in Sudan and calls for both an end to such sales and an expansion of the U.N. embargo on arms sales to Sudan.

As Russia and China provide Khartoum with more weapons and materials, they continue to fuel the conflict and violence and drive a peaceful solution further away from reality.

Countries that want to do business in Africa, or anywhere for that matter, must be held accountable for their behavior. One of the things I have observed in Africa, no matter what country you go into—if it is an oil-rich country—anything that is new and shiny, whether it is a bridge, whether it is a colosseum, a sports arena, it is always built by China. So they have the inside track, and it is going to be up to us to join together to stop that type of mutilation of the population in countries such as northern Uganda and the Sudan.

So I urge the adoption of this resolution today and hope it will become a reality so we have a new position for the United States of America to save little girls like this one in countries that are involved in genocide.

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

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

The bill clerk proceeded to call the roll.

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

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

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

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 20 minutes.

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

THE ECONOMY

Mr. DORGAN. Mr. President, today the stock market is down over 400 points. Yesterday it was pretty mixed. The day before it was down over 500 points. It is pretty clear that, judging by what is happening on Wall Street and judging what is happening to the economy—the news this morning on the front page of the paper: Loan guarantee offered to one of the largest insurance companies of America; the bankruptcy of an institution, Lehman Brothers, which has been around since the late 1800s; it survived the Civil War and the Great Depression—all these together demonstrate a very serious problem for this country's economy. This economy is in some peril, and I think we should not underestimate the difficulties that face it.

Our Treasury Secretary and the head of the Federal Reserve Board are taking midnight action, working 24 hours a day, apparently, convening meetings here and there, but they share something in common with us. None of us have ever been here before. No one quite understands where we are and what we do to deal with this very serious economic challenge to our country.

This is a great country. It is the only country like it on this planet. It has a very strong economy and has had for a long while. It has lifted a lot of people out of poverty and dramatically expanded the middle class. It has pro-

vided opportunity over the last century that has been almost unparalleled. Yet we now face some very difficult times, and it requires all of us to think together and work together to put together some plans to deal with this issue and this challenge. However, you cannot fix a problem you have not diagnosed.

I wish to talk a little about what got us here and a bit about what I think we ought to do about it. Two things: a subprime mortgage scandal decimated part of the foundation of this country's economy. I wish to talk about what it means. It sounds like a foreign language: Subprime loan scandal. Then, at the same time this economy was weakening because of an unbelievable subprime loan scandal, the price of oil was going up like a Roman candle, up to \$147 a barrel. It has come down some now; back up I think \$4 or \$5 a barrel today. But that had a huge impact on this economy as well. In some ways, these problems have the same roots: Unbridled speculation, regulators who didn't regulate, those who were supposed to regulate were willing to be willfully blind.

Let me talk about these things for a moment. Let me talk first about the situation with the price of oil. I held a hearing yesterday for almost 3 hours on the subject of speculation that I believe drove the price of oil to \$147 a barrel. At a time when our economy was reeling from the subprime scandal, running oil up to \$147 a barrel was a huge burden and had a huge impact in weakening this economy. I am somebody who believes it was speculation that drove this up, right under the nose of regulators who didn't care about regulating.

Let me tell my colleagues what happened yesterday. We have had all kinds of testimony about this. One of the witnesses who was at the Energy Committee yesterday was from J.P. Morgan, a venerable investment bank in this country, and Lawrence Eagles delivered testimony yesterday from J.P. Morgan. He is the head of commodity research, and here is what Mr. Eagles said:

We believe that high energy prices are fundamentally the result of supply and demand. We fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation.

This from a man from the J.P. Morgan company, the global head of commodity research. But an e-mail we obtained today that was sent late last evening to the clients of J.P. Morgan by a Michael Zimbalist, who is the global chief investment officer for J.P. Morgan—the same company—said this—what we have been saying:

There was an enormous amount of speculation pent up in energy markets; example, an eight-fold increase in bank OTC oil derivatives exposure in the last three years and it wasn't just the supply-demand equation. Oil will rise again and we need solutions to energy supplies, but \$140 in July 2008 was ridiculous.

Let me say that again. An executive with J.P. Morgan testified yesterday

before our committee and said: We believe high energy prices are the result of supply and demand, not excessive speculation.

Last evening, an e-mail was sent from J.P. Morgan by their global chief investment officer and it says what we have been saying: There was an enormous amount of speculation pent up in energy markets.

I am trying to understand—and this is not to focus just on this company—J.P. Morgan. They testified they were an investment bank. We have had meetings with a lot of interest about this subject of excess speculation. I am trying to understand whether we are getting the straight story from people. What was the straight story here, the man they sent to testify or one of the top folks in J.P. Morgan who sent an e-mail to clients last evening? They directly contradict each other.

We have a whole lot of folks who are making a living these days saying: Well, the price of oil went to \$147 a barrel because of supply and demand, and I say to them: It doubled in a year. From July to July, the price of oil doubled. I defy anyone to tell me what happened to supply and demand in that year that justified the doubling of the price of oil. There isn't anyone in this Chamber and there is no one who has testified before my committees who can make that case. Why? Because the case is not valid. It isn't valid.

I have sent a letter to Mr. Jamie Dimon, the chief executive officer of J.P. Morgan, asking him to reconcile this. The company was willing to testify and they were one of the witnesses yesterday. I invited witnesses who had made the case that speculation was a significant part of this problem, of the runup of oil; others had invited those who believed that speculation was not. This testimony from J.P. Morgan was part of testimony invited by those who believe there is not a speculative component. But we have a right as a committee, it seems to me, to understand how does this happen. The company sends a representative to tell us there is no speculation and then sends an e-mail to clients the same day and says speculation is a significant part.

The reason I mention this is oil is a part of what is happening in this country today with our economy. The runup in the price of oil significantly weakened this economy. I am expecting a response from J.P. Morgan to try to tell me why the contradiction. Who is talking straight here? When do we get straight answers? If we are going to fix what is wrong, we have to know what happened and what caused it.

Now, I mentioned the subprime loan scandal. The subprime loan scandal. I described what I thought was going to happen 9 years ago on the floor of the Senate. We had a bill that came to us from Senator Gramm called Gramm-Leach-Bliley. Senator Gramm spent a career here trying to get rid of all regulation: Deregulate. Deregulate, he claimed. Financial modernization, he

called it. The Financial Modernization Act. That was a fancy way of saying: Let's take apart the protections that existed after the banks failed in the 1930s and the Great Depression, let's take apart the protections we put in place to make sure it didn't happen again. We put in place the Glass-Steagall Act that said you have to keep separate banks and real estate and securities. Why? Because real estate and securities can be very speculative, and banks need to stay away from speculation. It needs to not only be safe and sound, it needs people to think they are safe and sound.

So what was put in place in the 1930s—the Glass-Steagall Act and other provisions to separate inherently risky enterprises from banking—worked for a long time. Then to the floor of the Senate comes the Financial Modernization Act in 1999. I voted against it. Let me read what I said on the floor on May 6, 1999, on the floor of the Senate:

This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial industry at the expense of customers, farm businesses, family farmers, and others. In some instances I think it inappropriately limits the ability of the banking and thrift regulators from monitoring activities between such institutions and their insurance or securities subsidiaries, raising significant safety and soundness consumer protection concerns.

Let me say that again: This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts.

No, I am not a soothsayer. I didn't have a crystal ball. But I knew if you don't have good regulation and you are going to create the homogenization of big financial industries and put banking and everything together, even if you claim you are going to build firewalls, I knew exactly what was going to happen.

On November 4, 1999, on the conference report—I was one of eight Senators to vote against it—I said:

Fusing together the idea of banking—which requires not just the safety and soundness to be successful but the perception of safety and soundness—with other inherently risky speculative activities is, in my judgment, unwise.

Then I said:

We will, in 10 years' time, look back and say we should not have done that because we forgot the lessons of the past.

Those are my statements from 1999. It is now 9 years later, not 10. What we see are massive bailouts, massive taxpayer bailouts, and the lessons we apparently forgot. I voted against all of that. The fact is they sold it. They sold it like medicine from the back of a wagon in the old West, snake oil, solve everything. Allow all these big institutions to get married; fall in love, get married and become bigger and do a little of everything. That way you get one-stop shopping. Go ahead and buy

your securities, buy your insurance, buy your real estate, and then make a deposit, if you will, and maybe get a check book if you want to still write some checks if you don't want to do it electronically; just one-stop shopping at all of your financial institutions and there will be no problem.

Guess what happened. In 2001, we had regulators come to town, hired by a new President, who said: You know what. It is a new day. Regulation is a four-letter word and we think four-letter words are dirty and we don't intend to regulate. Yes, we are going to get paid. We are going to run these regulatory agencies, but we don't intend to do anything. We intend to take an 8-year sleep, and they did. They dozed off immediately and they have not yet awakened.

We had a regulator at one of the very important agencies say: In fact, there is a new sheriff in town and this is a new business-friendly environment. We now see what that means. Willful blindness by people we paid to regulate, who came to town hostile to the basic notion of regulation.

Now, they saw what I saw. I have a tiny little television set, and so in the morning when I shave and brush my teeth, I have that television set on and I hear the advertisements on television. Countrywide, the biggest mortgage bank in America, here is what they said:

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

What they were saying, essentially, is: Hey, are you a bad risk? Give us a call if you want a mortgage. Do you need a loan? This is the biggest mortgage bank in the country saying: If you can't pay your bills, for gosh sakes, call us. We want to give you a loan.

It wasn't just Countrywide. Here is a company called Millennium Mortgage and here is what they said. This was seductive. They said: Twelve months, no mortgage payment. That is right. We will give you the money to make your first 12 payments if you call in 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. That is a pretty good deal. We will make your first 12 months payments. Of course, they will put that on the back of the loan and it will incur interest and you will end up paying a lot more.

This is Zoom Credit. You all saw these advertisements:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card.

It says:

If your credit is in the tank, Zoom Credit is like money in the bank.

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

These were the advertisements being run on television and on the radio

across the country by the shysters trying to place bad mortgages out there that people could not make payments on, and then they run the paper up through securities, hedge funds, and investment banks, run them all over the world. Then it goes sour and people cannot make payments, and you have all these bad loans out there and things collapse. It is called the subprime loan scandal, and here is the origin: companies that said: If you have bad credit or you cannot make your payments, come to us, we will give you a loan.

So you start with the first baby step of bad business practices—because everybody was making money. The folks who were selling the loans, cold-calling people, were making big bonuses; and the mortgage banks, such as Zoom and Countrywide—the biggest—were making lots of money slicing these mortgages, the subprime mortgages, up into securities, securitizing them all.

By the way, they also said this: If you have bad credit and cannot make your payments and have been bankrupt, you know something, we also have no-doc loans. That means you don't ever have to document your income. They said: We will give you a loan, and you don't have to make the first 12 months of payments—we will make them for you—and you don't have to document your income. You could do that if you have been bankrupt and have been unable to pay your bills. Isn't that unbelievable? Guess what. They were all over the country like hogs in a corn crib snorting and making money, hauling it to the bank, saying: We are making big money by putting out bad paper.

Then what happens? All of a sudden, these mortgages, which in most cases had a 3-year reset of interest rates and were offered with teaser rates—sometimes 1 percent or 1.25 percent—these mortgages, 3 years later, had the interest rates reset, and they were now paying 10 percent. And then deep in the mortgage was the provision of a prepayment penalty so that you could not prepay the mortgage even though you were now stuck at 10 percent and could not pay the bill. These companies and the brokers said that it didn't matter; just line this up, and between now and 3 years, you can flip the property; the housing bubble is going up and you are going to make money anyway. And then the whole thing collapses.

So hedge funds are making money hand over fist, and investment banks are buying securities that are loaded, like sausage packed with sawdust, with good mortgages and bad mortgages, and things go sour, and all of a sudden, in these big, homogenized financial institutions, you have massive timebombs exploding inside their balance sheets. Then, guess what. We wake up and discover that Bear Stearns cannot make it and Lehman Brothers is going belly-up. They bail out Bear Stearns by allowing somebody else to buy them with \$30 billion from the Federal Reserve Board, securitized

by, in many cases, bad securities. This morning, the papers said \$85 billion. It is pretty unbelievable what is going on. It all starts here.

Now, did somebody see this? Did somebody watch television in the morning or read the newspaper or listen to the radio and hear the advertisements about the seductive new mortgages you could get and how the brokers and bankers and all these folks are making all this money? If the American people didn't see it, should the regulators have seen it? Weren't there people in this town whom we paid to regulate? How about Alan Greenspan, who is now treating us with a book and appearances on the Sunday shows and giving us a current diagnosis? Where was Mr. Greenspan when this was happening? What happened at the Fed that persuaded them not to interrupt essentially bad business that would injure the foundation of this country's economy, or the many other regulatory agencies where people at the head of them decided to be willfully blind and do nothing?

If ever there were a time for the people of this country to question whether the term "regulation" is a four-letter word, it is now. I believe the free market is a wonderful thing. I used to teach economics. I believe the free market is one of the best allocators of goods and services known to mankind. I also know it needs effective regulation—a regulator—because occasionally it becomes perverted. Occasionally, it is broken by certain interests.

As I said earlier, I wish I had been wrong when I said, on the floor of the Senate on May 16, 1999, in opposing the Financial Modernization Act, which took apart the basic protections we had and that we had learned were needed from the bank failures of the 1930s:

This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers, farm businesses, family farmers, and others.

Fusing together the idea of banking . . . with other inherently risky speculative activity is, in my judgment, unwise.

That is what I said 9 years ago. I wish I had been wrong, but I was not.

We come now to this intersection with the American economy in peril. I know we have people at the Fed and at the Treasury Department working full time to try to put this back together. Again, I say you cannot fix something if you don't know what went wrong. It is why I describe two things today—one, the unbelievable bubble of speculation that moved oil to \$147 a barrel, which put an enormous burden on this country's economy at exactly the time when we could not afford it, as the economy was already suffering the unbelievable effects of the subprime loan scandal. Now we have seen an almost perfect economic storm.

One doesn't have to be an economist to understand what is happening now in this economy. But it seems to me

that all Americans are hoping all of us pull together to find ways to put this country back on track, insist that regulators finally begin to regulate on behalf of the interests of the American people—insist that Congress do what it needs to do, and there are a number of things we need to do to set this right.

It is not with joy that I come to the floor of the Senate describing the conditions that, in my judgment, have caused the most significant economic collapse we have seen in a long time. But we must face the truth, and the truth is that we have been through a very difficult period and we need our Government to behave in a way that stands up to protect the interests of all Americans, not just a few. I am going to have more to say tomorrow about this subject.

I ask unanimous consent to have printed in the RECORD a letter that I had referred to that I have written to the head of J.P. Morgan, as well as an attachment with that letter.

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

U.S. SENATE,

Washington, DC, September 17, 2008.

Mr. JAMIE DIMON,

Chief Executive Officer, Chairman of the Board,
JPMorgan Chase & Co., Inc., New York,
NY.

DEAR MR. DIMON: I am the Chairman of the Energy Subcommittee of the Senate Committee on Energy and Natural Resources. I convened a hearing of the Subcommittee yesterday, which focused on speculative investments in the energy futures markets. I am troubled that the testimony delivered by Lawrence Eagles, Global Head of Commodity Research for your company, appears to be contradicted by an internal JPMorgan email that my staff has obtained, dated the same day.

At the hearing, Mr. Eagles said, "we believe that high energy prices are fundamentally the result of supply and demand." Additionally, the written testimony which was submitted on behalf of JPMorgan by Blythe Masters said, "we fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation."

But, an email we obtained that was sent late last night by Michael Cembalest, identified as JPMorgan's Global Chief Investment Officer, directly contradicts the testimony by Mr. Eagles and Ms. Masters. In his email (a copy of which is attached), Mr. Cembalest stated, in part: "what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but \$140 in July 2008 was ridiculous."

It appears that JPMorgan is telling Congress and the public that the run up in oil prices is solely due to supply and demand, while at the very same time it is telling its clients that an "enormous amount of speculation" is running the prices up.

Please explain why JPMorgan testified before Congress that the high oil prices are only due to supply and demand when your experts clearly acknowledge privately that it was speculation, not market fundamentals, that sent oil prices skyrocketing. As you know, this is a matter of enormous public interest and concern. Americans across our country are hurting as run-away prices

have permeated our entire economy and devastated family budgets.

It is critical that we have honest and accurate information as we debate solutions to this energy crisis. As Chairman of the Subcommittee that held the hearing yesterday, I am requesting that you send me all documents in the possession, custody or control of JPMorgan Chase during the last 12 months relating or referring to the role of speculation on oil prices. Given that the Congress is currently debating and will be voting on these matters imminently, please provide these documents to us on a rolling basis beginning as soon as possible with all such documents provided by one week from today. Also, due to the limited amount of time available to us before voting will occur, please ensure that the most relevant documents are provided first.

I appreciate your willingness to do this promptly to ensure that the public and Congress receive full, accurate, honest and complete information from those who testify before it.

I appreciate your timely response. If you have any questions, please contact Dennis Kelleher, my Chief Counsel, or Ben Klein, my Legislative Director.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

E-mail sent last night by the Global Chief Investment Officer for all of J.P. Morgan (see bold section below).

EYE ON THE MARKET, SEPTEMBER 16, 2008,
11-SOMETHING P.M.

Update: The U.S. government took another unprecedented step in this odd year and provided a bridge loan to AIG in exchange for 80% ownership in the company.

"SWF: Sovereign Wealth Fed". Say this for the U.S. Federal Reserve: they're reinforcing their historical independence from the legislative branch. On a day during which Senators McCain, Obama, Dodd and Shelby all came out publicly against a bailout of AIG, the Fed did it anyway. That's not entirely unprecedented; President Clinton tried to pass the 1994 Mexican Stabilization Act through Congress, couldn't, and then figured out a way to get the Exchange Stabilization Fund done without legislative approval. But what is unprecedented, at least for the Fed, is equity ownership. The United States now has its own Sovereign Wealth Fund, with Fannie Mae, Freddie Mac and AIG as its inaugural investments. Is this a backdoor alternative to privatizing social security?

First, a brief bit of background. AIG is an insurance company with roughly \$100 billion in capital and \$1 trillion in assets. They have an insurance operation that's been around for almost 100 years, and which has deep experience in life, property & casualty, personal, specialty and D&O insurance (indemnifications related to mistakes by directors and officers). AIG set up a capital markets subsidiary, AIGFP, which effectively provides re-insurance on \$440 billion in securities and other derivatives when you cut through all the industry jargon. AIG allowed this subsidiary to grow to be half the company's assets, a decision which in hindsight borders on the bizarre. Within this business unit, there are concentrated problems with a specific \$80 billion portfolio of multi-sector CDOs linked to residential mortgages. They've taken \$25 billion in losses so far on this exposure, with more expected by Moody's in Q3. While vintage years and terms/conditions differ, AIG's CDO exposure relative to shareholder equity was much larger than other big CDO holders such as UBS and Citigroup.

AIG's problem is that rating agency downgrades of AIGFP force collateral to be posted. Such a clause essentially transforms their exposure from an insurance policy that only requires payout when losses are realized, to a policy which requires payout depending on how markets price similar exposures. And right now, mortgage-backed derivatives are the leprosy of the financial markets, with prices arguably below fair value (a). However, for valuation and capitalization purposes, insurance regulators, accountants and rating agencies (no irony intended) are not interested in anyone's estimate of fair value right now. Instead, they're relying on the last marginal price that anyone happens to sell at, with the most desperate seller setting the price. If only property taxes worked that way; everyone would get tax certiorari relief based on the neighborhood's worst foreclosure sales.

I will leave it to others to describe the calamitous (or not) outcomes that the Fed decided to avoid. It would be speculation, although today's news of the oldest money market fund in the country (with \$60 billion at its peak) "breaking the buck" was possibly a small example (b). What the Fed gets in return for saving AIG: a 2-year loan at Libor plus 8.5%, plus an 80% ownership interest in the company. I know a lot of private equity and mezzanine funds that would love to have gotten a deal like that, but they didn't have enough capital. And that was the problem: AIG is so big that the numbers involved were too large for banks and other private sector entities to contemplate, particularly within 48 hours. AIG's former chairman stated that equity investors did not have to be wiped out, but there was only one entity left that was big and adroit enough to offer the terms and capital needed to forestall a possible bankruptcy (c), and it was the U.S. government. While I think the U.S. government made a good investment for taxpayers, the Pandora's box is going to be quite a challenge.

We're not going to rush out and buy equities on the view that the world's problems are over, or that the Fed will bail anything else out. The economic news, drowned out by corporate events over the last two weeks, is still pretty bad. This week's charts from our investment meeting (state tax receipts, small business optimism, the U.S. manpower employment survey, the Baltic Freight index, retail sales, Eurozone industrial production, hotel occupancy rates and just about everything related to growth or construction in China) all look the same: plummeting. There's also the minor issue that the Fed is running out of money for these bail-out/investment exercises (d). But with the decline in commodity prices, inflation forecasts are tumbling, rendering stagflation risks much lower. While we're at it, the Peak Oil crowd promoting crude oil call options struck at \$200 should concede what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but \$140 in July 2008 was ridiculous.

We are making some regional shifts in portfolios (from Europe to the U.S.) given a slower global economy, the prevalence of much higher levels of government and corporate debt in Europe, and more rapidly slowing European earnings estimates. We are also holding onto our cash balances, and are investing newly funded accounts slowly. But we are not, as we reiterated last week, positioning for Armageddon, which the Fed might have just averted with its actions this week.

Notes:

(a) AIG released a report on August 7 with their CDO stress-testing. The assumptions look conservative to me: 80%-90% of subprime loans expected to default, with 20%-30% recoveries upon foreclosure. Assumptions on prime loans were not much better: 60% expected to default, with recoveries of 65% upon foreclosure. AIG computed its fair value stress-testing loss on the CDO portfolio at around \$10 billion, compared to the \$25 billion in losses they've taken so far. This suggests that one of 3 things are true: (i) the non-transparent process through which AIG applied the stress-testing assumptions were too generous and underestimate the loss, (ii) secondary market prices driving the actual marks are too low, or (iii) the markets are right and the assumptions above are still not catastrophic enough. These outcomes are not mutually exclusive, but you could drive a truck through the difference between the stress-testing case and losses realized so far. Call me crazy but I think it's mostly (ii).

