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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal Spirit, the giver of every good and perfect gift, we are sinful people seeking salvation. We are lost people seeking direction. We are doubting people seeking faith. Teach us, O God, the way of salvation. Show us the path to meaningful life. Reveal to us the steps of faith.

Today, use the Members of this body to fulfill Your purposes. Quicken their hearts and purify their minds. Broaden their concerns and strengthen their commitments. Show them duties left undone, remind them of vows unkept, and reveal to them tasks unattended. Lead them, Father, through this season of challenge to a deeper experience with You. Then send them from Your presence to be Your instruments of good in our world.

We pray in the Name of Him who is our hope for years to come. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 29, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER 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, we will have morning business for 1 hour after the two leaders make any statements they might make. As to what we do after that will take a conversation with the Republican leader, and we will do that when we finish our statements. We have a number of things that are pending: the FISA legislation, Indian health, and we have another matter I want to complete, an energy bill. We have an agreement as to how to finish that, and we will move to one of those, more than likely, today.

STIMULUS PACKAGE

Mr. REID. Mr. President, the Finance Committee on a bipartisan basis has worked up what they feel is something they are going to bring before the full committee tomorrow, and that will take place—we will get their take on the stimulus package tomorrow. We have all seen the press today. Everyone knows the Senate is going to put their mark on the stimulus package. We feel what will be done will be very stimulative to the economy. It includes, as I understand it, some 20 million seniors

who were left out of what has taken place in the House. There will be unemployment benefits. A number of States are in very difficult shape in that regard. They have some other things dealing with the business package, and I am told that advocacy groups like very much what is in the Senate package. But we will work through this and try to get something done very quickly so that, if there are changes made, we can do a very quick conference and get it to the President. That is an important issue.

FISA

Mr. REID. Mr. President, I want everyone—especially my Republican colleagues and especially the people in the White House—to listen to what I am going to say. FISA, if we don't do something on it today, will expire. It will be out of business. The House is going out of session tonight, so unless we get to them the 30-day extension we have tried to move forward five or six times, unless we have an extension of 18 months, a year, 2 weeks, whatever the Republicans think is appropriate—if they think nothing is appropriate—then the full brunt of this law expiring is on their shoulders because it is virtually legislatively impossible to get anything done today. Remember, the House has already done what they are going to do. If we took what the Intelligence Committee passed, which is likely not going to happen, we would have to have a conference with the House. They are going out of session tonight. They are out of town on Wednesday and Thursday and Friday. So unless we do something today, the bill is not going to be enacted and the legislation we passed last August will expire.

Now, the orders that have been sought and accomplished during the time since last August will still be in effect, and, of course, there will be an opportunity under the old FISA law to

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



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S403

work on an emergency basis for new things they want to do.

We want to maintain the ability to go after the bad people. We believe there is a necessity for intercepting telephone conversations between people who are trying to do bad things. We think it should be within the constitutional framework, and we believe that is what the Intelligence Committee and the Judiciary Committee have done. But I again say, without getting into any details, unless we do something today, unless someone can explain to me how we can pass something here in a matter of a few hours, how we can have a conference with the House in a matter of a few hours and then bring those two conference reports to the House and the Senate in a few hours—I say that is legislatively impossible.

So I am saying again to my Republican colleagues: Agree to some extension of time or the burden of this legislation not passing is on your shoulders because we have had no attempt to legislate. We have not had the opportunity to offer amendments, let alone vote on them.

Our goal is to provide the intelligence community with all of the legal tools it needs, while protecting the privacy of law-abiding Americans. So I would hope that in the next hour or so, we can work something out before the House leaves town or nothing will have been accomplished.

RECOGNITION OF THE MINORITY LEADER

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

FISA

Mr. McCONNELL. Mr. President, we have known we needed to get the FISA law extended for 6 months—6 months. I have also heard it suggested that somehow, little or no harm would be done if the law were allowed to expire. Well, that is simply incorrect. The ability to go after new targets would be eliminated with the expiration of this bill in 3 days. So here we are with 3 days to go, and I gather from listening to my good friend on the other side, the very real possibility is that there is at least some willingness on the part of some on the other side to just let the law expire.