(b) That's what happens when a money market fund does not provide a dollar back for each dollar invested. A very rare occurrence which only happened once, in 1994.

(c) As far as we can tell, the Fed's investment does not constitute an "event of default" the way the GSE conservatorship did.

(d) For monetary policy geeks only: the AIG deal reduces the amount of unencumbered Treasury bonds held by the Fed under \$200 billion. From the March 12, 2008 *Eye on the Market*: "Something is nagging at me. Over the long run, I hope the Fed hasn't misjudged something. It's not that the Primary Dealer Credit Facility, is inflationary. For every dealer that comes to the Fed, the Fed sells assets to raise cash to lend, so their monetary targets are unchanged. But Fed assets are not unlimited: existing facilities already reduce some of the Fed's \$700 billion in assets. In the highly unlikely event that the Fed's assets were exhausted, they'd have to start the printing press. We need to hope they haven't prematurely pledged assets to dealers that are normally reserved to stabilize banks during a potentially painful economic downturn."

CDO = Collateralized Debt Obligation.

GSE = Government Sponsored Enterprise.

MICHAEL CEMBALEST,

Global Chief Investment Officer,

J.P. Morgan.

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The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Iowa is recognized.

AMERICA'S SENIOR CITIZENS AND TAXES

Mr. GRASSLEY. Madam President, I come to the Senate today to talk about an important segment of our Nation's population, America's senior citizens.

Our senior population has seen a very rapid growth in the 20th century. As of the year 2000, there were about 35 million people who were 65 years of age or older. Compare this with 3.5 million people at the beginning of the 20th century. Today, about 37 million people are 65 years or older. This amounts to about 12, 13 percent of our total population.

In 2011, the first baby boomers turn 65. This will mark the beginning of an explosion in our senior population. By 2030, the senior population will be twice as large, growing from 35 million to 70 million.

You may ask why I am citing these numbers. My Senate colleagues may think I am setting the stage for a lengthy discussion about our entitlement programs—Social Security and Medicare. While the impending entitlement crisis does require my attention, along with the attention of every Member of Congress—and very soon—I wish to discuss another issue that is at the center of this year's political debate, and that is that mean word "taxes"—yes, taxes on our senior citizens. I wish to explain to my Senate colleagues and my friends in the media how seniors are taxed under current law. I also would like to talk about how the Republican and the Democratic Presidential candidates' tax plans will affect our senior citizens.

With a significant increase in our older population looming, those who are currently 65 and older—and those who will be turning 65 over the next 2 decades—should pay close attention to the tax changes that will be faced under a Republican administration and Senator McCain or a Democratic administration and Senator Obama as President. People should not only be wary of campaign promises, they must also understand the flaws in the various tax proposals being offered the voters this election season. Change may result in higher taxes.

I wish to start by picking up from a speech I gave back in July. That speech featured Rip Van Winkle. I have a picture of Rip Van Winkle up here on a chart. In that speech, I explained how a charismatic, likable, articulate, young Governor from Arkansas barnstormed across America in 1992 as the Democratic Presidential candidate. That candidate—now former President Bill Clinton—had a battle cry: “putting people first” and “middle-class taxpayer fairness.” It sounds familiar, doesn’t it?

Another familiar tune is what candidate Clinton was saying in that same year, 1992. He said, if elected, “the only people who will pay more income taxes are those living in households making more than \$200,000 per year.”

If elected, the junior Senator from Illinois, the Democratic candidate, says that he will only raise taxes on families earning \$250,000 or more.

But once candidate Clinton was sworn in as President Clinton, that campaign promise was quickly discarded. In 1993, President Bill Clinton and a Democratic Congress enacted the largest tax increase in history. Those are not my words. I will quote the great chairman of the Finance Committee at that time, New York Senator Patrick Moynihan, who termed it “the largest tax increase in the history of public finance in the United States or anywhere else in the world.” And much to the voters’ surprise, the tax increase of 1993 was on people who earned more than \$20,000, not just those earning more than \$200,000, as candidate Clinton had said in that campaign.

So the moral of this story is that candidate Clinton, who promised middle-class tax relief, raised taxes on the hard-working middle-class taxpayers once he became President Clinton. This was obviously change that you could not believe in.

The reason I told that story was to tell this story back then. Not only did President Clinton raise taxes on the middle class, he raised taxes on seniors.

That is why I am speaking to my colleagues about the impact of tax proposals on senior citizens that are an issue in this election. That is right, taxes were raised on seniors.

What was this tax increase on seniors back in 1993? It was an added tax on Social Security benefits. Let me take a moment to explain how this tax currently works.

Prior to the 1993 tax increase, married seniors with incomes less than \$32,000 did not pay taxes on their Social Security benefits. For single seniors, those with less than \$25,000 paid no taxes on their Social Security benefits. However, single seniors with incomes over \$25,000 and married seniors with incomes over \$32,000 paid income tax on only 50 percent, or maybe for the people paying it, it was on the whole 50 percent of their Social Security benefits. The revenue raised from this tax is directed into the Social Security trust fund.

These rules remain in place today, but under the 1993 tax increase that President Clinton signed, senior citizens with incomes over \$34,000 and married seniors with incomes over \$44,000 were required to pay income tax on not 50 percent of their Social Security benefits but 85 percent of their Social Security benefits. So this so-called tier 2 Social Security tax is still part of our tax laws. The revenue generated from the tier 2 tax is directed to the Medicare trust fund.

Let me pause for a moment to show how many seniors actually pay tier 1, that is 50 percent, and tier 2, the additional 35 percent. We can see on this chart a number for 1994 and a number for 2005. In 1994, when the tier 2 tax became effective, almost 6 million seniors paid income tax on their Social Security benefits. This includes singles and married seniors.

Compare this with 2005, the most recent year we have accurate data from the IRS. Around 12 million seniors paid the tier 1 and the tier 2 Social Security tax. So you can bet your bottom dollar that seniors with incomes of less than \$200,000 were surprised when they woke up to the fact that the tax increase of 1993 hit them.

Why were they surprised? Candidate Clinton assured them their taxes would not go up. Not only did their taxes go up, they had to give back a significant portion of their Social Security benefits to the Government, benefits that they worked a lifetime to receive.

Will America’s seniors and the middle class, for that matter, wake up to higher taxes after the 2008 election? That is the key for my being here, to look at the tax debate going on in this election season for the Presidency. Will American seniors and the middle class, for that matter, have to wake up to higher taxes after the 2008 election?

Much like Rip van Winkle woke up to a different, changed world, will Senator OBAMA’s change be something seniors can believe in? Could history repeat itself?

I wish now to explain how the 2001 and 2003 bipartisan tax relief benefits American seniors. The reason I call them the bipartisan tax relief bills is because it had bipartisan support, unlike the rhetoric of the campaign which is always referring to the Bush tax cuts.

If these were the Bush tax cuts, they would have been a heck of a lot bigger tax cuts than the bipartisan tax relief that is now the law of the land.

I wish to specifically focus on the reason for the 2003 tax relief because in 2003, Congress reduced the top tax rate on capital gains from 20 percent down to 15 percent. Congress also tied dividend income to the capital gains tax rate instead of the taxpayers’ marginal tax rate. That is, of course, the same 15 percent as for capital gains.

For low-income taxpayers, the tax rate on capital gains and dividends is currently zero. How does a lower capital gains and dividend income tax rate

benefit our senior citizens who have contributed so much to this country? Census Bureau statistics show that about 23 percent of the taxpayers claiming dividend income are senior citizens; in other words, 65 or over. A nonpartisan research group, the Tax Foundation, shows that nearly 26 percent of all taxpayers claiming capital gains are seniors 65 or over. So a considerable number of seniors rely on investment income as a cornerstone of their overall income.

The Democratic leadership may file on to this floor and tell you that the majority of seniors’ income is locked away in retirement plans and IRAs and because of this, they don’t need the favorable tax relief of capital gains and dividend income. I have news for anybody. First, as I pointed out, a large number of seniors rely on a stable flow of income that dividends provide. Add seniors’ reliance on capital gains and you see that any reduction in investment income through higher taxes will hurt our hard-working senior citizens.

Let me show my Democratic colleagues and friends in the media the tax savings that seniors currently enjoy due to lower tax rates. As we can see on the chart, seniors with incomes under \$50,000 earning dividend income see the biggest tax savings. Their tax liability is 17 percent less than it would be if the favorable tax relief expired. This portion of the chart also illustrates how much more seniors rely on this favorable tax treatment than taxpayers of all ages. For all other taxpayers, their tax liability is 7.6 percent less, as we can see from the chart, the first bar.

Let’s look at seniors claiming capital gains. Same chart, as we can see. Seniors with incomes under \$50,000 pay about 13 percent less in taxes than they would without the favorable tax relief in the 2003 capital gains law. That is a significant chunk of change for our hard-working seniors or, if they are retired, for having worked hard throughout their life.

So we can see my Democratic friends don’t have a leg to stand on. They come out here—we have seen them and heard them—like the big bad wolf and huff and puff about how seniors do not benefit from the 15-percent capital gains and dividend income tax rate. But the facts, as I presented them, are clear, and we get this information from foundations and study groups. Seniors rely on capital gains and dividend income to maintain their standard of living and pay their medical expenses. Seniors benefit significantly from the favorable tax treatment on capital gains and dividend income, especially low-income seniors.

The moral of this story is that lower tax rates on investment income means these seniors can keep more of their earnings to pay for life’s necessities. Taking these tax benefits away from seniors by raising capital gains and dividends, these are people who will be hurt because they most typically live

off of a fixed income and their standard of living would be severely impacted.

My Democratic colleagues in Congress actually want to take away the 2003 tax relief for seniors. For example, in March of this year, this body took a very important vote. I, along with my Senate colleagues, voted on an amendment to the budget that would have allowed the 15-percent capital gains and dividend income tax rates to be extended beyond their sunset period of 2010. Every Democrat voted no. If the Democrats get their way, this favorable tax treatment will go away for seniors, raise taxes on seniors, and lower the standard of living of seniors. I voted to extend the 15-percent capital gains and dividend income tax rate.

The senior Senator from Arizona voted yes. Interestingly, the junior Senator from Illinois voted no. My friend's vote is interesting because the junior Senator from Illinois is now barnstorming across America campaigning to be President, much as President Clinton did. On the stump, the Democratic candidate has stated he does not want the 15-percent capital gains and dividend income tax rates to go away, at least for families earning less than \$250,000 a year. Let me repeat, the junior Senator from Illinois, whose word is his bond, voted with this budget vote last spring to allow the 15-percent capital gains and dividend income tax rates to expire, but now he is saying he wants this tax relief to stick around.

To a degree, I am glad for that change of heart, but the more I think about it, the more I wonder whether the junior Senator from Illinois will stick to this campaign promise if elected because he might find himself in a position like Candidate Clinton who failed to stick to his campaign promise when he became President not to tax the middle class. So maybe my Democratic friend will be the big bad wolf after all. Huff and puff and let the 15-percent capital gains and dividend income tax rate expire. I am not sure if a President OBAMA will be living in such a brick house. His house may be made of straw and his campaign promise of extending the 15-percent capital gains and dividend income tax rate for families earning less than \$250,000 may be blown down.

Former President Clinton's promise was blown down, and we saw the biggest tax increase in history. That is what Senator Moynihan, chairman of the committee at that time, said. I don't want history to repeat itself.

Let's focus on how seniors would be affected under a Republican or a Democratic administration. Let me start with a Republican administration because Senator McCain's tax plan is straightforward. That is, the Senator from Arizona would continue the current 15-percent capital gains and dividend income tax rates beyond its sunset. He would also continue the tax rate of zero percent for low-income taxpayers. Yes, it is a very simple tax plan.

The PRESIDING OFFICER. The Senator has used 10 minutes. We are under a time agreement.

Mr. GRASSLEY. I ask permission to continue. I was told I would have until 10 after 6, and I will be done before 10 after 6.

Ms. LANDRIEU. Madam President, may I inquire of the Senator, another 5 or 10 minutes?

Mr. GRASSLEY. Let's say 7 minutes, and if I am not done in 7 minutes, I will quit.

Ms. LANDRIEU. I thank the Senator. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, seniors under the tax plan proposed by the senior Senator from Arizona would continue to benefit from lower tax rates. This would allow seniors to maintain their current standard of living. These taxpayers will be able to age with dignity.

The Democratic Presidential candidate's tax plan for seniors is much more complicated. But first let's keep it simple. Although the junior Senator from Illinois voted to allow the 15-percent capital gains and dividend income tax rates to expire, he is now saying he wants to keep this favorable tax treatment for families earning less than \$250,000.

It seems the Senator from Illinois thinks the bipartisan tax relief is good and should continue for most taxpayers. However, his Democratic colleagues in the House and Senate don't seem to think so. After all, they voted to allow the 15-percent capital gains and dividend income tax rate to expire in that vote we had this spring.

I ask, if Senator OBAMA is elected on November 4, will he be able to convince his Democratic colleagues to continue this favorable tax treatment? President Clinton was unable to stop a Democratic Congress from increasing taxes in 1993. And I wouldn't want history to repeat itself.

I also want to spend some time discussing a proposal my friend from Illinois has discussed on the campaign trail. Senator OBAMA has proposed to exempt seniors with incomes less than \$50,000 from income taxes. This sounds pretty good. I mean, for 2007, the median income for people 65 and over was close to \$28,000. But if you take a closer look, there are a number of flaws.

These are not my words. The Tax Policy Center, a nonpartisan think tank that has received notoriety for analyzing the tax plans of Senator McCain and Senator OBAMA, states that "the proposal is poorly designed." They also say the proposal "creates inequities between older and younger workers with the same income." The AARP, the powerful senior lobby, hasn't even highlighted the proposal in communications with its membership.

But I wish to highlight this proposal and expose its flaws because I don't want our seniors to believe in a campaign promise that can't be delivered.

First, the \$50,000 exemption amount would not be indexed. This means it

would erode over time, becoming less and less valuable to seniors.

Second, the \$50,000 threshold is a cliff. That means a senior earning \$1 over \$50,000 won't qualify for the exemption and that senior might stop working to make sure they do not go over that cliff.

Third, the \$50,000 exemption amount applies to both single and married taxpayers. This produces a marriage penalty that is unfair to married seniors.

Finally, this proposal exempting seniors making less than \$50,000 from paying income taxes would add to the Social Security and Medicare deficits. This may not be such a big deal for seniors, but it is a big deal for those of us here in Congress who have to find solutions to the shortcomings of Medicare and Social Security.

Let me tell my colleagues, and of course the media, how this proposal would add to the Social Security and Medicare deficits. As I discussed earlier, our current tax laws require seniors with incomes over \$250,000 and \$32,000 to pay income taxes on their Social Security benefits. According to preliminary data released by the IRS, close to 14 million seniors paid income tax on their Social Security benefits in 2006. This is because many seniors continue to work. Or they retire, but earn interest income, capital gains dividends, or rental income. Even half of their Social Security benefits are taken into account for purposes of determining whether a taxpayer must pay income taxes on their Social Security benefits.

Now, there are many seniors who are earning less than \$50,000 but more than \$25,000 and \$32,000. Currently, the income taxes these seniors pay on their Social Security benefits go directly to Social Security and Medicare. This means if these seniors are exempt from taxes, less tax revenue flows into the Social Security and Medicare. The trustees of these funds are already projecting that the Medicare trust fund will run out of money in 2019 and that the Social Security trust fund will follow in 2041.

The Senator from Illinois may say he will make up for this revenue loss by raising payroll taxes on families earning more than \$250,000 a year, but his campaign has recently stated that any increase in the payroll taxes on these workers would be phased in over 10 years. This means the revenue Senator OBAMA was relying on to make up the revenue loss that would result from the seniors' tax exemption won't be there. I am not sure about you, but making a campaign promise that will balloon the Social Security and Medicare deficits is not good judgment, especially when baby boomers are on the verge of turning 65.

Now, I have saved the best for last, and I want to say it loud and clear so my friends in the media and our Nation's seniors can hear it: Seniors will see their taxes go down under Senator McCain's plan, especially married seniors. Low- and middle-income seniors

who are married will be taxed less than under the Democratic tax plan. Senior citizens will also enjoy tax relief under the McCain tax plan.

The Senator from Arizona is doing the right thing in reducing the corporate tax rates. After all, our Nation has the second highest corporate tax rate in the world. That causes companies to move their operations overseas. Both Senator OBAMA and Senator MCCAIN have alluded to the competitive problem our corporations face because of high tax rates. There is an added benefit to reducing corporate rates. The answer is: a tax cut for middle-class seniors. Well, the incidence of the reduction of corporate tax rates falls on capital. The Congressional Budget Office tells me that the burden of the corporate tax falls on capital, and so does the Tax Policy Center.

So because seniors hold investments in corporations—as evidenced by the fact that almost a quarter of all Americans claiming dividends are seniors—they will see the benefits of lowering corporate tax rates. This means they will see their taxes go down if the corporate tax rate is reduced. Married seniors in particular will see their taxes go down more than under the tax plan of the Senator from Illinois, and in some cases the senior taxes would go up under the Democratic tax plan.

The Tax Policy Center has indicated that low-income seniors, those earning up to \$32,000, would see their taxes go up by close to \$150 under OBAMA's tax plan. Contrast this with Senator MCCAIN's plan, where these same low-income seniors would see tax cuts of over \$150.

The Senator from Illinois may not believe me. After all, he has promised no new taxes for families earning less than \$250,000, and that these taxpayers would receive a tax cut. But here on this chart, it is in black and white. According to the Tax Policy Center, seniors with a total income up to approximately \$24,500 and \$32,000 would see a tax cut of \$186 and \$154 respectively. That is under the McCain plan. Under the Obama plan, these same seniors would see their taxes go up by \$157 and \$131 respectively. That is a tax increase. And if your income is around \$83,000, you will see a tax increase of \$364 under OBAMA. Compare that to a \$431 tax cut under the McCain plan.

Let's look at single seniors. If you are a single senior with a total income around \$21,000, you will see your taxes go up \$118 under Senator OBAMA's tax plan and they will go down \$140 under Senator MCCAIN.

So I ask the Senator from Illinois whether he would like to revise and extend his remarks. He says no new taxes and tax cuts for people making less than \$250,000. But as we can see here, that is not true. And the tax increase is on one of the most vulnerable segments of our society: our seniors.

I would like factcheck.org to post the Tax Policy Center's numbers on their Web site, and I want seniors in Penn-

sylvania, Florida, Ohio, Missouri, and my home State of Iowa to read this and study it. Don't buy a pig in a poke. Be wary of a unified government. We need to make sure that we install in the Presidency people who are going to keep tax rates low on seniors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand we have up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

STORM DISASTERS

Ms. LANDRIEU. Madam President, before I begin speaking about the disaster occurring in Louisiana and in parts of Texas, and refer briefly to some of the other disasters that have struck, I wish to respond briefly to some of the remarks the Senator from Iowa made.

We don't have time for a debate, and I respect my friend on the other side a great deal, but had the Democrats followed the Republican leadership in trying to privatize Social Security, many seniors would be in a very difficult situation right now, as you know. The Republican Party has for years tried to privatize Social Security. What a terrible situation we would be in had we allowed that to happen. But we and some others, a few on their side, stopped it from happening. I can hardly tell you what the situation would be for our seniors, whether they are on the poor end of our economic scale, the middle end, or the higher end, with Bear Stearns and Lehman Brothers and others that are now collapsing.

So I know we will have a great deal of debate about which economic policy is the best, and I know the Senator rattled off quite a few numbers regarding Social Security, but I couldn't help myself as I was standing here thinking: Thank goodness we didn't privatize Social Security. Because whatever situation he has outlined, it would be a thousand percent worse for our seniors today. So I thank the junior Senator from Illinois from stopping that from happening, along with myself and many others.

I came to the floor today, however, to speak about the disasters unfolding in Louisiana and Texas and other parts of our country. I know as this Congress gets ready to adjourn, we have done some significant work over the last couple of months, and we have more work to do, we do need to get on an energy debate for this Nation, and I am hoping something can be worked out there. We also, of course, have a continuing resolution to discuss. But this is only one of several pictures I am going to show of the results of a terrible storm that crashed into the southern part of the United States last week.

Hurricane Ike hit the gulf coast with a ferocious force of winds and tidal surges on September 13. Hurricane Gus-

tav hit us on September 1, and Tropical Storm Fay, while it entered in Florida, or hit our country in Florida, actually did a tremendous amount of damage to other parts of the United States, not only the States along the gulf coast. There was some terrible interior flooding in Arkansas and even up here in this region. As a result, we have homeowners like this.

These photos were sent to us by American Press, from the Lake Charles American Press, and I thank them. This is the parish of Calcasieu, which is right outside the Texas border. So you have the counties, of course, of Houston and Galveston and Beaumont, but right on the other side of that border are Calcasieu Parish and Cameron Parish.

Let's see some of the extension of the damage in these other pictures. This is in a city. This is not in a low-lying area. This is not on a beach. There is not a beach anywhere around here. We have had tidal surges from Ike much higher than I think many people realize.

This is a picture of the eastern part of Louisiana. You all have seen this picture before, and I know you are going to accuse me of actually bringing out an old picture from an old storm. I feel as though I am in Groundhog Day here. But this is actually taken from last week. This is America's energy port. This is Port Fourchon, where 30 percent of the offshore oil and gas from the gulf comes. Port Fourchon. You can't see Port Fourchon, because it is completely underwater.

I feel I am going through the repeat of a movie. We had Katrina, we had Rita, and now we have Fay, we have Gustav, and we have Ike. And while Ike did hit directly into Galveston—and please let me begin by saying that my heart goes out to the people of Galveston and Beaumont and the millions of people right now who still in Texas do not have electricity. We in Louisiana most certainly understand the difficulties from a storm of that nature. But I would be remiss if I didn't come to the floor this afternoon and say that this storm hit more than the Texas coast. It walloped us as well.

This is another part, from southeast Louisiana, I believe. This is Port Fourchon. This is right on the coast. We can understand this happens when storms occur. This is not in the middle of a city. This is not inland. This is right on the coast. But as I have come down to say so many times, when is America going to wake up and realize that these are where our pipelines are? These are where our refineries are. By the nature of pipelines and refineries and ports, they have to be near a coast. They cannot be inland. We need to do a much better job of protecting these communities.

This is in the Houma-Terrebonne area, which is much farther inland. We had some of the worst flooding in Terrebonne Parish, which is really in the southeastern part of the State. Remember, the hurricane really hit

Texas, but the hurricane was so big; it was over 600 miles wide. While it was not a category 4 or 5, it was a massive storm that really flooded parts of Mississippi, almost all of south Louisiana, and Texas.

I see my colleague, the chairman of the committee, coming to the floor. I will at this point yield for just a few moments, as I think they have come to some agreement.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST— S. 3001

Mr. LEVIN. Madam President, let me first thank our dear friend from Louisiana for allowing this interruption. It is a very important presentation.

In a moment, I am going to propound a unanimous consent request. Before doing that, there has been a lot of inquiry as to whether a managers' package is included in this. It is not. It has been unable to be cleared on the other side, so it is not included in this unanimous consent request, so that everybody understands it.

I now ask unanimous consent that at 6:30 p.m., morning business be closed; that after the bill is reported, all postcloture time be yielded back, the first and second-degree amendment be withdrawn, the bill then be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, it then be in order for the Senate to consider, en bloc, the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A, S. 3002; Division B, S. 3003; Division C, S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid on the table, en bloc; further, that the considering of these items appear separately in the RECORD.

Further—and this is what I am going to call the second half of this unanimous consent request—the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion, that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment which is at the desk be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, the Chair be authorized to appoint conferees without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I shall

object, but before doing so, finally, I would like to say to my colleague and Senators on both sides of the aisle, under the leadership of yourself, Mr. Chairman, and to some extent my participation as the acting ranking member and certainly the members of our committee and staff—we have all worked very diligently to achieve a bill. The particular request my distinguished colleague has put to the Senate, to which I shall object, really refers to those items we were unable to reconcile procedurally in the course of some several days of deliberation beginning, perhaps, as early as last Thursday. We were here Friday. We were here Monday and Tuesday. We were unable to achieve the reconciliation. There were objections, I say absolutely candidly and frankly and factually, on both sides. So it is not as if one side has weighed down the other, in my judgment. It has been the inability to reconcile differences between the Senators. I have been here 30 years. I have seen it happen before. It will happen many years after I leave.

At this time, I point out that the cloud seems dark, but the silver lining is that a group of us, 61 in number, voted for cloture. That enabled us to be here at this moment, and there will be a bill at some point in time. There will be an armed services bill by the Senate. I hope it will be favorably acted upon by a majority.

At this time, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, let me first thank my dear friend from Virginia. He is accurate in his statements about differences not being able to be resolved in terms of a number of amendments which we had hoped to get to votes. My statement referred only to a managers' package on which we had cleared about 100 amendments. That is the one I made reference to before.

UNANIMOUS CONSENT AGREEMENT—S. 3001

Mr. LEVIN. Given that objection to our going to conference, I now ask unanimous consent that at 6:30 p.m., morning business be closed; that after the bill is reported, all postcloture time be yielded back, the first- and second-degree amendment be withdrawn, the bill be then read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001 as passed by the Senate be inserted as follows: Division A, S. 3002; Division B, S. 3003; and Division C, S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that the consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I join in making that request. There is no objection on this side.

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

Mr. LEVIN. I will again thank my friend for all of his efforts on this bill. He has been, as always, a highly constructive force. We could not even be this far without his great support. I am indebted to him and the Senate is indebted to him, I hope, and the Nation again is indebted to Senator WARNER.

Again, I thank our good friend from Louisiana. We have interrupted her for a little longer than I promised.

Mr. WARNER. Madam President, if I might just add, I thank my distinguished colleague and friend for the 30 years we have been together. I am certain this institution will carry on just as well without me—and perhaps even a little bit better. But I have enjoyed our working together these many years. I stop to think, you and I having been here the same number of years, we have served with 273 different Senators in that period of time. I have enjoyed it. I don't know of any relationship, either professional or even simply friendship, that I have enjoyed and profited from more than working with you, Senator. I wish you well as you carry on with this committee.

Madam President, I do want to thank the staff of the Senate Armed Services Committee. I have here with me Michael Kosti, William Caniano, David Morriss, David Collins, Sandy Luff of my personal staff, Marie Dickinson, Paul Hutton, Gergory Kiley, Lucian Niemeyer, Christopher Paul, Lynn Rusten, Robert Soofer, Diana Tabler, and Richard Walsh.

I know my staff would want me to say—and I say it—we have enjoyed working with the majority staff.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

STORM DISASTERS

Ms. LANDRIEU. I see several other colleagues are here on the floor to speak, maybe on this subject or another, so I will say I will reserve for myself another 5 minutes and be finished with my remarks.

I was speaking about the hurricane damage throughout really the southern part of the United States. I do not have the figures from Florida or from Mississippi or Alabama, but we are turning in our figures from Louisiana. Again, I remind my colleagues and the Nation, Fay hit the gulf coast; it hit Florida but devastated parts of the gulf coast and many interior parts of the southeastern part of the United States, with heavy rains and flooding on August 18. Then we had Hurricane Gustav on September 1, which slammed into Louisiana and did a tremendous amount of wind damage to parishes such as Point Coupee and Rapides and Avoyelles Parish—parishes about which you don't hear very much because they are not coastal parishes, but the wind damage

was very substantial, all the way up to the northern parts of Louisiana. Much like Katrina, it affected the northern parts of Mississippi, although it was a great flooding event down South. These storms are getting very big and very powerful. Then, of course, Hurricane Ike hitting again the Texas coast, right into Galveston, right up the Houston Ship Channel, doing terrible devastation to our friends in Texas. But again the flooding was substantial along the coastal States.

Let me just put up this chart you have seen before. These are the pipelines that support America's energy coast. This is Louisiana's coast. This is Mississippi's coast. This is the Mobile Bay and, of course, the panhandle of Florida. This is the Texas coast. These two storms, Gustav and Ike, hit right here in this region, in the center part of America's energy coast, and wreaked havoc in terms of flooding and wind damage. Again, that has gone up through Louisiana and to other parts of the coastal States.

This is just another example from Lake Charles of the water damage in communities tucked well in from the coast. This is wind damage in that same area that can show you some of the wind damage our people are experiencing.

Because my time is short, I ask unanimous consent to have printed in the RECORD a letter from the Governor of Louisiana outlining some of our priorities.

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

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, September 13, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader, U.S. Capitol,
Washington, DC.
Hon. HARRY REID,
Senate Majority Leader, U.S. Capitol,
Washington, DC.
Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI, LEADER REID, LEADER BOEHNER, AND LEADER MCCONNELL: For nearly two weeks, hundreds of thousands of Louisiana residents have been without power, clean water, and other necessities. Millions of Louisianians were forced to evacuate their homes before Hurricane Gustav struck, and many have still been unable to return. The stress placed on communities, from a lack of electricity hampering people's ability to work and provide for their family, to being split up from loved ones, to a variety of other difficulties, has been enormous.

The economic impact has also been significant. With various bills to increase our domestic energy production under consideration, we strongly urge you to consider additional measures to ensure the resiliency of the nation's top producer of safe, secure domestic energy. Louisiana produces 22.2 percent of domestic crude oil and 10.5 percent of natural gas in the United States. As evidenced in recent spikes in fuel prices, our nation is vulnerable to disruption to Louisiana's energy production. In addition to en-

ergy production, an estimated 25 percent of North America's seafood is produced off of Louisiana's coasts. These industries along with other essential Louisiana economic drivers were critically impaired due to the destruction caused by Hurricane Gustav.

On September 1, 2008, Hurricane Gustav made landfall on Louisiana's coast with strong 110 mph winds following a northwest path into central Louisiana, causing widespread physical damage, power outages, and/or flooding across the vast majority of parishes in Louisiana. The storm caused a power outage that left two-thirds of the state's commercial and residential facilities without electricity. Estimates suggest Hurricane Gustav's economic losses total \$7-15 billion including \$4.5-10 billion in total property damage and \$2.5-5.0 billion in lost economic activity. Thousands of employees were displaced and roughly 97,000 employers in Louisiana (80 percent of total employers in the state) suffered business interruption economic losses. Many of these are small businesses still struggling to recover from Hurricanes Katrina and Rita. Louisiana, still recovering from the 2005 hurricanes and facing further damages from Hurricane Ike, requests assistance in upcoming stimulus legislation or other legislative vehicles in Congress.

1. DESIGNATE 100% FEDERAL COST SHARE ON ALL FEMA CATEGORIES OF ASSISTANCE

The state has requested a 100% federal cost share on Individual Assistance to include Other Needs Assistance (ONA) and all other individual assistance programs, and Public Assistance categories A through G, to include Direct Federal Assistance. As you may recall, Congress provided for this assistance for Hurricanes Katrina and Rita. Many communities impacted by these storms are still recovering and do not have a restored tax base, and thus need this relief. In addition, we would like to work with you to evaluate FEMA regulatory policies that improve evacuation and reentry assistance. The threat of Gustav forced the evacuation of nearly two million Louisiana residents. The State was forced to evacuate 30,000 critical transportation-need residents, including 10,400 medical evacuations, which is the largest medical evacuation in U.S. history. The state was also left with 1.5 million cubic yards of debris from Hurricane Gustav along federal and state highways.

2. INFRASTRUCTURE REPAIR AND COASTAL RESTORATION

Coastal Louisiana is home to 1.2 million people and helps provide nearly 30 percent of the energy consumed in the United States. Hurricane Gustav interrupted access to these energy resources and infrastructure. Additionally, these storms caused significant damage to the communities in this coastal region and miles of coastal lands and wetlands. The state is requesting funding to repair and improve protection to the 100-year standard in south Louisiana. This would include the resources necessary to complete federally-authorized work in the Greater New Orleans area, Lafourche, Terrebonne, and to expedite delayed protection improvements in St. Mary parish and studies for southwest Louisiana. In addition, we request funds for the construction of federally-authorized coastal restoration projects designed to restore coastal lands lost as a result of hurricanes. It is critical that we provide comprehensive flood and hurricane protection, including both coastal restoration and levee protection, for Louisiana's entire coast.

Preliminary cost estimates for the repair of FHWA-eligible roads and bridges sustained as a result of Hurricane Gustav total \$160 million. Federal-aid highway damage es-

timates exceed \$125 million. While funding to address these damages is authorized under current law, the backlog associated with these needs may prevent the restoration or threaten the integrity of this critical infrastructure. A Presidential waiver of the \$100 million limit on FHWA Emergency Relief funding is requested along with a special appropriation from the General Fund to the FHWA Emergency Relief program for Louisiana and other states facing disaster-related damages. Further, Congress should provide emergency funds to the Corps of Engineers for dredging the critical navigation channels that were impacted by the hurricane. The Mississippi River, Atchafalaya River, Calcasieu Ship Channel and other critical waterways are vital to the country's energy supply and maritime commerce affecting nearly every state.

While the majority of public infrastructure repairs will be covered by FEMA programs, it is known from experience with the 2005 storms that there will be certain costs of repair deemed ineligible for FEMA funding. The state requests \$100 million in Community Development Block Grants to develop a fund to cover the full repair of key infrastructure and public facilities.

3. AGRICULTURE AND FISHERIES DISASTER ASSISTANCE

Louisiana is one of the top domestic producers of sugarcane within the United States, and second in both rice production and international rice exports. Hurricane Gustav crippled all segments of agriculture throughout Louisiana. Many Louisiana producers sustained uninsured losses and will not be eligible for Supplemental Revenue Assistance Payments as currently structured. The hurricane has also caused catastrophic flooding and widespread wind damage for the state's cattle industry, which is still recovering from losing over 20,000 cattle from the 2005 storms. In addition, Louisiana's seafood industry accounts for more than 25 percent of the catch in the nation. Funds are needed to help offset the loss of this product, increased production costs and damage to storage and fishing facilities.

4. ECONOMIC RECOVERY

Hurricane Gustav severely impacted our state's overall economy and many small businesses through widespread physical damage, power outages, and/or short-term population displacement across the vast majority of the state. Based on preliminary estimates, Hurricane Gustav's economic impact totals \$7-15 billion. Moreover, many small businesses wounded by Hurricane Gustav had not yet recovered from damage previously inflicted by Hurricanes Katrina and Rita in 2005.

The state proposes implementing a comprehensive business recovery plan that addresses immediate and near-term working capital needs and accelerates economic development during the recovery period and beyond. Suggested recovery options include: business recovery bridge loans, an extension of existing GO Zone bonus depreciation deadlines, an additional allocation of Gulf Opportunity Zone bonds targeted at parishes impacted by Gustav, and technical assistance for impacted small businesses. Similar assistance was provided after Hurricanes Katrina and Rita to help small businesses and their employees get back on their feet.

5. EMERGENCY PREPAREDNESS AND READINESS

Every critical disaster demonstrates gaps in the existing system of preparedness, and identifies areas of critical needs to improve the response to future storms. Local governments have prioritized (1) prisoner transportation and evacuation planning, (2) watercraft accessibility, (3) enhanced fixed

and mobile generator support, and (4) communications as critical elements to enhancing disaster preparedness. In addition, the state is requesting \$100 million for law enforcement equipment and infrastructure repairs that will support both preparedness and recovery functions. Similar assistance was provided after Hurricanes Katrina and Rita.

6. HEALTHCARE AND SOCIAL SERVICES DISASTER ASSISTANCE

The Louisiana Hospital Association estimates that the total financial and operational impact of Hurricane Gustav on Louisiana's hospitals is as much as \$302 million. The hospitals, many of which were still struggling with post-Katrina and Rita losses, have sustained reported losses of net revenue, and have incurred costs for incremental salary and labor, sheltering and evacuation, facility damage and debris removal, and other non-ordinary costs attributable to the storm. An adjustment of the Medicare Wage Index to address the higher cost of providing services after 2005 and 2008 hurricanes would provide significant relief and allow these institutions to continue administering critical medical services.

Additionally, the hospitals are requesting funding for hazard mitigation and remediation for hardening of facilities and upgrading of generator capabilities. It became apparent during the event that many hospitals could not maintain optimally safe environments with the current capacity of their generator systems. We are also deeply concerned about the lack of generator capacity in our state's nursing homes. Finally, the State of Louisiana is requesting \$50 million in SSBG funding to provide for mental health treatment, primary care medical services, and repair of damaged foster homes.

These priorities are among the many challenges still facing our state as we recover from Hurricane Gustav and do not represent an exhaustive list of recovery needs, especially as we still assess damages caused by Hurricane Ike. It is with great hope for the future of the people of Louisiana that we request this assistance and also request that it be included in the upcoming stimulus legislation or any other legislative spending vehicle. Lieutenant Governor Mitch Landrieu and Commissioner of Agriculture Mike Strain will be in Washington to discuss these important recovery needs with you and your staff.

Sincerely,

GOVERNOR BOBBY JINDAL,
State of Louisiana.
LT. GOVERNOR MITCH
LANDRIEU,
State of Louisiana.
COMMISSIONER OF
AGRICULTURE MIKE
STRAIN,
State of Louisiana.

Ms. LANDRIEU. I have a number of the press accounts, and I will just read for the RECORD the headlines that are pouring into my office each day from newspapers around the State. This one:

Ike badly damages Rita-ruined region. Hurricane Ike's receding storm waters on Monday revealed a footprint of damage across coastal southwest Louisiana too similar and too soon after Hurricane Rita of 2005.

Storm report: Vermilion Parish sees tough road ahead.

Again, a Parish hard hit just 3 years ago.

Cameron Parish: "Still too much water."

These headlines are streaming into my office.

St. Mary Parish: Cypremort Point residents digging out of mud.

Barataria to pick up pieces.

St. John, St. Charles dig out, clean up.

16,000 people at Blackham Coliseum—

waiting for help and assistance.

Gustav, Ike set record for power outages in Louisiana.

Finally, as my time draws near:

Storm update: Gustav's damage to Louisiana crops estimated at hundreds of millions of dollars.

I wish to say on behalf of my friend from Texas, we have some headlines we received in Louisiana about Galveston and about the billions in storm damage to our neighbors in Texas, because we have a situation that I hope our Congress will respond to before we leave here, some agricultural damage and storm damage for the Gulf Coast States, and also to reach back and pick up some of that damage we did not address in the Midwest floods.

I thank my colleagues for their understanding. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

DEFENSE AUTHORIZATION

Mr. DODD. Madam President, I know the Senator from Michigan is maybe doing so, but as I understand it, there was objection raised to the consideration of a managers' amendment regarding, I guess, 100 amendments. One of those amendments is a proposal of Senator SHELBY and I, along with a unanimous vote of our Banking Committee, after lengthy discussion. It was the Iran sanctions proposal, which took a lot of work and effort to put together.

This was a comprehensive package, widely endorsed across the country by organizations to give us the kind of leverage necessary for us to bring Iran to the negotiating table diplomatically to reduce the threat that their potential nuclear arsenal poses to us, our allies, the State of Israel and others.

I appreciate the fact that the managers of this bill had included this amendment in their managers' package. It would be a great travesty, in my view, for us to leave here having the other body having adopted similar language. This is the one opportunity for this body to embrace an economic sanctions proposal which would give us tremendous leverage in our efforts to bring Iran to that table.

To lose that opportunity would be a serious loss of opportunity for this country. So, again, my dear friend from Virginia was here. Therefore, on behalf of those of us on the committee, unanimously, the Dodd-Shelby Iran sanctions divestment nonproliferation amendment to the DOD authorization bill, I ask unanimous consent that notwithstanding any agreement with respect to S. 3001, it be in order for the Senate to consider amendment No. 5572 and that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I will object, I wish to advise the Senator that the vote to take place right now is on final passage. It has been agreed to by unanimous consent. Prior thereto, the distinguished chairman raised the question of the package to which you refer.

I, personally, approved of putting in the amendment. It had been my hope, I say it is now no longer my hope, my disappointment, that that could not be achieved along with about 100 other amendments from both sides of the aisle.

So at this time I have to object and ask the Chair for regular order for the vote.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Mr. CARDIN. Madam President, I rise today in support of the fiscal year 2009 Defense Authorization Act, a critical piece of legislation that honors the men and women who are so honorably serving in the Armed Forces and that provides our military with the tools it needs to keep our country safe.

I am most proud of the investments this legislation makes in our military's most important resource—the men and women who serve in uniform. Recognizing the strain multiple deployments and difficult economic times has placed on our troops and their families, this bill increases military pay by 3.9 percent.

This bill goes further to make sure that we keep our military strong at a time when two wars have overstretched and overstressed our troops. The bill allows us to grow our military. By increasing the end strength of the Army, Marine Corps, Air National Guard, and Army Reserve, we can reduce the stress on our troops caused by multiple and extended deployments. And we can be sure we have the troops we need to meet future challenges in an ever more uncertain world.

This bill continues bonuses and incentives that reward our military men and women and encourage them to continue their service. It provides new incentives to military psychologists and nursing students to address the ongoing shortages in these critical areas. The legislation prohibits the Administration's proposed increase in TRICARE fees for retirees and reservists.

While medical treatment for wounded soldiers has improved dramatically over the course of the wars in Iraq and Afghanistan, too often that care is just too hard to access. I believe that managing paperwork and scheduling appointments in a timely and efficient manner is just as much a part of quality medical care as the treatment provided by medics and surgeons.

Last year this Congress acted aggressively to address the red tape that kept our wounded warriors from their doctors and counselors. The Wounded Warrior Act allowed the Department of Defense to address the substandard living conditions, poor outpatient care and bureaucratic roadblocks faced by injured soldiers at Walter Reed and around the country.

One month ago, I visited a soldier transition unit at Ft. Meade, MD. I saw firsthand how hard our wounded warriors are working to recover from their often devastating injuries. I saw a Department of Defense that has committed itself to making sure our wounded warriors and their families get the care and support they need and deserve. This bill requires that the Secretaries of Defense and Veterans Affairs continue the Senior Oversight Committee that oversees implementation of wounded warrior initiatives. This high level leadership is critical if we are going to continue to improve the quality of care we provide our troops.

Investments in growing the force as well as in providing fair pay and good benefits are smart investments in our military's most valuable resource. Our military is only as strong as the skilled and dedicated men and women who serve.

Even with all the important provisions in this bill, I think it can be even better. It's been 60 years since President Harry S. Truman ended racial segregation in the military. In the intervening years, military leaders have come to believe that maintaining a highly qualified, diverse military—from the enlisted ranks to the four-star generals and admirals—is essential to the military's ability to provide for our national security. A military that clearly reflects equal opportunity for everyone is critical, not only for morale, but also for readiness. Just look at the increasingly diverse enemies we confront and the divergent environments into which we send our troops.

But despite future projections of minority growth in the United States, a recent senior-level Department of Defense projection found virtually no

prospect for reaching adequate representation of minorities or women in the higher military ranks in the next decade. I am proud that increasing the racial/ethnic and gender diversity of our military leadership has become a strategic priority for the Department of Defense. The Department commissioned the Rand Corporation to make recommendations for how it could improve.

Issued in 2008, the Rand Corporation's report, titled Planning for Diversity, found that the Department of Defense remains ill prepared to retain and promote minorities and women to leadership positions. Specifically, the Department is still without a uniform definition of diversity as well as a department-wide plan to guide, support, and streamline diversity efforts. On the heels of the 60th anniversary of integration of the Armed Forces, we can and must do better.

I filed an amendment to the fiscal year 2009 Defense Authorization Act that would jump start the creation of a strategic plan for achieving this departmental priority: ensuring diversity at all levels of the military. My amendment would create a high-level task force to study the current state of diversity at all levels of the Armed Forces and make recommendations for improvement. The task force would consist of senior members of the Armed Forces as well as individuals with expertise in cultivating and managing diversity in private or non-profit organizations. The task force would develop the first department-wide definition of diversity, evaluate existing policies for encouraging diversity in and outside the military, and make recommendations for future action for increasing diversity at all levels and in all areas of the military departments.

The amendment builds on a provision included in the House Defense Authorization bill and incorporates comments by the Department of Defense. The Department stated in formal comments that it "welcome[s] the assistance that would come from the work proposed by the legislation."

I am grateful to my colleagues in the Congressional Black Caucus, especially Congressman ELIJAH E. CUMMINGS, Congresswoman DIANE E. WATSON, Congressman HANK JOHNSON, and Congressman KENDRICK B. MEEK who have worked so hard on this issue and on this provision. I am very disappointed today that the amendment could neither receive a vote nor be included in the bill by unanimous agreement. I hope that as the managers of this bill work to finalize the fiscal year 2009 Defense Authorization Act, they will consider the language I have proposed to increase diversity at all levels of the Armed Forces.