Now, contrary to what some are saying, the expiration of this important antiterrorist tool has serious consequences; that is, if we don't get this job done, the notion that somehow it doesn't make any difference is certainly not true. Let me say again: Once it expires, intelligence officials will no longer be able to gather intelligence on new—new—foreign terrorist targets. The terrorists are not going to stop planning new attacks just because we stop monitoring their activities. Our enemies are watching. They know our

intelligence capabilities will be degraded once the Protect America Act expires. That is why we need to reauthorize FISA in such a way that we retain its full—its full—terror-fighting force. The Senate Intelligence Committee's version does just that. That is the Rockefeller-Bond bipartisan proposal that came out of committee 13 to 2. Senate Republicans stand ready to finish that good work the committee did and the administration began.

We have proposed a list of several amendments to our colleagues on the other side that could receive votes. I know those discussions are ongoing, and hopefully we can begin to have some votes. But we do not have the time to rebuild amendment by amendment a Judiciary Committee version that a bipartisan majority of the Senate has already defeated. It wouldn't become law even if we passed it.

Now, Republicans are ready to provide a short-term extension of the Protect America Act to keep the Senate focused on the importance of this critical terror-fighting tool. But after 10 months of waiting, we do not need—and the country cannot afford—another month of delay.

We await the response of our Democratic colleagues to our amendment proposal, and those discussions, as I indicated, are going forward, and we look forward to finishing the job in a way that allows our intelligence professionals to keep us safe from harm.

I yield the floor.

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

Mr. REID. Mr. President, we understand the implication of the legislation that is now in effect and will expire Thursday. We understand that. We understand there are new targets our intelligence officials may want to go after. We understand that. But I repeat: Using the words of my friend, the Republican leader, once it expires, if it expires, it is on the shoulders of the White House and the Republicans in the Senate. We have attempted to work through this, and we have been willing to extend this law for an extended period of time. We have been willing to extend the law for a limited period of time.

I think what this all boils down to is that we should extend the law for a long period of time because the only issue—there are other issues, of course, but the main issue is whether there will be retroactive immunity for the phone companies. That is what it all boils down to—whether there is going to be retroactive immunity to the phone companies. Some of us don't think that is appropriate; others think it is appropriate.

So why don't we extend this law for an extended period of time? That way, the new targets could be sought if, in fact, they are out there—and we all believe there are some, and that is necessary to be done—and then set up a time. We will agree to a time and have

a debate on the immunity provisions and see if the Senate and the House are willing to give retroactive immunity. In the bill my distinguished colleague, the Republican leader, talked about that came from the Intelligence Committee, that is in that bill. That is in their bill that came from committee. What the House has done doesn't have it in there. So why don't we have a debate on that issue and just extend the law? We will extend it until there is a new President. We are fine—we are happy to do that—so that we get off this: We can't do the targets. Why don't we just extend it for a period of time, and then our side will agree to try to work out something legislatively so that we can have a real nice debate on retroactive immunity.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I would like to ask the Senator if he could recap for me two votes that I think are significant. There was a vote taken as to whether the Judiciary Committee version would be accepted. A cloture vote was taken, if I am not mistaken, and it was defeated. If I am not mistaken, that was last week. And if I am not mistaken as well, yesterday, when Senator McCONNELL offered a cloture motion to promote his point of view, there were only 48 votes in support of it out of the 60 that were necessary—4 from our side of the aisle, 44 from the Republican side.

It seems to me we need to put our heads together to work this out. Extending this law so that there is no damage or hazard to our country is a reasonable way to do this. We now have reached a point where amendments may be considered and voted on, and then we will be in a spot where we can pass a version in the Senate, send it to conference, and work out our differences. But I can't understand how the President and the Republican leader can come to the floor and blame us for the expiration of the law if we are offering an extension of the law and they keep refusing.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Illinois, I personally have been to the floor and offered on many occasions to extend the time. We could all see the train wreck coming, and we believed that it was necessary to extend this law.

I don't know—I say very positively to my friend from Illinois and everyone who can hear me—I don't know if we can work anything out on these amendments. I don't know. On the title I aspect of it, one Senator has six amendments. I am sure—he has always been a reasonable person—he wouldn't have to offer that many. He has always been very good about time agreements. But there are 10 or 12 amendments to title I. Then there are three we have with title II dealing with some form of immunity.

But I repeat to my friend, Democrats believe the program should continue.

We are willing to say, OK, let it continue as it is now in effect. A lot of people don't like that. We are saying go ahead and let it continue. Certainly, there could be a significant majority of Senators—Democrats and Republicans—who will support that. And the issue is immunity.

I reverse the question and ask my friend from Illinois, should we not have a nice debate on immunity and find out how the Congress feels about what the President feels is important? That is how this country has worked for all these years. So extend this and do it until we have a new President—Democrat or Republican, man or woman, whoever it might be—and in the meantime have a decision made as to whether there should be retroactive immunity.