Mr. President, in closing, I commend my colleagues Chairman LEVIN, Senator WARNER, and all the other members of the Armed Services Committee for their hard work to craft and pass this bill. I look forward to casting my

vote to support it. I also want to take a moment to congratulate Senator WARNER for his work on countless other critical pieces of legislation in years past. I will miss his wise counsel on issues of national and regional importance, I will miss his good humor, and I will miss his grace. I wish him only the best in retirement.

Mrs. HUTCHISON. Madam President, I rise today to speak about the 2009 Defense authorization bill. I will vote in favor of this legislation primarily because I support pay raises for our troops, but I have some very serious concerns about how this bill came to the floor.

This \$612.5 billion measure will authorize spending for national security programs in the Defense and Energy departments. That includes \$70 billion to fight the war on terror in Iraq and Afghanistan, and a 3.9 percent pay raise for military personnel. I proudly support those appropriations.

In the last year and a half, we have made incredible progress in our war against the terrorists, and in building a sustainable democracy in the heart of the Arab world. Since General Petraeus became the U.S. Senior Commander in Iraq, al-Qaida has been swept from its former strongholds in Anbar province and Baghdad. Roadside bomb attacks and fatalities in Iraq have fallen by nearly 90 percent. The Iraqis—through organizations such as "The Sons of Iraq"—are taking more responsibility for their security.

General Petraeus recently left his position as Commanding General in Iraq to become the Commander of U.S. Central Command. The task of leading U.S. forces in Iraq now rests in the capable hands of GEN Ray Odierno. I commend General Odierno on his promotion, and on behalf of all America, I wish him success in completing the "surge strategy."

We must resist calls for premature withdrawal from Iraq and maintain our presence there until victory is secure. Today's appropriations bill gives us the resources to continue that mission. However, the U.S. Senate has a long history of allowing members of both the majority and the minority to offer amendments, debate changes, and ensure that the concerns and ideas of every Senator are addressed. Traditionally a majority of Senators will decide an issue after bipartisan deliberation. But in this case, the Senate majority leader decided the issue with no input from the minority.

The 110th Congress has experienced a record number of cloture votes—due in no small part to the tactics employed by the majority. The methods by which this bill came to the floor are not in the best long-term interests of the Senate. They are not in the best interests of the American people. The citizens of our country deserve better.

I am glad that our brave service members will have the armaments and equipment they need, and that our veterans will have the health care and other benefits they deserve.

Once again, I will vote for this legislation because the risk to our soldiers and veterans is too great. Time simply ran out. But we should all be concerned by the manner in which this bill was presented.

Mr. BYRD. Madam President, I regret that again this year I must vote against the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and Senator WARNER and the staff of the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, S. 3001 also provides authorization for the funding of continued operations in Iraq at levels requested by the Bush administration and without any provision to either transition the military mission in Iraq or to bring our troops home. In my view, providing this funding without conditions, without strings attached, is unacceptable.

In my view, the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. In effect, this bill also provides a congressional authorization to fund the continuation of President Bush's policy in Iraq into 2009, without any strings attached. Amendments filed that would have limited the mission of U.S. forces in Iraq were not even considered during debate on the bill. That is truly unfortunate.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotations to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight, despite efforts to declare the surge a success in bringing stability to Iraq. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a "hollow force," as happened after the Vietnam conflict, putting our entire Nation at greater risk.

Our military commanders in Afghanistan are urgently requesting additional and substantial numbers of troops to counter the rising violence there, but there are few troops to spare for them. As a result, we risk losing whatever gains have been made there, in the actual central front of the war on terror and the hunt for Osama bin Laden and the al-Qaida organization. We must win that fight, there, or face more attacks like the one that took

place today against the U.S. embassy in Yemen.

I support our troops and I will not let them to lack for anything needed to do their job or to keep them safe. But I cannot countenance leaving them in Iraq forever, with no limits placed on their mission and no assurances by our commander in Iraq that this war is making the United States any safer.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back, the pending amendments are withdrawn, and the clerk will read the title of the bill for the third time.

The question is on the engrossment and third reading of the bill.

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

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a significant second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

My KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—88

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

NAYS—8

Allard	DeMint	Sanders
Byrd	Feingold	Vitter
Coburn	Graham	

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The bill (S. 3001), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3002) to authorize appropriations for fiscal year 2009 for the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3003) to authorize appropriations for fiscal year 2009 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

The bill (S. 3004) to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. 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. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, this bill is the 47th consecutive national defense authorization bill that has come out of the committee and been brought to the Senate floor for debate and passage. Every year since 1961, the Senate has met the challenge, overcome obstacles, and negotiated ourselves to the point of final passage. Because of the vital importance of this bill to the men and women of our Armed Forces and to the Nation, this was a bill that was worth fighting for for passage. It is part of the rich tradition of the Senate. We all can be proud of that tradition.

It is also part of our custom to thank our staffs and Members. For some this sounds routine, but it never should be.

My thanks go to the ranking member, Senator McCAIN. His leadership helped forge this bill through the committee.

I next acknowledge our former chairman particularly, Senator WARNER, because of everything he did to make this bill possible and to get to the point where we are today. Working within arm's reach of JOHN WARNER for the past 29 years has truly been one of the highlights, if not the highlight, of my Senate career. He is truly a good friend, not just to me and my wife Barbara but also to this institution and to the Nation. He has stood watch over national defense for almost three decades, with unwavering dedication. Before that, he stood watch because of his being Secretary of the Navy. Because of his being in the Navy, the Marines, he is truly a profile in courage. Next year, we promise we will pick up his banner. We will carry on in his honor, just as he has always done for the Nation.

I thank our majority leader, Senator REID, and his floor staff and give them a special word of thanks for giving us the time to get this bill to the Senate and through the Senate.

To our committee members, thanks for your great work on a bipartisan basis the entire year. This bill could not have gotten to this point, with all of our problems, all the bumps in the road—and there are many that lie ahead—but we could not have gotten to this point without the bipartisan support of the Armed Services Committee and our staff.

We have one-quarter of the Senate on our committee. We have worked together in committee, and our differences on this bill did not divide us, as we reported the bill by unanimous vote.

To Charlie Armstrong in the Office of the Senate Legislative Counsel, thank you for drafting about 300 amendments. We wish more of them could have been adopted, but, nonetheless, they had to be drafted, and we had to do what we do, which is to do everything we can to get Members' amendments passed.

To our committee staff members, thank you. That is about all we can say. You have earned our thanks and the recognition of the Senate for the time and dedication you have shown on this legislation. Rick DeBobes, who is our staff director, and Mike Kostiw, who is our Republican staff director, and their talented staffs worked amazingly hard.

We have a lot of work ahead of us to get to the point where we can pass a bill in the next couple of weeks. We have a huge amount of work. I hate to tell them that, but they know it. They also know, I hope, how appreciated they are. They work 24/7, and they work magic, and they always seem to believe that sleep is overrated. It is not. I hope they can get some in the

next few days. So thank you to our staff. They deserve tremendous recognition for their professionalism. As an expression of the gratitude of the members of our committee, I ask unanimous consent that the names of the members of our staff be printed in the RECORD.

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

STAFF OF THE COMMITTEE ON ARMED SERVICES

Richard D. DeBobes, Staff Director; Michael V. Kostiw, Republican Staff Director; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; William M. Caniano, Professional Staff Member; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; David G. Collins, Research Assistant; Christine E. Cowart, Chief Clerk; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Marie F. Dickinson, Administrative Assistant for the Minority; Gabriella Eisen, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Mark R. Jacobson, Professional Staff Member; Gregory T. Kiley, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Mary J. Kyle, Legislative Clerk.

Christine G. Lang, Receptionist; Gerald J. Leeling, Counsel; Peter K. Levine, General Counsel; Thomas K. McConnell, Professional Staff Member; Michael J. McCord, Professional Staff Member; William G. P. Monahan, Counsel; David M. Morriss, Minority Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Ali Z. Pasha, Staff Assistant; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; John H. Quirk V, Security Clerk; Lynn F. Rusten, Professional Staff Member; Brian F. Sebold, Staff Assistant; Arun A. Seraphin, Professional Staff Member; Travis E. Smith, Special Assistant; Robert M. Soofer, Professional Staff Member; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Richard F. Walsh, Minority Counsel; Breon N. Wells, Staff Assistant.

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

The PRESIDING OFFICER. The majority leader is recognized.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 894, S. 3297, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 894, S. 3297, the Advancing America's Priorities Act.

Harry Reid, Max Baucus, Sherrod Brown, Thomas R. Carper, Robert Menendez, Sheldon Whitehouse, Richard Durbin, Ron Wyden, Jon Tester, Patrick J. Leahy, Charles E. Schumer, Dianne Feinstein, Claire McCaskill, Ken Salazar, Benjamin L. Cardin, Daniel K. Inouye, Christopher J. Dodd.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 767, H.R. 6049, and I believe there is a cloture motion at the desk that the clerk will report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Sherrod Brown, Thomas R. Carper, Robert Menendez, Sheldon Whitehouse, Richard Durbin, Ron Wyden, Jon Tester, Robert P. Casey, Jr., Patrick J. Leahy, Charles E. Schumer, Dianne Feinstein, Claire McCaskill, Ken Salazar, Benjamin L. Cardin, Daniel K. Inouye, Christopher J. Dodd.

MORNING BUSINESS

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

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

Mr. REID. 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.

THE ECONOMY

Mr. BROWN. Mr. President, since I took office last year, I have held more than 115 roundtables in nearly all of Ohio's 88 counties—from Ashtabula to Cincinnati, from Bryan the Gallipolis—as I bring together 15 or 20 people from a community and listen to them talk about their hopes and their dreams and what we can do together to make Ohio a better place and to move this country

forward. But more than anything else, as I listen to people in communities such as Bucyrus and Mansfield and Wauseon, I hear about widespread economic anxiety and a betrayed middle class.

Ohioans have understood that for years, especially in the first 6 years of the Bush administration, this government allowed the drug companies to write the Medicare laws, allowed the oil industry to dictate energy policy, had allowed Wall Street to push through job-killing trade agreements through the House and the Senate.

They feel the middle class was betrayed by our Government. I hear from Ohioans worried about record high gas prices, worried about food prices, worried about good-paying jobs continuing to move overseas, worried about health insurance that costs more and covers less.

Some of these worries can be blamed in part on our current recession, but that misses the larger point. For the last 7 years, the labor force workers have worked harder and harder, leading to huge gains in productivity. The productivity of workers in our economy has gone up like this. Yet CEOs' salaries and bonuses went through the roof while middle class Americans' wages stagnated and more families slipped below the poverty line. Again, productivity has gone up like this, meaning workers are creating more wealth for their employers, but wages have been stagnant for 80 or 90 percent of the workforce.

In other words, as workers have produced more, as workers have been more productive, as workers have made more money for their bosses, if you will, they simply have not shared in the wealth they created. They are not getting raises. They are paying more for health insurance, they are seeing their pensions begin to disintegrate, as they are making more and more money for their employer.

At the same time, while China manipulated its currency and ignored labor and environmental standards, corporations took the bait and abandoned American communities. While hedge fund managers irresponsibly leveraged real estate holdings, millions of Americans lost their homes to foreclosures. In other words, while Wall Street enjoyed an inflated stock market and a so-called economic expansion, most Americans actually became worse off.

In the last few weeks, we know things have gotten worse. The Government has been forced to seize Fannie Mae and Freddie Mac. Lehman Brothers, an institution on Wall Street for 150 years, filed for bankruptcy on Monday. It is also reported that for the 8th straight month, our Nation has lost jobs. The national unemployment rate is now 6.1 percent—a 5-year high. We know what happened to AIG today.

Mr. President, 9.4 million Americans are officially unemployed, 2.2 million more than a year ago—tens of thou-

sands in my State of Ohio. In fact, you have to go back more than 15 years, to December 1992, to find a time when more Americans were forced to rely on the Government for their income.

In my State of Ohio, middle class workers are facing even more bad news. DHL, the cargo express carrier, has announced that more than 8,000 workers at Wilmington Air Park, the largest privately owned airport in the United States, will lose their jobs. Norwalk Furniture halted operations earlier this month, sending 500 employees home. General Motors is closing its plant in Moraine, a decision that will cost 1,200 Ohioans their livelihoods.

Do you know what. The worst part is this: The administration is proud of this record. They are proud of the free trade agreements that have protected corporate interests, that have eliminated good-paying manufacturing jobs, that have brought unsafe food, drugs, and toys into American homes. They are proud of these free trade agreements, and they want more of them.

They are proud of the tax cuts that went overwhelmingly to the wealthy and ignored the plight of the middle class. We know what that has meant. It has meant budget deficits as far as the eye can see. It has meant more money for the wealthiest people in this society, paid for by the middle class, and paid for by our children and our grandchildren of the future. Yet they are proud of these tax cuts that go overwhelmingly to the rich. The administration is proud of the financial deregulation that allowed greed on Wall Street to run amok.

These days, Republicans respond to critics by saying: Things aren't so bad. JOHN MCCAIN, our colleague from Arizona, said: The foundations of the economy are strong. Former Senator Phil Gramm, the mentor of Senator MCCAIN, the chief economic adviser to Senator MCCAIN, said: The recession is in our heads. It is a mental recession, he said.

I guess if you think things are going well, you advocate for more of the same, which is why Republicans continue to push for more tax cuts for corporations that outsource jobs overseas, pushing more energy policies that enrich oil companies and reinforce our dependence on foreign oil, pushing for more subsidies for private HMOs participating in Medicare, pushing more antiunion policies that undercut workers' power to bargain collectively and join the middle class, pushing for more hypocrisy that says we can afford to spend \$10 billion a month in Iraq; we just cannot find the money to help uninsured children in Columbus or Zanesville or Dayton or Chillicothe or Springfield or Xenia.

In fact, since we had our last vote, about an hour ago, we have spent some \$19 million on the war in Iraq. In the last hour, we have spent about \$19 million on the war in Iraq. Think what that could do for health care, for education, for rebuilding our infrastruc-

ture in Lima and in Portsmouth and in Chillicothe. Perhaps most troubling of all, Republicans are still, unbelievably enough, pushing for the privatization of Social Security. Can my colleagues imagine—Senator SANDERS and I were talking about this a moment ago—if 3 years ago, when George Bush, DICK CHENEY, and JOHN MCCAIN were fighting to privatize Social Security, and people in this institution, including Leader REID and Senator SANDERS, when he was in the House of Representatives, and many of us fought against that privatization of Social Security—can my colleagues imagine if that had passed in early 2005? If the President and Senator MCCAIN had had their way on the privatization of Social Security, can my colleagues imagine what this week would look like? Can my colleagues imagine, if 50 million retired Americans had had their entire life savings locked up in the stock market—can my colleagues imagine 50 million Americans opening their Social Security records, their mailing they get from Social Security and looking at what happened to their private accounts; money they had put in the stock market because George Bush and JOHN MCCAIN insisted on this risky scheme to privatize Social Security? Can my colleagues imagine what that would do to seniors in our society? Can my colleagues imagine what that would do to their future—if you are 65 and already on Social Security, if you are 50 and your mother is on Social Security, if you are about to join the ranks of Social Security? Can my colleagues imagine what one would think with food prices going up, with gas prices going up and all of a sudden, because you have these John McCain-George Bush privatized Social Security accounts, can my colleagues imagine what would be happening to their lives this week and the weeks ahead?

Despite 7 years of this tired thinking and of the wrong-headed economic policies that betray our middle class, American workers are standing strong and continuing to fight for a better future.

At my roundtables—as I mentioned, I have done some 1,500 roundtables in most of Ohio's 88 counties, in Cambridge and in Steubenville and in Defiance and in Miami County, all over—I still hear the hope and determination that defines this great Nation. I hear from community leaders. I hear from entrepreneurs with exciting plans for the future. What is happening with the incubator in Youngstown? What is happening with small business in Delaware? I hear about what people in Mansfield, my hometown, are doing to fight back. I hear from small business owners who are continuing to do the right thing. I hear from their loyal workers who take pride in their work and are valued by their employers. They tell us we need a government that similarly values loyalty and work ethic.

For too long, those in power have simply turned their back on American workers. They have ignored their needs and their dreams—the dreams of the middle class. They have instead catered to the wealthiest Americans. We know that a strong middle class builds a prosperous society and is the engine that makes this country go. But it doesn't have to be the way we have seen in the last few years where this Government in Washington—that allowed the drug companies to write the Medicare law; that allowed the oil industry to write energy policy; that allows Wall Street to push through job-killing trade agreements—all of this betrayal of the middle class from George Bush to DICK CHENEY to JOHN MCCAIN, to far too many of my colleagues in this body and down the hall in the House of Representatives—people have had enough of this betrayal of the middle class. It doesn't have to be that way. The sooner we change direction, the sooner our economic woes will be behind us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to address the Senate.

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

Mr. SANDERS. Mr. President, let me begin by concurring with Senator BROWN. He raised a very important issue, and that is: In the midst of a major economic crisis, when people today—especially senior citizens on fixed incomes—are wondering about how they are going to heat their homes, how they are going to purchase the food they need—I wonder about 3 years ago, had we listened to President Bush, if we had listened to JOHN MCCAIN, if we had listened to the Republican leadership and we had privatized Social Security—can one begin to imagine the anxiety that would be existing all over this country in terms of senior citizens wondering what kind of retirement they would have, what kind of funding would be there for their remaining years? So thank goodness we did not follow the advice of President Bush and JOHN MCCAIN and the Republican leadership; thank goodness we kept Social Security strong.

Yesterday I came to the floor to discuss the interconnection of the two great crises that are currently facing our country. The first, of course, is the financial crisis—the collapse of major Wall Street firms—and secondly is the very serious problem of high and volatile energy prices, whether it is \$3.70 for a gallon of gas to put in your car, or whether it is very high oil prices this coming winter to heat your home. Both of these problems clearly are having a major impact on middle-income families from one end of this country to the other.

In terms of the financial crisis, the American people are finding it harder

and harder to get a mortgage or a home equity line of credit. They are seeing the equity in their homes going down, and they are seeing the values of their savings, including their 401(k) savings, plummeting. What anxiety is existing all over this country. People have put money into their 401(k), the stock market is going down rapidly, and people are wondering what is going to take place for their economic future.

In terms of the energy crisis, the American people have been forced to pay tens of billions of dollars more in inflated energy prices because of the outrageous price levels caused by speculation occurring in unregulated energy markets. We have heard testimony from energy economists who are telling us that between 25 percent to 50 percent of the cost of a barrel of oil today has nothing to do with supply and demand, it has nothing to do with marketplace fundamentals; it has to do with speculation on the part of financial institutions that are driving oil prices higher, and now, by the way, with that money coming out of oil futures, driving prices down, creating a lot of volatility.

I laid out yesterday the connection between those two crises. Both of these crises are tied to the same extreme economic ideology—an ideology which says the Government should play no role—or a minimum role—in protecting consumers; that we should put all of our trust in the honesty and the integrity of the heads of large multinational corporations.

I should mention that both of these crises are also tied to the work of one former Member of the U.S. Senate, and that is the former chairman of the Senate Banking Committee, Phil Gramm of Texas. To a significant degree, a lot of what we are experiencing today is related to the disastrous changes to Federal law that deregulated both the energy industry and the financial industry, and that effort was led by former Senator Gramm.

To recap, as chairman of the Senate Banking Committee in 1999, then-Senator Phil Gramm, spearheaded legislation that bears his name, and that is the so-called Gramm-Leach-Bliley bill that broke down critical regulatory safeguards that the Government put in place after the Great Depression to prevent exactly what we are experiencing today. Having laid the groundwork for our crisis in the financial sector, the very next year, amazingly enough, Senator Gramm is credited with slipping legislation into a largely unrelated bill that deregulated the electronic energy market. Shockingly, when he slipped this measure into the law, a measure we now know as the Enron loophole, Senator Gramm's wife, Wendy Gramm, had recently been on the board of directors of—you guessed it—the Enron Corporation.

This deregulation of the energy markets has allowed speculators to drive up the price of a barrel of oil to as high as \$147 and, as I mentioned earlier,

there are many economists who believe the volatility and the high price of oil today is not supply and demand primarily, but it is because of speculation on the part of financial institutions and hedge funds.

Now, as bad as things were yesterday, last night they got even worse. Last night, the Bush administration nationalized the world's largest insurance company: AIG. The Bush administration claimed it had to put \$85 billion of taxpayer money at risk because AIG's collapse would have brought down perhaps our entire economy—the entire economy of this country—and had a major impact on the entire world's economy. Let me ask the same question about AIG today that I asked yesterday about the energy and financial crises this country is facing, and that is: Is this bad luck? Why is this happening? We need to understand that, because the risks are enormous and the amount of money we are dealing with—trillions and trillions and trillions of dollars—is literally beyond comprehension. I think very few people can understand the scope and the magnitude of what we are dealing with.

Well, it turns out the AIG situation is closely tied to the same rightwing economic ideology that has been pushing us toward economic disaster, and the responsibility for AIG's near collapse lies, again, with that same philosophy which has been led by former Senator Phil Gramm.

As a very recent online article from Time magazine explains, AIG's traditional insurance business seems to be doing well in what they have been doing for many years. They are, in fact, making money. But what AIG got involved in was more than the traditional insurance business. They got involved in risky derivative schemes that about three people in the world understand called credit default swaps, or CDS's that allow big companies to guarantee each other's risky lending practices. This is extremely complicated stuff—a long way away from where we were 10 or 15 years ago.

Now in order to give the American people a full understanding of the risks posed by these unregulated credit default swaps—unregulated credit default swaps—I wish to read a short September 15 article by Professor Peter Cohen, a graduate of the Wharton School, that deals with the full scope of the problem we face and the role that Senator Gramm had in its creation. I apologize to anybody who is listening. What is following is technical, it is a bit boring, but when we are dealing with trillions of dollars, I think it is important that we try to understand this. This is what Professor Cohen writes:

Lurking in the background of this weekend's collapse of two of Wall Street's biggest names is a \$62 trillion segment of the \$450 trillion market for derivatives that grew huge thanks to John McCain's chief economic advisor, Phil "Americans are Whiners" Gramm.

Let me just go through these numbers again, because these numbers are so huge. When the Presiding Officer and I represent our State, we fight for a few million dollars here and a few million dollars there, and that makes a lot of difference to the people of Colorado or the people of Vermont. What we are dealing with is so incomprehensible: It is a \$62 trillion segment of the \$450 trillion market for derivatives. Who can even understand what that means? A \$450 trillion market, what does that mean?

Now, all of this occurred, all of this deregulated activity, of which the Government plays no role, took place because in December of 2000, Senator Gramm snuck in—snuck in—a 262-page amendment. That is what goes on around here. We can sneak in 262-page amendments to a government reauthorization bill that created what is now the \$62 trillion market for credit default swaps, or CDS's.

Continuing to quote:

I realize it is painful to read about yet another Wall Street acronym, but this is important because it will help us understand why the global financial markets are collapsing. CDSs are like insurance policies for bondholders. In exchange for a premium, the bondholders get insurance in case the bondholder can't pay. . . . In the case of the 1.4 trillion dollars' worth of Fannie Mae and Freddie Mac bonds, the Government's nationalization last Sunday triggered the CDSs on those bonds. The people who received the CDS premiums are now obligated to deliver those bonds to the ones who paid the premiums.

Professor Cohen continues:

Gramm's 262-page amendment, dubbed "The Commodity Futures Modernization Act"—

We have heard that term—

"The Commodity Futures Modernization Act," according to the Texas Observer, freed financial institutions from oversight of their CDS transactions.

That is the important thing, they became deregulated. The Government no longer was able to see what was going on.

"Prior to its passage, they say, banks underwrote mortgages and were responsible for the risks involved."

You went to a bank, you got a mortgage, the bank took responsibility, they lost money, they made money, that was the transaction.

"Now, through the use of CDSs—which in theory insure the banks against bad debts—those risks are passed along to insurance companies and other investors," wrote the Texas Observer.

Still, in Professor Cohen's article:

How does this relate to Lehman's bankruptcy? "CDSs were a key factor in encouraging lenders to feel they could make loans without knowing the risks or whether the loan would be paid back."

When you and I were younger, Mr. President, banks knew the people to whom they made loans. They didn't give a loan to somebody they knew would not be able to pay it back. But that is no longer the case.

"The Commodity Futures Modernization Act freed them of Federal oversight . . ." And it was due to these CDSs that Wall Street held an emergency session yesterday to try to minimize the damage of Lehman's CDSs and other derivatives. Unfortunately, the session did not produce much, thanks to the built-in lack of knowledge of the risks in these transactions that Gramm's legislation ensured. You are going to be reading more and more about CDSs over the months ahead.

Professor Cohen continues:

It will become as familiar as the phrase subprime mortgage—

Which, unfortunately, many of us now are familiar with—

was in the year 2007. Unfortunately—

Get this, this is quite amazing—

there were "only" \$1.3 trillion worth of subprime mortgages and the CDS market is 48 times bigger than that.

Forty-eight times bigger than the subprime market—

and more than four times bigger than the U.S. GDP. And since nobody has ever had to deal with this volume of CDS unwindings, it is impossible to calculate how much they will cost.

In other words, what has happened as a result of Senator Gramm's legislation is, unbelievable amounts of money have been traded, accumulated without anybody really knowing what is going on. Now we are left trying to pick up the remains of those problems.

Professor Cohen's article is compelling because it tells us how huge this crisis is and why we have every reason to fear that AIG may well be just the first of many companies involved in risky investments that the American people will have to bail out.

The time for hand wringing is over. This Congress needs to put an end to the radical deregulation that was pushed by Senator Phil Gramm and many other Republicans, and there were Democrats who went along with that as well. We need to put the safety walls back up in the financial services sector. We need to regulate the electronic energy markets. We need to end the use of unregulated credit default swaps. In other words, what we need to do once again is have the U.S. Government play an important role in protecting the people of this country against the greed of large corporate interests.

Unfortunately, the response from the administration and Wall Street is not to do that but to push for further consolidation in the financial services sector. Here is just an amazing thing. The argument we are hearing over and over again is that AIG was too big to fail, and what we are now creating are institutions that are even larger than AIG. And 10 years from now, when these institutions are threatened with collapse, there will be people coming up saying: Oh my goodness, we can't allow those to fail; we have to bail those out as well.

This country can no longer afford companies that are too big to fail. If a company is so large that its failure would cause systemic harm to our

economy, if it is too big to fail, then it is too big to exist. If it is too big to fail, it is too big to exist. We need, as a Congress, to assess which companies fall in this category. Bank of America is certainly one of them. Those companies need to be broken apart. We cannot have companies so huge that if they go under they take the world economy with them.

Then once we break them up, if a company wants to act in a risky manner, if they want to take risks in order to make some quick bucks, that is OK. If they want to take the risk and they want to lose money, that is OK. The American people should not have to, and would not be under those circumstances, be left to pick up the pieces.

Finally, in terms of dealing with this unfolding disaster, we need to make sure working Americans, the middle class, do not foot the bill. If the economic calamity requires a Federal bailout, it should be paid for by those people who actually benefited from the reckless behavior of people empowered by the extreme economic views of Senator Gramm, President Bush, Senator McCain, and many others.

In other words, the point I am making is that in the last 10 years, many of these people have made billions and billions of dollars. It is unfair to simply ask the middle-class working families who are trying to figure out how they are going to pay their fuel bills, how they are going to send their kids to college, to bail out these large institutions from which many people made huge amounts of profits.

We don't talk about this too often, but today the wealthiest one-tenth of 1 percent earns more income than the bottom 50 percent. The top 1 percent owns more wealth than the bottom 90 percent. And the wealthiest 400 Americans in this country have not only seen their incomes double, their net worth has increased by \$640 billion since George W. Bush has been in office.

Can you believe that? Four hundred families, four hundred people, less than the Congress, have seen a \$640 billion increase in their wealth since President Bush has been in office. And, amazingly, these 400 families are now worth over \$1.5 trillion—400 families. On average, they earn over \$214 million a year.

As a result of President Bush's policies, amazingly enough, their tax rates have been cut almost in half to only 18 percent on average. Amazingly, the wealthiest 400 Americans pay a lower tax rate than most police officers, teachers, firefighters, and nurses. So if you are one of the very wealthiest people in this country, if you are earning \$214 million a year on average, you pay a lower tax rate than somebody who is a police officer, a teacher, a firefighter, or a nurse.

That may make sense to somebody; it does not make sense to me. What does it say about us as a nation when

the middle class pays a greater percentage of their income in taxes than the wealthiest 400 Americans?

It is this very small segment of our population that has made out like bandits—frankly, some of them are bandits—during the Bush administration. We have to recognize that when we talk about who is going to pay for the bailouts.

In my view, we need an emergency surtax on those at the very top in order to pay for any losses the Federal Government suffers as a result of efforts to shore up the economy. It should not be hard-working people who are trying to figure out how they are going to keep their families economically above water, people who are working longer hours for lower wages, people who have lost their health care, people who cannot afford to pay their fuel bills this winter. Those are not the people who should be asked to pay for this bailout. If there is a bailout that has to be paid for, it should be the people, the segment of society that has benefited from Bush's economic and tax policies over the last 8 years.

Before I complete my remarks, I would like to step back for a minute and examine this current crisis in the context of whom our Government represents.

What does it say about an administration that is prepared to put \$85 billion at risk to bail out AIG but fights tooth and nail against dealing with the economic crises facing working families in this country? Mr. President, \$85 billion at risk for AIG, some \$30 billion for Bear Stearns, perhaps trillions for Fannie Mae and Freddie Mac. For those folks there seems to be an endless supply of money. Don't the American people deserve a Government that views their economic needs as being as important as the health of large corporations and Wall Street executives?

Since President Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty. What was the administration's response? Was there a bailout for those people who lost good-paying jobs and are now working for significantly lower wages? Did President Bush come and say we have to protect those kids in a society which has the highest rate of childhood poverty of any major country? Are we going to bail out those families? I didn't hear that from the White House.

Over 7 million Americans have lost their health insurance. More than 4 million Americans have lost their pensions. Over 3 million manufacturing jobs have been lost. Total consumer debt has more than doubled since President Bush has been in office. Median income for working-age Americans has gone down by over \$2,000 after inflation. Where has the Bush administration been in bailing out those families? Where has the Bush administration been in saying we are going to provide health care to all Americans? I didn't hear them come forward.

But when it is AIG, when it is Bear Stearns, my goodness, how quickly they respond. If you are a CEO of a large insurance company, they are there for you. But if you are a working mother whose kid does not have any health insurance: I am sorry, we can't afford to take care of you.

I can go on and on about the priorities established by this administration. The American people should know this President wanted to cut emergency food assistance for nearly a half million seniors, mothers, and children. He wanted to cut job training for 161,000 people and cut childcare assistance for 200,000 children. There is not enough money to take care of those people. I guess they don't make a whole lot of campaign contributions.

The President wanted to raise fees on veterans getting health care, which we, of course, stopped. He fought giving 3 million children access to health care. He wanted to cut \$1 billion from rural housing when we have a major housing crisis in rural America.

No money for children who don't have any health insurance, no money for people living in dilapidated housing, no money available for veterans health care. We can't do that. But if you are AIG, if you are a large corporation, this Government is there for you.

These people, working families, seniors, veterans, the unemployed—their problems do not warrant, apparently, an urgent response from the President. But big insurance companies, big investment houses, companies that get engaged in risky subprime lending and credit swaps, my, my, how quickly we respond to them.

The American people deserve better. We need to reject the failed economic policies and priorities of George W. Bush and JOHN MCCAIN. Americans need a Government that is not going to let the rich and large corporations loop our economy. Americans need a Government that will put regulatory firewalls back up in the financial sector and end the use of unregulated credit swaps. Americans need a Government that is going to prevent speculators from robbing them at the gas pump. Americans need a government that breaks up companies that are too big to fail. Americans need a government that is going to view their problems as seriously as they view the problems of corporate America. Our job is to give the American people that kind of government.

Mr. President, I yield the floor.

PHILIP CLAPP

Mr. BINGAMAN. Mr. President, I wish to speak very briefly to express my sadness on the death of Philip Clapp, who was the president and chief executive officer of the National Environmental Trust, from its founding in 1994 until it merged with the Pew Charitable Trusts this year, and who served as the deputy managing director of the Environmental Group of the Pew Charitable Trusts.

There are few of us in the Senate who have not had contact with Philip and seen the effectiveness of his advocacy on environmental and energy issues. He formerly served on Tim Wirth's staff when Tim served as a colleague of ours in the House of Representatives.

Under his guidance, the National Environmental Trust was one of the major nongovernmental organizations that contributed to international summits and agreements on climate change-related issues.

I wish to express my condolences to his family and to his many colleagues here and abroad who will greatly miss him and his leadership on these issues.

LEGAL DRINKING AGE

Mr. BARRASSO. Mr. President, the debate over the legal drinking age has continued for decades.

As a physician and surgeon, I have repeatedly dealt firsthand with the traumatic results of underage drinking.

Recently, a number of college presidents from across the country signed a public statement petitioning that the current legal drinking age be lowered to age 18.

I believe changing this law would pose a danger to our youth and communities.

Wyoming's First Lady, Nancy Freudenthal, wrote an important editorial addressing drinking on college campuses. It was printed in the Wyoming Tribune Eagle and the Casper Star Tribune. I believe Mrs. Freudenthal presents a compelling argument for keeping the minimum drinking age at 21.

I ask unanimous consent to have the editorial to which I referred printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOWERING THE DRINKING AGE IS NOT A GOOD IDEA

(By Nancy Freudenthal)

When the leaders of our nation's institutions of higher learning have something to say, we naturally assume that it will be well-reasoned, responsible and grounded in factual evidence. That is why it was disappointing to see more than 100 college presidents and chancellors have signed on to what is now being called the Amethyst Initiative, which seeks to lower the legal drinking age from 21 to 18 because, as its proponents claim, "Twenty-one is not working."

I am very pleased the University of Wyoming has not signed on to this initiative, and in fact is addressing drinking on campus on many fronts, including "education, training, enforcement and changing the environment around alcohol use," according to Dean of Students Dave Cozzens.

By viewing this issue through the narrow lens of alcohol-related problems on campus, these college presidents are ignoring the broader societal implications of throwing in the towel on the health and well-being of our young people.

The Amethyst Initiative's solution for reducing binge drinking and preventing underage drinking is to make alcohol more readily available to young people, which will only

exacerbate the public health concern of underage drinking.

We believe that such an approach is irresponsible and would lead to more of the tragic consequences associated with underage alcohol use documented in the U.S. Surgeon General's 2007 Call to Action to Prevent and Reduce Underage Drinking.

Teen deaths and injuries, traffic accidents, physical assaults and other violent acts, risky sexual behavior, and school failure, among other potentially lifelong consequences, would increase as a result.

Lowering the drinking age also runs counter to scientific research that shows underage drinking can affect brain development, which we now know continues into the mid-to late twenties. Scientific evidence further shows that underage drinking is related to future alcohol dependence and other substance abuse.

Approximately 96 percent of alcohol-dependent adults started drinking before the age of 21.

For the past 20 plus years, so many have worked tirelessly and diligently to keep our youth and our communities safe and healthy by reducing the prevalence of alcohol use among those under 21, with the current legal drinking age limit a large part of our success.

Although we are under no illusion that problems persist, we must continue to confront them head on, vigilantly and responsibly, and resist easy efforts to turn back the clock and undo years of steady progress.

Seventy-eight percent of Americans oppose lowering the drinking age from 21 to 18, so the public gets the message.

We recognize that colleges have a tremendous problem with binge drinking.

Young people are drinking more aggressively than ever before. The solution is really about changing the culture of alcohol consumption. In many respects, we have achieved this change in culture for youth tobacco use. We must now change the culture as it relates to underage drinking.

The bottom line is children who are connected to family, community and society are less prone to drink alcohol.

It's just a shame that some college administrators didn't do their homework, and our children are the ones who would pay the price.

When children drink, America loses.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

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

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

The increased energy costs have had a profound effect on my ability to meet the needs of myself and my family. My oldest son broke his leg in June 2007. It was a life-threatening break, he is not healing properly and will continue to be unable to work for another six months at a minimum. The family was evicted from their home and are struggling to survive. They receive food stamps and medical assistance, but nothing else. Fortunately I have a trailer house, which they were able to move in to. I currently pay their electricity and transportation to and from medical appointments, getting groceries, etc. not to mention extracurricular activities for the children, as well as my own utilities and gasoline. I have paid nearly \$500 per month during the winter months for our electricity and am still paying over \$300 each month. My job requires me to travel daily, and I average 500 miles per week in mileage. With the excessive costs of gasoline and electricity, I am currently working 45-50 hours each week and still falling behind on my bills. I do not have credit card debt, but have a student loan I cannot pay and one other small loan. My only other debts consist of a house payment, car payment, and property taxes. I am at risk of losing my house in a year because I cannot pay the taxes. My ex-husband is threatening to take the property away because I cannot afford to pay him \$100 per month to finish buying him out. I will be 51 this month and am not in the best of health—but I do what I have to in order to provide for myself and my family. I take medication but am not able to get my prescription filled because I owe the doctor \$44 and he will not call in a new script until he is paid. That payment to the doctor is one tank of gas—that is all—and I could die, or worse have a stroke, without my medication. Something needs to change, and soon.

BARBARA, *South Central Idaho.*

I received your email asking for Idahoans' stories related to the increase in gas prices, and I appreciate that these prices are affecting everyone and that you are working to fight them. Further, I support that you fought the Warner-Lieberman bill, though probably not for the reasons that you did. However, I am writing to ask that you do, in fact, seriously consider Representative Ed Markey's new bill, "Investing in Climate Action Policy Act." While I admit that I am unsure of the impact that this bill will have on gas prices, I seriously believe that we must begin to enact bills that combat climate change. Being from Idaho, I am sure that we both appreciate the outdoors and how beautiful places like the Sawtooths and the Frank Church Wilderness are. However, I feel that the beauty that we are currently able to find here is threatened by global warming, and I entreat you to do something about it. Representative Markey's bill is a good start.

You asked about the priorities that Congress should set in resolving the oil crisis, with "increasing domestic oil production" at the top of your list. However, I do not believe that this is a reasonable option. The U.S. hit peak oil years ago, there simply is not that much more to get out of here. Also, when you think of domestic oil, please think of ANWR. Imagine if, instead of in ANWR, oil was found in the Sawtooths. Could you really, in good faith, support taking oil out of the Sawtooths?

Instead, I believe that one of the options you suggested is by far the best. There should be incentives for conservation of oil. Ultimately, the incentive will be more money in your pocket, because quite honestly, I believe the oil prices will keep going up until it becomes too expensive for people

to use so freely and they begin to conserve it in order to save money. However, a good short term idea would be to set up incentives and to invest in alternative fuels. Ultimately, we will run out of oil and I only hope that when that time comes we are prepared for it, and prepared to switch entirely to renewable energy sources.

Thank you for your time.

Sincerely,

SAMANTHA, *Boise.*

I am married, with three young kids, ages 9, 7, and 5. I am a detective for the Ada County Sheriff's Office, and I make just over \$60,000 a year. My wife works part-time out of our house as a Pampered Chef consultant, and probably makes about \$10-15,000 per year, after taxes and deductions.

We have a strict cash budget, and have no debt except for our house. We own a 7-year-old Dodge Durango, and a 14-year-old Chevy Camaro, both gas guzzlers. We are actually in a pretty good financial position, and are blessed.

We currently budget \$100 every two weeks for fuel. This increased from about \$60 recently. Part of the increase was because we sold our Toyota Corolla (good gas mileage), and got our Camaro (not so good). However, I would blame most of the increase on the rising gas prices. (We sold the Corolla because it was our last debt that we wanted to pay off, and start over debt free.)

We are able to survive on this \$100 because we have reduced our driving dramatically. We put a lot more thought into our daily errands, etc. We have been riding our bicycles as much as possible, but only for short distances because of our young kids.

Unfortunately, all of this "thinking" about our driving limits our freedom. I have not felt this limited by fuel costs since I was in high school, and barely had a couple bucks to put in my gas tank. This past weekend I took my boys camping. I wanted to go to a favorite place I went to as a kid, but it is four hours away. Because of gas prices, I was not able to do that, and settled on CJ Strike Reservoir, which must be similar to ANWR, a mosquito paradise, so we left a day early after my son got bit 31 times.

We regular citizens are frustrated at the lack of action by our Congress. I am not an economist, but I believe the very statement by our government that we are going to begin using our own natural resources for energy, would potentially reduce gas prices. I realize that the liberals in Congress are the problem. In Idaho, we are blessed by some pretty good representatives.

I appreciate all you can do for our families. Take care, and God Bless.

MATT, *Meridian.*

You have got to be kidding!! Only \$50 more per month? My fuel bills have doubled in the last year and you only think they have gone up \$50? What world are you living in? The fact of the matter is, for a farmer in Idaho, our fuel bills have nearly doubled. My fuel bill to deliver my fish has gone from \$800 per week to over \$1500 per week.

To answer your question, I believe the CEO from Shell when he said to the Senate, the real cost of oil should be between \$35 and \$60 per barrel—all costs over and above that amount are because of government.

You do not listen, you do not know, and you pretend to care. (There are many issues that have come before Congress that have not taken the public's best interests to heart, and have caused us more expense and trouble. Among those issues are the Public Employees investment funds, domestic oil drilling, Chinese allowed to drill right off our own coast when we cannot, NAFTA, nuclear power support, devaluation of the dollar, terrorists given rights by the Supreme Court.)

(Given my frustration with Congress, you can imagine how I feel about your last statement, "together we can spur some real action?" The only thing that seems to happen is the Congress spends more money and expends a lot of hot air.)

It ought to be interesting when fuel gets to \$6.

I doubt anyone on your staff will read this; you certainly will not, but have a nice day anyway.

DON, *Buhl*.

I, being a retired person on a fixed income, [find] it is very hard to get by. The prices are up for most everything because of delivery costs. I will be 70 years old this summer and I have no choice but to go cut, split and stack firewood so I can afford to heat my home next winter. The government should have been doing something about it two years ago and not waited until folks are ready to revolt countrywide.

OPEC sells oil for \$136.00 a barrel.

OPEC nations buy U.S. grain at \$7.00 a bushel.

Solution: Sell grain for \$136.00 a bushel.

Cannot afford it, tough! Eat your oil!

Ought to go well with a nice thick grilled filet of camel (steak).

Unsigned.

Since you asked for our energy stories I will submit this one. My wife and I own three vehicles, a 2000 Buick, a 1992 Ford Bronco and a 2006 Suzuki motorcycle (an on-off road type). I ride my bike everywhere I can and my wife takes the car. I scrape the frost off my bike seat some mornings because, for every trip I take the Bronco to work, I can take the bike three times. We have to drive and it takes 30 gallons to fill the Bronco. At \$3.94 a gallon, it really adds up. I rode my bike into December last year and broke it out in March this year. If the roads were bare and there was not a threat of snow, I rode it. I remember the 1980s when the speed limit was lowered to 55 mph to conserve fuel so that is what I do now again. If it helped then, I hope it will help now. This is not a noble plan to conserve energy; it is a trial to spend so much on fuel and I can cut costs this way.

Maybe you can explain why our "friends" who supply us the oil need to gouge us so badly. Maybe \$120.00 for a barrel of wheat would make the point in all export sales going to oil producing nations. And speaking of the high price of gas, do we export wheat and other food grains cheaper than we can buy it here at home? Are our shortages caused by or aided by sales to export markets? If so, that is wrong! We need to take care of American needs first. I really do not mind sharing what I have with my neighbors but I'll feed my kids first.

Thanks for listening,

MARK.

I do appreciate your concern about gas prices for those in Idaho. I lived in Idaho last year when I signed up for your newsletters, I now live in Washington, Tri Cities, where we pay approximately 25 cents more per gallon than most do in Idaho. I am writing because my daughter lives in Sandpoint where gas prices are about the same as here. She has a disabled daughter that requires my daughter to take her to Spokane, Washington, about 70 miles one way. Due to the increase in gas prices, she has had to miss some of her doctor's appointments.

I believe that we have enough domestic oil to keep this country going for at least enough years to allow us to develop an alternative energy source. So I do not understand why that we are paying such high prices, except that the Big Oil Companies are making

a fortune off the American People that can hardly afford to feed their families now due to the increase in cost. Also from what I can see, the prices are going to continue to rise and run our economy into the ground due to the greed of the Big Oil.

Put a windfall profit tax on them and they will rethink what they are doing. We cannot afford to keep paying higher prices for gas, which is increasing the cost of everything that is delivered by truck. Our economy is in a downward spiral and, if Congress does not stop it, then there will be no economy left in a couple of years.

ARNOLD, *West Richland, Washington*.

As a United States citizen and fellow Idahoan, I feel the need to share my financial pain with you about what it is like to pay for high fuel (gasoline, diesel) prices. Like anyone with an automobile, I pay more at the pump to the tune of around \$50-\$100 more per month. I think this pales in comparison to how much more I am paying for any commodity sold through any retail outlet. Nearly everything in the good old U.S.A. travels down our highways, and the extra costs of these goods is eating away at any disposable income I might have had for, let us say, dinner out one night, a night at the movies, etc. My income did not see this exponential rise to help combat the higher cost of living. Therefore I spend less on other things, which in turn, does not help my local economy. Multiply my woes by the hundreds of thousands like me, or worse off than myself, and we will continue to see our economy in decline.

As for a fix, I will give my opinion on this as well. Why is an energy source like crude oil any different from electricity and natural gas? Am I going out on a limb by saying, although my heating and cooling bills have gone up, they haven't quadrupled in the last eight years. Why? Well as you know the government does not allow the companies that sell us power or natural gas to just raise prices whenever they feel like it. Should not we treat big oil companies the same way? What is the difference between the need for one source of power and another?

The U.S. economy is so incredibly dependent on petroleum products, I think it is irresponsible of our government officials to not step in and provide some long term relief for the U.S. consumer/citizen. Step it up and take control of this situation before we all are made to suffer through a multi-year recession.

Thank you for your time.

TOM, *Lewiston*.

Thank you for your e-letter of this date. In the Big Lost River Valley, mass transit will not be efficient, but neighbors can be increasingly efficient. We and our neighbors are beginning a neighborhood plan whereby we coordinate medical, pharmacy, dental, shopping and other errands, mostly to Idaho Falls, nearly 90 miles distant, to reduce individual gasoline purchases. By previewing times and schedules, we can accomplish numerous tasks in the destination city with fewer vehicles/travel. My neighbors and I agree substantially with the points made in your e-letter: aggressively promote increased domestic production and refining of gas and oil products, nuclear power/electricity production and electric and hydrogen power for automobiles. The unintended consequences of the ethanol program will lead us to proper caution about alternative fuels. Thank you for your good works.

Most respectfully,

DAVID, *Darlington*.

I think the current U.S. government may be on the way to causing civil war!!! You

hear it on the streets, how [angry] people are getting at [the inaction]. The environmentalists seem to hold undue influence over decisions and legislation from Congress. I do not believe that global warming is a threat. Both political parties have not been able to address the public's concerns about energy, and the federal government just keeps spending more and more taxpayer dollars.]

Drill here, drill now.

Secure the border.

DWAYNE.

My husband and I are seniors; we are in our 70s. We are not suffering as much from the high gas prices as our grandchildren are. Our youngest grandson is 17, and we have grandchildren who are 26. Boise wages are not the greatest, so it is really putting a dent in their budgets when gas prices are so high. I have wanted a decent transit (bus) system in Boise and Ada County forever. We have lived in Boise since June 1970. I came from Portland, Oregon. That is a city that can be very proud of their transit system. The buses run day and night, seven days a week.

I do not know why Boise has to be so slow with progress. A good bus system would be invaluable now. There has to be a transfer system so you can get where you need to go. I wish some of the "powers that be in Boise" would go to Portland and study their bus (transit) system.

I have a sister who lives in Salem, Oregon, the state capital, and they have a wonderful bus system also. Boise is a state capital and our bus system is tragic. Look at the gas that could be saved if people could ride buses and could depend on buses. A street car system downtown is not going to help very many people! I do drive, and I drive a large car. I never go downtown, but if there was a good bus system that I could use, I would bus downtown a lot. I live out by 5 Mile and Victory and where I live there are no buses.

Sincerely,

SALLY.

This probably does not fit your agenda, but actually, gasoline prices have been a lot worse. I paid a much higher percentage of my income when I was stationed overseas. The Energy Information Administration says we were reaching much deeper into our pockets to pay for gasoline in 1980 than last year. The real difference is that today's money buys less value. So, the best way the government can keep gasoline affordable is to stop creating inflation. The next thing you could do is require automobile makers to deliver cars that get better mileage. USA cars need to be more competitive.

JIM.

ADDITIONAL STATEMENTS

BROOKLYN-GUERNSEY-MALCOLM COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Brooklyn-Guernsey-Malcolm Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Brooklyn-Guernsey-Malcolm Community School District received a Harkin Grant totaling \$435,824 which was used to help renovate the high school. The district also received three fire safety grants totaling \$95,800 to upgrade the fire alarm system and make other improvements. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Brooklyn-Guernsey-Malcolm Community School District. In particular, I would like to recognize the leadership of the board of education—president Beverly Rens, Bob Parker, Travis Solem, Arlene Ford, Kyle Montgomery, Ed Kline, Larry Pendarvis and former board members Gaynell Conner and LaVerne Kriegel. I would also like to recognize superintendent Brad Hohensee, former superintendent Terry McLeod and high school principal Rick Radcliffe.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Brooklyn-Guernsey-Malcolm Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish

them a very successful new school year.●

CENTRAL CLINTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Central Clinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Central Clinton Community School District received a 2000 Harkin grant totaling \$259,750 which it used to help build an addition for pre-kindergarten and kindergarten programs at Ekstrand Elementary. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Central Clinton Community School District. In particular, I would like to recognize the leadership of the board of education—Dr. Kurt Rickard, Dennis Campbell, Jim Irwin, Bill Turnis and Christy Kunz and former board members Jim Hand, Lois Black, Donna Bark, and Theresa Kelly. I would also like to recognize superintendent Dan Peterson, former superintendent Dr. Dan Roe and Mary Reuter, editor of the *Dewitt Observer*.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79

percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Central Clinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLARKSVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Clarksville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clarksville Community School District received a 2002 Harkin grant totaling \$139,500 which it used to help renovate classrooms in the elementary school. The district also received two fire safety grants totaling \$50,000 to install smoke and heat detectors, emergency lighting, electromagnetic devices and to make other improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire

staff, administration, and governance in the Clarksville Community School District. In particular, I would like to recognize the leadership of the board of education—Kurt Wedeking, Sharon Markussen, Chris Fenneman, Joyce Freese and Chris Backer and former board members Paul Leerhoff, Dave Bolin, Pat Mennenga, Kim Bergman, Joe Wedeking and Dale Harris. I would also like to recognize superintendent Bob Longmuir, former superintendent Randall Nichols, former junior/high school principal Bob Saththoff, elementary principal Linda Johnson, board secretary Shellee Bartlett and former board secretary Diane Renning, StruXture Architecture and Prairie Construction.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Clarksville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLINTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Clinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from up-

dating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clinton Community School District received a 2002 Harkin grant totaling \$1 million which it used to help build a new elementary school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a \$100,000 fire safety grant for repairs at Washington Middle School.

Excellent new schools like Jefferson do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Clinton Community School District. In particular, I would like to recognize the leadership of the board of education—James Tuisl, Dave Frett, Thea Engelson, Joani Kittoe, Wendy Krajnovich, Stephen Teney and Mercia Wolfe and former board members Bruce Ingram, James Bruhn, Dr. Donald Flory, Debra Olsen, Les Shields, Alma Mariano, Brian Angwin and Jennifer Graf. I would also like to recognize superintendent Dr. Richard Basden, former superintendent Dr. Randall Clegg, business manager Gayle Isaac, plant services director Gregg Cornilsen, Jefferson principal Bonnie Freitag and former Jefferson principal Michelle Pearson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Clinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

DUBUQUE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new

school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Dubuque Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Dubuque Community School District received a 2002 Harkin grant totaling \$260,000 which it used to help install elevators at Fulton Elementary and Bryant Elementary. The district also received three fire safety grants totaling \$654,089 to make fire alarm improvements at Dubuque Senior High School, Hempstead High School and Jefferson Junior High School and to make safety improvements at Washington Junior High School. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Dubuque Community School District. In particular, I would like to recognize the leadership of the board of education president—Larry Loeppke, vice president Donna Bauerly, Mike Brannon, George Davis, Otto Krueger, Adam Menning and David Patton, and former board members Parker Bauer, Michelle Covey, Eldon Herrig, Steve Hodge, Jay Schiesl, Ed Zaccaro, Karen Behr, Doug Horstmann, Tonya Thul-Theis, Tom Barton, Cammie Dean and Ted Strieber. I would also like to recognize superintendent John Burgart, former superintendent Dr. Jane Petrek, former executive director of business services Joseph Link, former manager of building and grounds Robert S. White, Sr., former Jefferson Principal Duane Frick, former Washington principal Art Roling, former senior high principal Larry Mitchell, former Hempstead principal David Olson, former Bryant principal Lesley

Stephens and former Fulton principal Roy Hansen.

As we mark the tenth anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Dubuque Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

EMMETSBURG COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Emmetsburg Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Emmetsburg Community School District received a 2001 Harkin grant totaling \$133,333 which was used to help build an addition on an elementary school. The district has also received \$110,085 since 2000 in fire safety grants which have been used to improve the fire safety doors, alarms and smoke detectors in all their buildings. The fed-

eral grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Emmetsburg Community School District. In particular, I would like to recognize the leadership of the board of education Karla Anderson, Dave Van Oosbree, Kent Eglund, Don Hagen, Steve Pelzer, Linda Tienter and Laurie Oppenheimer and former board members Gary Kauffman, Dean Gunderson, Mary Cooper, Mike Brown, David Kassel, Kris Ausborn and Steve Nelson. I would also like to recognize superintendent John Joynt and former superintendent Paul Tedesco.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Emmetsburg Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MAPLE VALLEY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Maple Valley Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to se-

cure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Maple Valley Community School District received 2002 and 2003 Harkin grants totaling \$690,000 which it used to help renovate the high school into a new elementary school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received six fire safety grants totaling \$148,300 to install fire safety doors and update wiring and fire detection systems across the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Maple Valley Community School District. In particular, I would like to recognize the leadership of the board of education—Kathy Dirksen, Ed Maier, Joanne Maynard, Dale Wimmer, and Tammy Flanigan, as well as former board member Tracy Hesse. I would also like to recognize superintendent Steve Oberg, fire marshall Amy Fratzke, grant writer Linda Steele, Heath Opfer of Radec Construction, and site architect Mike Berg of DLR Group.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Maple Valley Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SHELDON COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Sheldon Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Sheldon Community School District received a 2001 Harkin grant totaling \$500,000 which was used to help build a new middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received two fire safety grants totaling \$75,000 to improve their alarms, smoke detectors and fire safety doors. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Sheldon Community School District. In particular, I would like to recognize the leadership of the board of education Dan Van Gorp, Gary Ihnen, Kecia Hickman, Glen Goedken and Harlan Bousema and former board members Linda Porter, John Boender and Tom Whorley. I would also like to recognize superintendent Robin Spears, middle school principal Cindy Barwick and Gene Den Hartog.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be up-

graded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Sheldon Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SPENCER COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Spencer Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Spencer Community School District received a 2003 Harkin grant totaling \$500,000 which it used to help build a science classroom addition to the high school and remodel family and consumer science classrooms. The district also received two fire safety grants totaling \$200,000 for a new fire alarm system at the high school and other improvements in schools throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance

in the Spencer Community School District. In particular, I would like to recognize the leadership of the board of education—Edward Ver Steeg, Barb Van Wyk, Dean Mechler, Dave Schlichtemeier and Les Zobrist and former board members Ross Brockshus, Randy Van Dyke, Sue Harman and Scott De Geest. I would also like to recognize superintendent Greg Ebeling, former superintendent Glen Lohman, assistant superintendent Kathy Elliott, former high school principal Mike Healy and grant writer Mary Maly.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Spencer Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

VINTON-SHELLSBURG COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Vinton-Shellsburg Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or

or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Vinton-Shellsburg Community School District received a 2005 Harkin grant totaling \$400,000 to renovate two schools. The grant enabled the school district to build a new commons area and to add an elevator at the building in Shellsburg. The district also made renovations, installed air-conditioning and built additional classrooms and restrooms at Tilford Elementary School.

This project was part of a comprehensive multimillion dollar plan to provide the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. The United 4 Kids campaign committee worked tirelessly to pass a \$15.1 million bond issue to build a new high school and make improvements throughout the district.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Vinton-Shellsburg Community School District. In particular, I would like to recognize John Anderson for his involvement with the United 4 Kids committee and generously donating 35 acres for the new high school. I would also like to recognize the leadership of the board of education—Brad Allyn, Patrick Lyons, Kathy Tranel, Gerald Horst, Jo Sainbury, Todd Wiley and Tim Bird as well as superintendent Randy Braden, high school principal Jay Pedersen, Shellsburg principal Shelly Petersen and Tilford principal Jim Murray.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Vinton-Shellsburg Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

TRIBUTE TO SKIP CARAY

● Mr. ISAKSON. Mr. President, today I mourn the passing and pay tribute to a great Georgian. Broadcaster Skip Caray passed away in his suburban Atlanta home on August 3, 2008, leaving a tremendous void in the hearts of Atlanta Braves fans nationwide.

After years of calling basketball and hockey games in St. Louis and Atlanta, Skip Caray began broadcasting for the Braves in 1976. Baseball was in his blood, and while their styles were different, Skip brought the same warmth and humor to his calls as his famous father, Harry, delivered to the Chicago Cubs for years. Skip Caray passed his love for the game on to his sons, Chip and Josh, both of whom found careers in the same profession as their father.

As a broadcaster for TBS, Skip Caray's voice was not only familiar to baseball fans in the South, but millions around the country. Whether it was the many years that the Braves spent in the depths of their division or the 14 consecutive seasons at the top, Caray provided the voice of a friend who shared the same passion for "America's Team" that the fans did. No Braves fan will ever forget Skip urging Sid Bream around third base and into the World Series in 1992 or his elation as the Braves won it all in 1995.

In 2004, Caray was elected to the Atlanta Braves Hall of Fame. At his induction, his mentor, Ernie Johnson, Sr., said that Caray "had a bigger heart than anyone can imagine." Skip Caray will be sorely missed and will remain in Atlanta Braves fans' hearts forever.●

HONORING CONGDON'S DOUGHNUTS

● Ms. SNOWE. Mr. President, as our Nation and our world become increasingly complex and fast paced, it may seem easy to lose track of the simple but essential ties that bind us to those in our communities. It is with pleasure that I recognize a small family business from my home State of Maine that has succeeded in ushering a timeless classic into the modern world. Congdon's Doughnuts in Wells has been a York County institution for well over 50 years, providing tasty treats and community support for generations of locals and tourists.

For the early riser among us, few indulgences are more appealing than a sticky sweet doughnut and a fresh-brewed cup of coffee. Congdon's Doughnuts has provided just that to thousands of customers as it has churned out up to 10,000 homemade doughnuts a day for three generations. Founded in 1945, and located at its current site since 1955, the company has undergone many of the trials and tribulations that often challenge America's small businesses. Yet through the hard work and unwavering dedication of the Congdon family and their employees,

the business has transformed itself from a small wholesale doughnut operation to a three-meal-a-day restaurant and bakery. Under present managers Gary Leech, son of Eleanor Congdon, and his wife Diane Leech, Congdon's also added a convenient drive-thru in 2002 for those on the go. The firm has been so successful that this past March, the Best Independent Restaurants Association awarded Congdon's Doughnuts its highest level of recognition, the prestigious Best Family Restaurant Platinum Plate Award.

While known for providing plentiful options for breakfast, lunch, and dinner, the centerpiece of the Congdon enterprise remains its timeless and highly acclaimed doughnuts. With dozens of tempting and delicious varieties of the traditional breakfast morsels, from cinnamon and coconut to chocolate honey and apple fritter, Congdon's has something to satisfy any doughnut eater and has garnered acclaim both locally and nationally. Indeed, Portland Magazine, a regional publication, has placed Congdon's doughnuts on its list of "101 of Maine's Guiltiest Guilty Pleasures," and in 2007 Congdon's was included on the Doughnut Honor Roll of seriouseats.com, the Web site of famed food critic Ed Levin.

While Congdon's has long been involved in local charitable and community efforts, for the last 2 years it has institutionalized the commitment to its neighbors by joining other local businesses to host weekly benefit barbecues. Every Wednesday in July and August, community members come together for fun-filled tropical-themed parties. Ticket sales for these popular events have raised money for local and national charities and organizations including the American Heart Association, Southern Maine Parent Awareness, and Trolley for Togus, which provides transportation for York County veterans to Maine's VA hospital. Additionally, last December Congdon's offered its guests holiday cards to sign for our Nation's soldiers, and then sent over 500 of them to men and women serving in Iraq.

Congdon's Doughnuts exemplifies the best qualities of being both a prosperous business and a caring neighbor. It is with great pride that I congratulate Congdon's on its decades of successes and I wish them the best of luck for the future as they continue to reach new heights as a purveyor of delectable treats and old-fashioned American cuisine.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 2:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1485. An act for the relief of Esther Karinge.

H.R. 2760. An act for the relief of Shigeru Yamada.

H.R. 5030. An act for the relief of Corina de Chalup Turcinovic.

H. R. 5243. An act for the relief of Kumi Izuka-Barcena.

At 6:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

At 6:35 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic".

At 7:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6064. An act to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7582. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Area Navigation (RNAV) and Miscellaneous Amendments" ((RIN2120-AH77)(Docket No. FAA-2002-14002)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7583. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM" ((RIN2120-AA66)(Docket No. 08-ANM-2)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Implementing the Maintenance Provisions of Bilateral Agreements" ((RIN2120-AI19)(Docket No. FAA-2004-17483)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Recording of Major Repairs and Major Alterations" (RIN2120-AJ11) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Implementing the Maintenance Provisions of Bilateral Agreements" ((RIN2120-AI19)(Docket no. FAA-2004-17483)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for Certification Services and Approvals Performed Outside the United States" ((RIN2120-AI77)(Docket No. FAA-2007-27043)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Phillipsburg, KS" ((RIN2120-AA66)(Docket No. 06-ACE-13)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC-7589. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to Congress: Minerals Management Service Royalty In Kind Operation Program" for Fiscal Year 2007; to the Committee on Energy and Natural Resources.

EC-7590. A communication from the Chairman, Federal Regulatory Commission, transmitting, pursuant to law, the Commission's annual report, covering the fiscal year from October 1, 2006, through September 30, 2007; to the Committee on Energy and Natural Resources.

EC-7591. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Update to Congress On the Russian Surplus Fissile Materials Disposition Program"; to the Committee on Energy and Natural Resources.

EC-7592. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law,

the report of a rule entitled "North Dakota Regulatory Program" (ND-050-FOR) received on September 8, 2008; to the Committee on Energy and Natural Resources.

EC-7593. A communication from the Commissioner of the Social Security Administration, transmitting the report of a proposed bill to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program; to the Committee on Finance.

EC-7594. A communication from the Commissioner of the Social Security Administration, transmitting the report of a proposed bill to make program and administrative improvements to the Old-Age, Survivors, and Disability program, the Supplemental Security Income program, and the Special Benefits for Certain World War II Veterans program; to the Committee on Finance.

EC-7595. 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 "Economic Stimulus Act of 2008 Business Incentives" (Rev. Proc. 2008-54) received on September 8, 2008; to the Committee on Finance.

EC-7596. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenchlorfenuron; Permanent and Time-Limited Pesticide Tolerances" (FRL-8375-4) received on August 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7597. 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 "Karnal Bunt; Removal of Regulated Areas in Texas" (Docket No. APHIS-2007-0157) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7598. 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 "Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish" ((RIN0579-AC74)(Docket No. APHIS-2007-0038)) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7599. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specialty Crop Block Grant Program—Farm Bill; Notice of Request for Approval of a New Information Collection" ((RIN0581-AC88)(Docket No. AMS-FV-08-0057)) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7600. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment of General Regulations for Fruit, Vegetable, and Nut Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings" (Docket No. AMS-FV-08-0061) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7601. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate" (Docket No. AMS-FV-08-

0056) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7602. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" (Docket No. AMS-FV-08-0060) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7603. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment of General Regulations for Federal Milk Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings" (Docket No. DA-08-04) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7604. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Fluid Milk Processor Promotion Program" (Docket No. DA-07-05) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7605. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas; Delay of Effective Date" (Docket No. AMS-DA-07-0026) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7606. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Single Family Housing Loans and Grants (7 CFR Part 3550)" (RIN0575-AC69) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7607. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Time-Limited Pesticide Tolerances" (FRL No. 8377-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7608. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Pesticide Tolerances" (FRL No. 8376-7) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7609. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Uniconazole-P; Pesticide Tolerances" (FRL No. 8376-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7610. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Pesticide Tolerances" (FRL No. 8379-9) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7611. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8378-2)

received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7612. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 8378-8) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7613. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Linuron; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8379-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7614. A communication from the Acting Administrator, General Services Administration, transmitting, a report of an additional prospectus relative to the General Services Administration's Fiscal Year 2009 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-7615. A communication from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the report of a draft bill entitled "Expand, Protect, and Conserve our Nation's Water Resources Act"; to the Committee on Environment and Public Works.

EC-7616. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair, and Painting Program; Notice of Availability" received on September 9, 2008; to the Committee on Environment and Public Works.

EC-7617. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule" (FRL No. 8710-8) received on September 2, 2008; to the Committee on Environment and Public Works.

EC-7618. A communication from the Chief, Listing of Endangered Species Branch, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)" (RIN1018-AV24) received on September 8, 2008; to the Committee on Environment and Public Works.

EC-7619. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Nashville/Davidson County Portion" (FRL No. 8705-3) received on August 18, 2008; to the Committee on Environment and Public Works.

EC-7620. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 117 and Emission Inventories for the Dallas/Fort Worth 8-Hour Ozone Nonattainment Area" (FRL No. 8704-8) received on August 18, 2008; to the Committee on Environment and Public Works.

EC-7621. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Plans; North Carolina: Miscellaneous Revisions" (FRL No.

8706-4) received on August 18, 2008; to the Committee on Environment and Public Works.

EC-7622. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Residues of Quaternary Ammonium Compounds, N-Alkyl (C12-18) dimethyl benzyl ammonium chloride on Food Contact Surfaces; Exemption from the Requirement of a Tolerance" (FRL No. 8376-9) received on August 18, 2008; to the Committee on Environment and Public Works.

EC-7623. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the Federal Water Quality Standards Use Designations for Soda Creek and Portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River in Idaho" (FRL No. 8706-7) received on August 18, 2008; to the Committee on Environment and Public Works.

EC-7624. A communication from the Chief, Listing of Endangered Species Branch, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the *Acanthomintha ilicifolia* (San Diego thornmint)" (RIN1018-AU86) received on September 16, 2008; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3341. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999 (Rept. No. 110-468).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2907. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes (Rept. No. 110-469).

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. DORGAN:

S. 3503. A bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 3504. A bill to provide technical corrections to the Technology Administration Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 3505. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA):

S. 3506. A bill to amend the Internal Revenue Code of 1986 to increase the credit for purchase of vehicles fueled by natural gas or liquefied natural gas and to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize the Clean School Bus Program of the Environmental Protection Agency; to the Committee on Finance.

By Mr. REED (for himself, Mr. KENNEDY, Mr. BAUCUS, Ms. STABENOW, Mrs. BOXER, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. BIDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S. 3507. A bill to provide for additional emergency unemployment compensation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 3508. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. CARDIN):

S. 3509. A bill to address the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries; to the Committee on Foreign Relations.

By Mr. BUNNING:

S. 3510. A bill to prohibit the Board of Governors of the Federal Reserve System from making funds available at a discount rate to private individuals, partnerships, and corporations; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mrs. FEINSTEIN, Mr. BENNETT, Mr. DODD, Mr. HAGEL, Mr. SCHUMER, and Mr. ALEXANDER):

S. 3511. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. KOHL):

S. 3512. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mrs. BOXER):

S. 3513. A bill to direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 663. A resolution expressing concern over the current Federal policy that allows the exportation of toxic electronic waste to developing nations, and expressing

the sense of the Senate that the United States should join other developed nations and ban the exportation of toxic electronic waste to developing nations; to the Committee on Environment and Public Works.

By Mrs. DOLE:

S. Res. 664. A resolution celebrating the centennial of Union Station in Washington, District of Columbia; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 215

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 625

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER), the Senator from Michigan (Mr. LEVIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States Merchant Marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1232

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in con-

sultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1738

At the request of Mr. REID, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1981

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2641

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2641, a bill to amend title

XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2668

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

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2919

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

S. 3200

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3331

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3344

At the request of Mr. COBURN, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3344, a bill to defend

against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Delaware (Mr. CARPER), the Senator from Virginia (Mr. WEBB), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3356, *supra*.

S. 3367

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3421

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 3421, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3471

At the request of Mr. DEMINT, the name of the Senator from New Hamp-

shire (Mr. SUNUNU) was added as a cosponsor of S. 3471, a bill to prohibit government-sponsored enterprises from making lobbying expenditures, political contributions, or other certain contributions.

S. 3483

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3483, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3489

At the request of Mrs. CLINTON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3489, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 3498

At the request of Mr. VOINOVICH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3498, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

S. RES. 616

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

S. RES. 660

At the request of Mr. NELSON of Florida, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

S. RES. 661

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country

and designating the week of October 2, 2008, through October 4, 2008, as "Celebrate Safe Communities" week.

AMENDMENT NO. 5269

At the request of Mr. CORKER, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of amendment No. 5269 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5330

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 5330 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5339

At the request of Mr. ALEXANDER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 5339 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5363

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 5363 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5374

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 5374 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5406

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 5406 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5509

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 5509 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5517

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 5517 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5519

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 5519 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5520

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 5520 intended to

be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5538

At the request of Mr. CORKER, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of amendment No. 5538 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5542

At the request of Mrs. CLINTON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 5542 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5567

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 5567 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5572

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 5572 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5592

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 5592 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5596

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 5596 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5601

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 5601 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5602

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 5602 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5608

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 5608 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 3505. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I join my colleague, Senator LINCOLN of Arkansas, to introduce the Medicare

Home Infusion Coverage Act, which will help us improve care and reduce costs. Today we know that the average Medicare beneficiary must shoulder nearly half their health care costs. At the same time Medicare faces serious fiscal challenges. Currently, the Part A, hospital, Trust Fund faces insolvency in 2019, when expenditures will exceed projected contributions and require additional taxpayer support to maintain the care our seniors and so many disabled Americans require.

There is another way, and that is to reform care delivery to emphasize high quality, lower cost care. Today the many serious conditions—including some cancers and drug-resistant infections—require the use of infusion therapy. Such treatment involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services (such as sterile drug compounding, care coordination, and patient education and monitoring) are part of such therapy. The course of infusion treatment often lasts for several hours per day over a six-to-eight week period.

The unfortunate fact is that Medicare patients requiring infusion therapy must either bear that cost themselves, or endure hospitalization in order to receive coverage. Though Medicare pays for infusion drugs, it does not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though home infusion therapy may cost as little as \$100 a day, too few seniors can bear that cost.

The result is that patients are hospitalized needlessly, driving costs of treatment as much as 10–20 times higher than treatment in the home. That is wasteful to Medicare and may even place the patient at risk. That is because unnecessary hospitalization places individuals at risk of acquiring a health care-acquired infection—one which is frequently drug resistant and can be life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus private coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have familiar, comfortable surroundings, and family conveniently at hand—no small concerns when fighting a serious illness.

It is clear we must change the status quo, and achieve safer, most cost-effective treatment. By extending coverage of infusion therapy to the home, we will correct this unintended and unnecessary gap in Medicare coverage.

I hope my colleagues will join us in support of this legislation so we may further the goals of improving patient safety and reducing our escalating health care costs.

By Mr. REED (for himself, Mr. KENNEDY, Mr. BAUCUS, Ms.

STABENOW, Mrs. BOXER, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. BIDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S. 3507. A bill to provide for additional emergency unemployment compensation; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. 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. 3507

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 “Unemployment Compensation Extension Act of 2008”.

SEC. 2. ADDITIONAL FIRST-TIER BENEFITS.

Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking “50” and inserting “80”; and

(2) in subparagraph (B), by striking “13” and inserting “20”.

SEC. 3. SECOND-TIER BENEFITS.

Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

“(c) SPECIAL RULE.—

“(1) IN GENERAL.—If, at the time that the amount established in an individual’s account under subsection (b)(1) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law, or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

“(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(C) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

SEC. 4. PHASEOUT PROVISIONS.

Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking “paragraph (2),” and inserting “paragraphs (2) and (3),”; and

(2) by striking paragraph (2) and inserting the following:

“(2) NO AUGMENTATION AFTER MARCH 31, 2009.—If the amount established in an individual’s account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual’s State is in an extended benefit period (as determined under paragraph (2) of such section).

“(3) TERMINATION.—No compensation under this title shall be payable for any week beginning after November 27, 2009.”

SEC. 5. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

With respect to weeks of unemployment beginning after the date of enactment of this Act and ending on or before December 8, 2009, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 2, 3, and 4 shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008.

By Mr. KOHL:

S. 3508. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, today I am doing my part to end the growing crisis of high school dropouts. I am introducing the Fast Track to College Act, a bill to increase high school graduation rates and improve access to college through the expansion of dual enrollment programs and early college high schools. Such programs allow young people to earn up to 2 years of college credit, including an associate’s degree, while also earning their high school diploma.

As we work to reauthorize the No Child Left Behind Act, we must find solutions to the growing dropout crisis facing our Nation’s high schools and provide opportunities for young people to pursue higher education. Recent reports have illustrated the enormous challenge: the national graduation rate is only 70 percent and is significantly lower in many large urban school districts. For example, my home State of Wisconsin has a relatively high graduation rate of 86 percent, but that rate drops to only 46 percent in the urban schools in Milwaukee. Such an achievement gap cannot continue.

For America to remain a leader in today’s increasingly global economy, we must ensure that all young people obtain not only a high school diploma, but a postsecondary education as well. High dropout rates and low college attendance rates hurt individuals, families, and society. Young people who

drop out of high school are at increased risk for unemployment and incarceration, and they are more likely to depend on public assistance for healthcare, housing and other basic needs. Conversely, adults with a bachelor’s degree will earn two thirds more than a high school graduate over the course of their working lives and are much less likely to experience unemployment or rely on social programs.

For these reasons, I ask my colleagues to support this bill, which provides competitive grant funding for dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. The Gates Foundation has been funding and evaluating such programs for several years now, and they have found that these programs work. Students can be motivated by a challenging curriculum and the tangible rewards of achievement, including free college credit and exposure to career opportunities. These programs have shown incredible promise as a tool for increasing attendance, graduation, and college enrollment rates, particularly among low-income high school students. Dual enrollment puts students on the fast track to college and increases the odds that they will not only graduate, but go on to continue their education and secure higher-paying jobs.

Specifically, this bill authorizes \$100,000,000 for competitive 6-year grants to schools, with priority given to schools that serve low-income students. The funding will help defray the costs of tuition, textbooks, transportation, and other associated costs for students in early college high school and other dual enrollment programs. The bill also includes an evaluation component so we can measure the program’s effectiveness.

I believe this investment in our schools will help solve the dropout crisis and secure America’s future by ensuring that all young people can compete in today’s global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help them reach that potential.

I urge my colleagues to support this important legislation.

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

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

S. 3508

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 “Fast Track to College Act of 2008”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase high school graduation rates and the percentage

of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) DUAL ENROLLMENT PROGRAM.—The term “dual enrollment program” means an academic program through which a high school student is able simultaneously to earn credit toward a high school diploma and a postsecondary degree or certificate.

(2) EARLY COLLEGE HIGH SCHOOL.—The term “early college high school” means a high school that provides a course of study that enables a student to earn a high school diploma and either an associate’s degree or one to two years of college credit toward a postsecondary degree or credential.

(3) EDUCATIONAL SERVICE AGENCY.—The term “educational service agency” means an educational service agency as defined by section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE ENTITY.—The term “eligible entity” means a local educational agency, which may be an educational service agency, in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means an institution of higher education as defined by section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(6) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” means a local educational agency as defined by section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) EARLY COLLEGE HIGH SCHOOLS.—To support early college high schools under this Act, there are authorized to be appropriated \$50,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2014.

(b) OTHER DUAL ENROLLMENT PROGRAMS.—To support other dual enrollment programs under this Act, there are authorized to be appropriated \$50,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2014.

(c) FUNDS RESERVED.—The Secretary shall reserve 3 percent of funds appropriated pursuant to subsection (b) for grants to States under section 9.

SEC. 5. AUTHORIZED PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award six-year grants to eligible entities seeking to establish a new or support an existing early college high school or other dual enrollment program.

(b) GRANT AMOUNT.—A grant under this Act shall not exceed \$2,000,000.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this Act, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) 20 percent of the grant amount received in each of the first and second years of the grant.

(B) 30 percent in each of the third and fourth years.

(C) 40 percent in the fifth year.

(D) 50 percent in the sixth year.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—The Secretary shall allow an eligible

entity to satisfy the requirement of this subsection through in-kind contributions.

(d) **SUPPLEMENT, NOT SUPPLANT.**—An eligible entity shall use a grant received under this Act only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support of the activities described in the eligible entity's application under section 7, and not to supplant such funds.

(e) **PRIORITY.**—In awarding grants under this Act, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 40 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(f) **GEOGRAPHIC DISTRIBUTION.**—The Secretary shall, to the maximum extent practicable, ensure that grantees are from a representative cross-section of urban, suburban, and rural areas.

SEC. 6. USES OF FUNDS.

(a) **MANDATORY ACTIVITIES.**—An eligible entity shall use grant funds received under section 5 to support the activities described in its application, including for the following:

(1) **PLANNING YEAR.**—In the case of a new early college high school or dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with at a minimum, teachers from the local educational agency and faculty from the partner institution of higher education;

(C) educating parents and the community about the school;

(D) recruiting students;

(E) liaison activities among partners in the eligible entity; and

(F) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) **IMPLEMENTATION PERIOD.**—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) student recruitment and community education and engagement;

(C) professional development, including joint professional development for secondary school and faculty from the institution of higher education; and

(D) school design and planning team activities, including curriculum development.

(b) **ALLOWABLE ACTIVITIES.**—An eligible entity may also use grant funds received under this Act to otherwise support the activities described in its application, including—

(1) purchasing textbooks and equipment that support academic programs;

(2) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq., 1070a-21 et seq.);

(3) transportation;

(4) planning time for high school and college educators to collaborate; and

(5) data collection, sharing, reporting, and evaluation.

SEC. 7. APPLICATION.

(a) **IN GENERAL.**—To receive a grant under section 5, an eligible entity shall submit to the Secretary an application at such time, in

such manner, and including such information as the Secretary determines to be appropriate.

(b) **CONTENTS OF APPLICATION.**—At a minimum, the application described in subsection (a) shall include a description of—

(1) the early college high school's or other dual enrollment program's budget;

(2) each partner in the eligible entity and its experience with early college high schools or other dual enrollment programs, key personnel from each partner and their responsibilities for the early college high school or dual enrollment program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, and labor organizations to ensure that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, first generation college students, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports for students in the early college high school or other dual enrollment program, including small group activities, tutoring, literacy and numeracy skill development in all academic disciplines, parental outreach, extended learning time, and college readiness activities, such as early college academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of dually enrolled students will be informed of the students' academic performance and progress and, subject to paragraph (5), involved in the development of the students' career and graduation plan;

(7) coordination activities between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program receive appropriate professional development and other supports, including to enable the teachers to help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq., 1070a-21 et seq.);

(10) a plan to ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreement;

(11) student assessments and other measurements of student achievement that will be used, including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals information about and academic preparation for the early college high school or other dual enrollment program;

(13) how the eligible entity will help students meet eligibility criteria for postsecondary courses; and

(14) how the eligible entity will sustain the early college high school or other dual enrollment program after the grant expires.

(c) **ASSURANCES.**—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including of postsecondary courses, will be offered at facilities of the institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses;

(3) postsecondary credits earned will be transcribed upon completion of the requisite coursework; and

(4) faculty teaching postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) **WAIVER.**—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

SEC. 8. PEER REVIEW.

(a) **PEER REVIEW OF APPLICATIONS.**—The Secretary shall establish peer review panels to review applications submitted pursuant to section 7 and to advise the Secretary regarding such applications.

(b) **COMPOSITION OF PEER REVIEW PANELS.**—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the high school and college perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of at-risk students.

SEC. 9. GRANTS TO STATES.

(a) **IN GENERAL.**—The Secretary is authorized to award six-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish statewide dual enrollment programs.

(b) **APPLICATION.**—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(c) **CONTENTS OF APPLICATION.**—At a minimum, the application described in subsection (b) shall include—

(1) how the State will create outreach programs to ensure that middle and high school students and their families are aware of dual enrollment programs in the State;

(2) how the State will provide technical assistance to local dual enrollment programs as appropriate;

(3) how the State will ensure the quality of State and local dual enrollment programs; and

(4) such other information as the Secretary determines to be appropriate.

(d) **STATE ACTIVITIES.**—A State receiving a grant under this section shall use such funds for—

(1) planning and implementing a statewide strategy for expanding access to dual enrollment programs for students who are underrepresented in higher education; and

(2) providing technical assistance to local dual enrollment programs.

SEC. 10. REPORTING AND OVERSIGHT.

(a) **REPORTING BY GRANTEEES.**—

(1) **IN GENERAL.**—The Secretary shall establish uniform guidelines for all grantees under section 5, and uniform guidelines for

all grantees under section 9, concerning information such grantees annually shall report to the Secretary to demonstrate a grantee's progress toward achieving the goals of this Act.

(2) **CONTENTS OF REPORT.**—At a minimum, the report described in paragraph (1) shall include, for eligible entities receiving funds under section 5, for each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)):

- (A) The number of students.
- (B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).
- (C) The performance of students on other assessments or measurements of achievement.
- (D) The number of secondary school credits earned.
- (E) The number of postsecondary credits earned.
- (F) Attendance rate.
- (G) Graduation rate.
- (H) Placement in postsecondary education or advanced training, in military service, and in employment.

(b) **REPORTING BY THE SECRETARY.**—The Secretary annually shall compile and analyze the information described in subsection (a) and report it to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include identification of best practices for achieving the goals of this Act.

(c) **MONITORING VISITS.**—The Secretary's designee shall visit each grantee at least once for the purpose of helping the grantee achieve the goals of this Act and to monitor the grantee's progress toward achieving such goals.

(d) **NATIONAL EVALUATION.**—Within six months of the appropriation of funds for this Act, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this Act. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning participants' outcomes by social and academic characteristics and monitor the progress of students from high school to and through postsecondary education.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and dual enrollment programs and shall disseminate such best practices among eligible entities and State and local educational agencies.

SEC. 11. RULES OF CONSTRUCTION.

(a) **EMPLOYEES.**—Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) **GRADUATION RATE.**—A student who graduates from an early college high school supported under this Act in the standard number of years for graduation described in the eligible entity's application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

By Mr. BUNNING:

S. 3510. A bill to prohibit the Board of Governors of the Federal Reserve System from making funds available at a discount rate to private individuals, partnerships, and corporations; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BUNNING. 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. 3510

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

SECTION 1. REPEAL OF DISCOUNT AUTHORITY FOR PRIVATE FIRMS.

Section 13 of the Federal Reserve Act (12 U.S.C. 343) is amended by striking the third undesignated paragraph (relating to discounts for individuals, partnerships, and corporations).

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. KOHL):

S. 3512. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing legislation with Senator BINGAMAN and Senator KOHL to remove Social Security numbers from Medicare identification cards.

Government agencies and private businesses have begun to recognize the danger of displaying Social Security numbers. A person's Social Security number can unlock a treasure trove of personal and financial information.

If your Social Security number falls into the wrong hands, you are at risk of becoming a victim of identity theft and fraud. In 2006, the Federal Trade Commission reported that more than 8 million Americans were victims of identity theft in the prior year.

Thirty-one states have enacted laws that limit how public and private entities use and display Social Security numbers. Social Security numbers are being removed from driver's licenses, and most private health insurance cards no longer display your Social Security number.

Federal agencies are taking steps to reduce the threat of identity theft. Last year, the Office of Management and Budget called on federal agencies to establish plans to eliminate unnecessary collection and use of Social Security numbers and to explore alternatives to Social Security numbers.

The Department of Veterans Affairs no longer displays Social Security numbers on new veteran identification cards. And the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services is lagging behind other agencies.

The same Social Security number that the Social Security Administration believes is so sensitive that it should not be carried in your wallet is found on the Medicare cards that 44 million beneficiaries carry with them at all times to access health care services. CMS expressly instructs Medicare beneficiaries to carry their Medicare card in their wallet or purse as proof of insurance, making their Social Security numbers readily available to any thief.

In 2005, I offered an amendment to the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to report to Congress on what steps would be necessary for them to remove Social Security numbers from Medicare cards.

CMS issued the report in 2006, but it has not yet begun to remove Social Security numbers from Medicare cards.

Earlier this year, the Inspector General of the Social Security Administration took CMS to task for its inaction. The Inspector General's report confirmed that displaying Social Security numbers on Medicare cards places millions of people at risk for identity theft and concluded that "immediate action is needed to address this significant vulnerability."

The bill that I am introducing today, the Social Security Number Protection Act of 2008, establishes a reasonable timetable for CMS to begin removing Social Security numbers from Medicare cards and a date certain by which CMS would be required to complete the process.

Not later than three years after enactment, CMS would be prohibited from displaying Social Security numbers on newly issued Medicare cards. CMS would be prohibited from displaying the number on existing cards no later than five years after enactment.

In addition to Medicare cards, the bill would prohibit CMS from displaying Social Security numbers on all written and electronic communications to Medicare beneficiaries, beginning no later than three years of enactment, except in cases where their display is essential for the operation of the Medicare program.

Removing Social Security numbers from Medicare cards and communications to Medicare beneficiaries is long overdue. Medicare beneficiaries should not be placed at greater risk of identity theft than people with private health insurance. If other federal agencies can remove Social Security numbers, so can CMS.

I am pleased that Consumers Union, the Medicare Rights Center, and the Center for Medicare Advocacy have endorsed this bill.

This is an issue we should all be able to unite behind. I urge my colleagues to cosponsor this important legislation and work with me to enact it next year. Medicare beneficiaries deserve to be protected from criminals who seek to steal their identities in order to defraud them.

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. 3512

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 “Social Security Number Protection Act of 2008”.

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROHIBIT THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of social security account numbers of Medicare beneficiaries.

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term “Medicare beneficiary” means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

“(x) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2008.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 663—EXPRESSING CONCERN OVER THE CURRENT FEDERAL POLICY THAT ALLOWS THE EXPORTATION OF TOXIC ELECTRONIC WASTE TO DEVELOPING NATIONS, AND EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD JOIN OTHER DEVELOPED NATIONS AND BAN THE EXPORTATION OF TOXIC ELECTRONIC WASTE TO DEVELOPING NATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 663

Whereas toxic electronic waste is generated from discarded televisions and computer monitors, computers and peripherals, audio and video equipment, wireless devices, fax and copy machines, video game consoles, and other electronic appliances and products;

Whereas televisions with cathode ray tubes (CRTs) contain between 4 and 15 pounds of lead, a toxic substance known to cause brain damage in children;

Whereas many laptops, flat panel monitors, and televisions contain fluorescent lamps that contain mercury, a dangerous neurotoxin;

Whereas many electronic products contain toxic chemicals such as lead, mercury, beryllium, cadmium, chromium, and brominated flame retardants;

Whereas approximately 2,630,000 tons of used or unwanted electronics were discarded in the United States in 2005, according to the Environmental Protection Agency (EPA);

Whereas approximately 330,000 tons of electronic waste were collected and diverted from landfills for reuse or recycling in 2005, according to the EPA;

Whereas an estimated 50 percent to 80 percent of electronic waste collected for reuse or recycling is exported to countries such as China, India, Ghana, Nigeria, Pakistan, and Thailand, according to the Department of Commerce;

Whereas approximately 131,500 tons of lead-containing CRTs were exported in 2005, representing 75 percent of the CRTs supposedly collected for recycling, according to the EPA;

Whereas Congress has required the Nation's broadcasters to convert from analog to digital broadcasting on February 17, 2009, a move which will render millions of analog CRT televisions obsolete for broadcasting and likely to be discarded;

Whereas exported electronic waste is often crudely scrapped and dismantled under conditions that are dangerous for human health and the environment in developing countries, according to eyewitness reports by the Basel Action Network and several media outlets including National Geographic Magazine;

Whereas toxic lead from exported electronic waste has returned to the United States as a public health threat in children's jewelry made in China, according to a study by Ashland University, reported by the Wall Street Journal;

Whereas the Consumer Product Safety Commission (CPSC) has issued multiple recall notices for jewelry and toys for children made in China that contained dangerous levels of lead;

Whereas 32 nations, including the member States of the European Union, have banned the export of toxic electronic waste to developing countries;

Whereas several major information technology and consumer electronics manufacturers have corporate policies that prohibit the export of toxic electronic waste to developing nations;

Whereas the Resource Conservation and Recovery Act of 1976, as amended, prohibits the export of hazardous waste from the United States to other nations unless the EPA obtains prior written permission from the other nation's competent authority; and

Whereas the EPA has determined that much electronic waste is excluded or exempted from the definitions of “waste” and “hazardous waste” under the Resource Conservation and Recovery Act of 1976, leading to the largely unrestricted export of toxic electronic waste to developing nations: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its concern over the current Federal policy that allows the exportation of toxic electronic waste to developing nations; and

(2) supports joining other developed nations and banning the export of toxic electronic waste to developing nations.

SENATE RESOLUTION 664—CELEBRATING THE CENTENNIAL OF UNION STATION IN WASHINGTON, DISTRICT OF COLUMBIA

Mrs. DOLE submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 664

Whereas, on February 28, 1903, President Theodore Roosevelt signed into law the act entitled “An Act to provide a union railroad station in the District of Columbia, and for other purposes”, and Daniel Burnham, a noted architect from Chicago, Illinois, was chosen to design the building;

Whereas, on October 27, 1907, Union Station officially opened at 6:50 a.m. when the Baltimore and Ohio Pittsburgh Express pulled in to the station;

Whereas the building was ultimately completed in 1908;

Whereas, in 1924, 5,000 cheering fans met the victorious Washington Nationals at Union Station after they defeated the Boston Red Sox to capture the American League pennant;

Whereas, in 1951, President Harry Truman dedicated the Presidential Suite at Union Station as a “home away from home” for members of the Armed Services;

Whereas, in 1968, in preparation for the bicentennial of the United States, the decision was made to transform the building into a National Visitor Center;

Whereas Congress then passed the Union Station Redevelopment Act of 1981 (Public Law 97-125; 95 Stat. 1667) to return Union Station to its original use as a transportation center;

Whereas, in 1983, the Union Station Redevelopment Corporation was created to oversee the development of the station into an operating railroad station, to restore the architectural and historical elements of the structure, to explore collaboration with the private sector in the commercial development of the station, and to withdraw the Federal Government from active management of the station;

Whereas the renovation and restoration of Union Station began on August 13, 1986, with the ringing of an old train bell;

Whereas the restoration of Union Station was the largest public-private restoration project accomplished in the United States;

Whereas the restoration took 2 years and the grand reopening was held on September 29, 1988;

Whereas, in 2008, Union Station includes more than 210,000 square feet of retail space, including 50,000 square feet of restaurant space;

Whereas Union Station is the corporate headquarters for Amtrak and contains 200,000 square feet of Amtrak passenger and baggage facilities;

Whereas 32,000,000 people visit Union Station annually; and

Whereas Union Station is the most visited tourist destination in Washington, District of Columbia: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the centennial of Union Station in Washington, District of Columbia;

(2) applauds the efforts of the people who worked to preserve this national treasure; and

(3) encourages the people of the United States to continue to visit and learn about Union Station and its storied history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5618. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5619. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5620. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5621. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5622. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5623. Mr. INHOFE (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 5583 submitted by Mr. TESTER (for himself and Mr. KYL) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5624. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5625. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5626. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5498 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5627. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5628. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr.

THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5629. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5630. Mr. SANDERS (for Mr. FEINGOLD) proposed an amendment to the resolution S. Res. 643, calling for greater dialogue between the Dalai Lama and the Government of China regarding rights for the people of Tibet, and for other purposes.

TEXT OF AMENDMENTS

SA 5618. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. REPORT ON MILITARY FAMILY AUTISM SUPPORT CENTERS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of establishing one or more military family autism support centers beginning in fiscal year 2010.

(b) PURPOSES.—For purposes of the report required by subsection (a), the proposed purposes of the centers described in that subsection are as follows:

(1) To provide diagnostic services and therapy to children of military families diagnosed with autism spectrum disorder and related disorders.

(2) To provide support services to the families of military dependent children diagnosed with autism.

(3) To train therapists to provide treatment to autistic children, with special emphasis placed on training the spouses of members of the Armed Forces to provide such treatment.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the feasibility of designating the Marine Corps or other Military Department as the lead agent in the establishment and operation of centers described in subsection (a).

(2) An assessment of the feasibility of establishing one of the centers on the East Coast of the United States and one on the West Coast of the United States.

(3) A description of the proposed capabilities of the centers, including the following:

(A) The number of therapists that could be trained at such centers each year.

(B) The number of children who could receive diagnosis and therapy at such centers each year.

(C) The average number of hours per week that therapy could be provided at such centers.

(D) The nature of therapy that could be provided at such centers.

(E) The anticipated contribution of such centers to military readiness and retention.

(F) The efficacy of such centers in meeting the needs of military families with children with a diagnosis of autism.

(4) A description of the resources required for such centers.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any center established for the purposes specified in subsection (b) should be located in a geographic area in which military families from all the Armed Forces could conveniently access the services available through such centers;

(2) in discharging its purposes under subsection (b), each center should utilize in the diagnosis and treatment of children of military families with autism medical, educational, and developmental therapies that have been successfully used to treat autistic children; and

(3) for purposes of assisting in the training of therapists under this section, the Secretary of Defense should, in consultation with the Secretary of Labor, consider the feasibility and advisability of establishing a tuition assistance program to facilitate the participation of military spouses in such training.

SA 5619. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of any Russian forces that continue to occupy internationally recognized Georgian territory;

(2) an assessment of—

(A) the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation; and

(B) the state of civilian-military relations in the Republic of Georgia;

(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation;

(4) detailed recommendations on how the Republic of Georgia may improve its capability for self-defense and more effectively control its territorial waters and air space; and

(5) an assessment of the areas where the Republic of Georgia would require the assistance of the United States and other countries to improve its defense capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress—

(A) reaffirms its previous expressions of support for continued enlargement of the

North Atlantic Treaty Organization (NATO) to include qualified candidates;

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership; and

(C) urges NATO member states not to impose national caveats restricting the use of forces they commit to NATO operations.

(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;

(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;

(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine;

(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;

(7) the United States should work with fellow NATO member states to address the security concerns of newly joined members;

(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and

(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5620. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title XXVIII, add the following:

SEC. 2814. MODIFICATION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO EXCHANGES FOR MILITARY CONSTRUCTION PROJECTS, MILITARY FAMILY HOUSING, AND MILITARY UNACCOMPANIED HOUSING.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “military construction project or”;

(2) in subsection (b), by striking “military construction,” each place it appears and inserting “land,”; and

(3) in subsection (d)(2)(A)—

(A) by striking “military construction project,” both places it appears in clauses (ii) and (iii); and

(B) by striking “military family housing, or military unaccompanied housing” both places it appears in clauses (ii) and (iii).

(b) REPEAL OF LIMITATION ON APPLICABILITY OF AUTHORITY TO EXCESS NON-BRAC PROPERTY.—Such section is further amended—

(1) in subsection (a), by striking paragraph (3); and

(2) in subsection (e)(2), by striking “the period specified in paragraph (3) of subsection

(a)” and inserting “the period beginning on October 17, 2006, and ending on September 30, 2008.”

(c) REPEAL OF PILOT PROGRAM.—Such section is further amended by striking subsection (c).

(d) REPEAL OF REQUIREMENTS RELATING TO REPORTS.—Such section is further amended by striking subsection (f).

(e) REPEAL OF AUTHORITY TO ACQUIRE HOUSING.—Subsection (a)(1) of such section is further amended—

(1) by striking “for the real property—” and all that follows through “to carry out” in subparagraph (A) and inserting “for the real property to carry out”;

(2) by striking “operations; or” and inserting “operations.”; and

(3) by striking subparagraph (B).

(f) LIMITATION ON USE AT MILITARY INSTALLATIONS CLOSED UNDER BASE CLOSURE LAW.—Such section is further amended by inserting after subsection (b) the following new subsection:

“(c) LIMITATION ON USE AT MILITARY INSTALLATIONS CLOSED UNDER BASE CLOSURE LAW.—The authority under subsection (a)(2)(A) to convey real property located at a closed or realigned military installation may only be used to the extent a conveyance is consistent with an approved redevelopment plan for such installation.”.

(g) SUNSET.—Such section is further amended by inserting after subsection (e) the following new subsection:

“(f) SUNSET.—The authority to enter into agreements under this section shall expire on September 30, 2013.”.

(h) ADDITIONAL CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 2869. Conveyance of property at military installations to support military housing or limit encroachment.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

“2869. Conveyance of property at military installations to support military housing or limit encroachment.”.

SA 5621. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, the following:

SEC. 133. PROCUREMENT PROGRAMS FOR CRUISERS AND DESTROYERS.

(a) CONTINGENT REQUIREMENT FOR REPORT ON MODIFICATION OF SHIPBUILDING PROGRAMS.—If as part of the future-years defense program submitted to Congress in 2009 under section 221 of title 10, United States Code, the Secretary of the Navy modifies the shipbuilding program for cruisers or the shipbuilding program for destroyers for the Navy, the Secretary shall submit to Congress with such future-years defense program the following:

(1) An acquisition strategy for cruisers and destroyers that has been approved by the Department of Defense.

(2) The results of reviews by the Joint Requirements Oversight Council for an Acquisition Category I program that supports the need for the modified acquisition strategy.

(3) A verification by an independent review panel convened by the Secretary of Defense that, in evaluating the modification of the shipbuilding program concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including wargaming conclusions regarding combat effectiveness.

(B) Assessments of platform operational availability.

(C) Cost savings or penalties from changed vessel manning levels to accomplish missions.

(4) An intelligence analysis reflecting the coordinated assessment of the Defense Intelligence Agency supporting changes to the mix of platforms in the shipbuilding program concerned compared with the 2009 shipbuilding program for the vessels concerned in order to address future threats.

(5) The differences in cost and schedule arising from the need to accommodate new sensors and weapons to counter the future threats referred to in paragraph (4) in comparison with the cost and schedule arising from the need to accommodate sensors and weapons as contemplated by the 2009 shipbuilding program for the vessels concerned.

(6) A verification by the commanders of the combatant commands that the modified shipbuilding program for the vessels concerned would be preferable to the current shipbuilding program for the vessels concerned in meeting their future mission requirements.

(7) A joint review by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense (BMD) systems if the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), requests funding for such investment in amounts above the amounts specified in the future-years defense program submitted to Congress in 2008 in the budget of the President for fiscal year 2009 (as so submitted).

(b) TECHNOLOGY ROADMAP FOR NEXT GENERATION CRUISER AND FLEET MODERNIZATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into the Next Generation Cruiser (CG(X)) program and the Fleet Modernization program the following:

(A) Applicable technologies developed for combat systems for each of the following:

(i) The DDG-1000 Zumwalt class destroyer.

(ii) Aegis destroyers and cruisers.

(iii) Aegis ballistic missile defense.

(iv) Ship self-defense systems.

(B) Integrated electric propulsion technologies.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions; and

(B) reflects implementation of Navy plans for achieving an open architecture for all surface combat systems.

SA 5622. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 5623. Mr. INHOFE (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 5583 submitted by Mr. TESTER (for himself and Mr. KYL) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 237. AIR-LAUNCHED BALLISTIC MISSILE DEFENSE CONCEPTS.

Of the amount authorized to be appropriated by section 210(4) for Research, Development, Test, and Evaluation, Defense-wide activities and available for Ballistic Missile Defense (PE 0603175C), \$15,000,000 may be available for Air-Launched Ballistic Missile Defense Concepts, including the Net-Centric Airborne Defense Element (NCADE) and the Air-Launched Hit-to-Kill (ALHTK) technology programs currently underway.

SA 5624. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1067. SENSE OF SENATE ON ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY FACILITIES FOR COUNSELING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) each commander of a military installation should ensure the use of available space and equipment at military installations, as required by section 2670(c) of title 10, United States Code, by representatives of qualified veterans service organizations, including those authorized to function on military installations under that section;

(2) the commander of each facility or location at which access is provided under section 2670(c) of such title should endeavor to provide private space in which a member of the Armed Forces may receive counseling and services as available from veterans service organizations;

(3) the Secretary of Defense should widely disseminate information regarding the existence and availability of the Wounded Warrior Resource Center as required by section 1616 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) to members of the Armed Forces and their dependents; and

(4) the Wounded Warrior Center should provide legal assistance referral information where appropriate, as required elsewhere in this Act, especially to those members of the Armed Forces for whom a medical evaluation board or a physical evaluation board has been initiated and their family members.

(b) QUALIFIED VETERANS SERVICE ORGANIZATIONS DEFINED.—In this section, the term “qualified veterans service organization” means an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SA 5625. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTION OF NATIONAL SECURITY INTERESTS FROM OIL AND GAS LEASING IN CERTAIN AREAS.

(a) AREAS.—This section applies to—

(1) any area in the Gulf of Mexico that is east of the Military Mission Line (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432));

(2) the area that is also known as the “Joint Gulf Range Complex” or the “Gulf of Mexico Range”; and

(3) any military or national security agency operations, training, or testing area that is used by a military or national security agency of the United States.

(b) PREREQUISITE.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described in subsection (a) unless and until the President certifies (after receiving advice from the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and the head of each appropriate national security agency of the United States) that in balancing the national security interests of the United States—

(1) the advantages of oil or gas extraction in the area; outweigh

(2) the military and national security missions being conducted in the area.

SA 5626. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5498 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____ . PROTECTION OF NATIONAL SECURITY INTERESTS FROM OIL AND GAS LEASING IN CERTAIN AREAS.

(a) AREAS.—This section applies to—

(1) any area in the Gulf of Mexico that is east of the Military Mission Line (as defined

in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432);

(2) the area that is also known as the "Joint Gulf Range Complex" or the "Gulf of Mexico Range"; and

(3) any military or national security agency operations, training, or testing area that is used by a military or national security agency of the United States.

(b) **PREREQUISITE.**—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described in subsection (a) unless and until the President certifies (after receiving advice from the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and the head of each appropriate national security agency of the United States) that in balancing the national security interests of the United States—

(1) the advantages of oil or gas extraction in the area; outweigh

(2) the military and national security missions being conducted in the area.

SA 5627. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ADDITIONAL ELEMENTS ON COUNTER-NARCOTICS ACTIVITIES IN BI-ANNUAL REPORTS ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) **RECURRING ELEMENTS.**—Section 1230(c)(4) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 387) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) An assessment of the coordination between United States and NATO ISAF military forces on the one hand and the Government of Afghanistan on the other hand to better coordinate and de-conflict operations relating to or in support of the counter-narcotics activities of the national and provincial governments of Afghanistan and of other departments and agencies of the United States and other member countries of NATO ISAF.”

(b) **ADDITIONAL ELEMENT IN FIRST REPORT AFTER ENACTMENT.**—The first report under section 1230 of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), that is submitted after the date of the enactment of this Act shall, in addition to any other matters required by such section (as so amended), also identify which offices in the military headquarters of United States and the North Atlantic Treaty Organization International Security Assistance Force in Afghanistan are responsible for coordinating counter-narcotics operations in Afghanistan.

SA 5628. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be pro-

posed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 20, strike “subsection.” and insert “subsection.”

“(4) **MAXIMUM AMOUNT FOR CONSOLIDATED SCHOOL DISTRICTS.**—Notwithstanding any other provision of this section, a local educational agency that is formed at any time after September 30, 2003, by the consolidation of 2 or more former school districts, of which at least 1 former district was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, shall not be eligible under this section for an amount that is more than the total of the maximum amount calculated under paragraphs (2) and (3) of subsection (b) for each former eligible district of the local educational agency for such fiscal year.”

SA 5629. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating “bottom-up” private sector development, which will be critical to Iraq's future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) **CERTIFICATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall certify to the appropriate congressional committees that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(1) background on oil trusts, including those currently used by sovereign nations or territories and states within nations;

(2) options for different types of oil trusts that could be implemented in Iraq; and

(3) a discussion on the steps necessary to implement an oil trust.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5630. Mr. SANDERS (for Mr. FEINGOLD) proposed an amendment to the resolution S. Res. 643, calling for greater dialogue between the Dalai Lama and the Government of China regarding rights for the people of Tibet, and for other purposes; as follows:

Strike the fifteenth and sixteenth whereas clauses of the preamble.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 17, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "401(k) Fee Disclosure: Helping Workers Save for Retirement" on Wednesday, September 17, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Oversight of the Federal Bureau of Investigation" on Wednesday, September 17, 2008, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 2008. The Committee will meet in 418 Russell Senate Office Building, beginning at 10 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, September 17, 2008 from 10:30 a.m.-12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

EXTENDING AUTHORITY OF
SECRETARY OF EDUCATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6889, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6889) to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

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

Mr. SANDERS. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6889) was ordered to a third reading, was read the third time, and passed.

CALLING FOR GREATER DIALOGUE
BETWEEN THE DALAI LAMA AND
CHINA

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 643 and that the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 643) calling for greater dialogue between the Dalai Lama and the government of China regarding rights for the people of Tibet, and other purposes.

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

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

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

The resolution (S. Res. 643) was agreed to.

The amendment (No. 5630) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the fifteenth and sixteenth whereas clauses of the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 643

Whereas, on April 25, 2008, China's official news agency Xinhua expressed the willingness of the Government of China to meet with envoys of the Dalai Lama;

Whereas, on May 4, 2008, Special Envoy of His Holiness the Dalai Lama Lodi Gyari and Envoy Kelsang Gyaltsen met with Chinese Executive Vice Minister Zhu Weiqun and Executive Vice Minister Sithar for one day of talks, in which the Government of China alleged that the Dalai Lama instigated the March 2008 unrest in autonomous Tibetan

areas of China, and was sabotaging the Olympic Games;

Whereas Hu Jintao, General Secretary of the Communist Party of China, released a statement after this meeting saying that his Government of China was committed to a "serious" dialogue with the Dalai Lama;

Whereas, at the United States-European Union (EU) Summit on June 10, 2008, the United States and the European Union issued a joint statement welcoming the decision by the Government of China to hold talks with representatives of the Dalai Lama, and urged "both parties to move forward with a substantive, constructive and results-oriented dialogue at an early date";

Whereas the Envoys of His Holiness the Dalai Lama's Kelsang Gyaltsen and Lodi Gyari visited Beijing from June 30 to July 3, 2008, to conduct the seventh round of the Tibetan-Chinese dialogue;

Whereas, during these talks, the Government of China issued a new set of demands, including that the Dalai Lama prove that he does not support Tibetan independence or disruption of the Olympic Games in Beijing;

Whereas the Dalai Lama has stated multiple times he does not favor the independence of Tibet and is instead seeking negotiations to address the legitimate grievances of, and provide genuine autonomy for, the Tibetan people within the People's Republic of China, and is committed to non-violence;

Whereas the Dalai Lama has repeatedly and publicly declared his support for the Olympic Games in China, as well as his intention to attend the opening ceremony, if invited;

Whereas, at the conclusion of the July round of talks, officials of the Government of China did not accept a proposal by the representatives of the Dalai Lama to agree to a joint statement supporting a continuation of the dialogue process;

Whereas Special Envoy Lodi Gyari said on July 5, 2008, that the talks with the Government of China, called for by the international community, were "disappointing and difficult";

Whereas, in contrast to the opinion of Special Envoy Lodi Gyari, President George W. Bush said on July 6, 2008, that "it looks like there's some progress, at least in the talks with the Dalai Lama";

Whereas officials of the Government of China subsequently stated that the talks with the Dalai Lama's envoys are only about the Dalai Lama's personal future, rather than about the future of Tibet;

Whereas the Office of the Dalai Lama on July 17, 2008, restated its position that the talks are about "the future of 6,000,000 Tibetans in Tibet and not His Holiness the Dalai Lama";

Whereas, on July 11, 2008, the European Parliament adopted a resolution that "welcomes the resumption of contacts, after the events of March 2008 in Lhasa, between the representatives of the Dalai Lama and the Chinese authorities" and "encourages the two parties to intensify these contacts so as to establish the bases for mutual trust, without which it will be impossible to arrive at a mutually acceptable political solution";

Whereas China's People's Armed Police troops have been sent to monasteries in Tibetan areas to give monks "relevant information" about the Olympics, and Chinese authorities have stepped up "patriotic education" campaigns designed to conform the religious practices of Tibetan Buddhists to Communist Party rules, including forcing monks and nuns to denounce the Dalai Lama: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Dalai Lama or his representatives and the Government of the People's Republic of China to begin earnest negotiations, without preconditions, to provide for a mutually agreeable solution that addresses the legitimate grievances of, and provides genuine autonomy for, the Tibetan people;

(2) urges that the talks in October 2008 between the Government of China and the Dalai Lama should focus on the welfare, cultural, political, and religious autonomy of the Tibetan people, and not on the person of the Dalai Lama;

(3) affirms that the human rights of Tibetans and their right to practice religion free of government regulation is not an internal matter of any one country;

(4) urges the President to take a more personal and engaged interest in the successful conclusion of these negotiations, both unilaterally and in coordination with United States allies; and

(5) calls on the United States Government to press the Government of China—

(A) to respect freedom of speech and freedom of association, as required by international law and as enshrined in the Constitution of China and to release those who have committed no crime other than peaceful protest; and

(B) to end the "patriotic education" campaign against lay and clerical Tibetans and allow Tibetans to practice their religion freely.

ORDERS FOR THURSDAY,
SEPTEMBER 18, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Thursday, September 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for

their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the mandatory quorum under rule XXII be waived with respect to the motions to proceed to S. 3297 and H.R. 6049.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Thursday, September 18, 2008, at 10 a.m.