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

Mr. REID. I will, but let my friend from Illinois answer that question first.

Mr. DURBIN. Mr. President, I say to the majority leader, it appears now that the Senate has to work its will. When the Judiciary Committee proposal was suggested, it didn't pass. When the Senator from Kentucky offered his cloture motion for his side, it didn't even have a majority vote. It had 48 votes in support, let alone the 60 that were required. I don't think we can expect to impose our will on this body. The Senate has to work its will. We could have considered a lot of amendments in the time we have lost so far in debate.

I say to the majority leader, how can we be held responsible for this law expiring if it is the Republicans who opposed extending the law? You have offered repeatedly to let them extend the law. They have said no.

Mr. REID. Mr. President, I say to my friend, let's extend it for any period of time, although I think that for each day it should be a longer period of time.

Mr. MCCONNELL. Will the majority leader yield for a question?

Mr. REID. I will after I have yielded to the Senator from North Dakota. If anyone thinks we are going to come to an immediate agreement on all these amendments, we have overused the term "run the traps," but the Republicans are not going to agree to all of the amendments the Democrats want to offer. I will respond to my friend from North Dakota.

Mr. DORGAN. Mr. President, this is a complicated and certainly an important issue. It seems to me that it takes two sides to compromise. One of the things I am curious about, as I listened to this and to the Senator from Kentucky, the minority leader said we are ready to move forward. He said he is disappointed in the delays. Isn't it the case, however, that last week, when the cloture motion was filed by the Senator from Kentucky, they decided at that point to block everything else and stop everything from happening

until this week? It seems to me this delay has occurred because the other side has blocked the ability to offer amendments. Had we offered amendments, we would have probably been done with that at this point.

I say that there is not anyone in the Senate I am aware of—no one—who doesn't believe we ought to extend this FISA law. Nobody is in that position. Isn't that the reason for the delay and the reason we have not moved forward—that we were blocked when the Senator from Kentucky filed his cloture motion?

Mr. REID. Mr. President, I say to my friend, you were at the meeting with me just from 9 to shortly before the hour of 10 o'clock. A person who is heavily involved in this legislation, the distinguished Senator from Wisconsin, RUSS FEINGOLD, said this legislation should be extended. He has, on many occasions, voiced his opinion on what is wrong with the way we passed this legislation in August, and he has been very strong in his comments about how this law could be improved. Every Democrat in our caucus believes this law should be extended. I don't like to speak for everybody, but Senator FEINGOLD believes the law should be extended because it is the right thing to do. I cannot imagine why we have had all the difficulty we have had in extending this law. On a number of occasions, we have said if the law expires, it is not our fault.

Now I am happy to yield to my friend from Kentucky.

Mr. MCCONNELL. I thank my good friend.

Mr. President, he indicated that the principal issue we are sparring over is the question of immunity from litigation for communications companies that cooperated in protecting our country. I am sure the majority leader knows that yesterday my side offered to his side a vote on the Dodd-Feingold amendment related to that issue, and a vote on the Specter-Whitehouse amendment related to that issue, and that package was rejected.

Mr. REID. Yes. I say to my friends, there are also other amendments. We talked about title I, and there are a number of amendments. I think we can reduce those on that side to maybe eight. They would all be short time limits. They would also make sure the record reflects that we believe they should be majority votes, not 60-vote margins.

Mr. MCCONNELL. Is the majority leader yielding the floor?

Mr. REID. Yes, I am happy to.

Mr. MCCONNELL. Mr. President, this is the kind of discussion, of course, that the Senate is witnessing that typically occurs between the majority leader and myself and managers of the amendments. To sum it up, this is the kind of legislative finger-pointing that turns the public off. But it is the way in which we go forward.

We had discussions yesterday about voting on the very issues the majority

leader just indicated are the key issues relating to this bill. Hopefully, during the course of the day, we will be able to come together and have the votes on the key amendments and move forward.

The President, of course, is not going to sign a lengthy extension or a 30-day extension. Any hope that we will extend existing law without dealing with the retroactive liability issue is a waste of energy and time. That isn't going to happen. So we are going to focus on this bill and, hopefully, find a way to go forward and let the Senate work its will.

If the House chooses to leave tonight, I find that a highly irresponsible act—right before the expiration of this very important law. There isn't anything more important that we are doing right now, with the possible exception of trying to figure out a way of going forward to stimulate our economy and prevent an extensive slowdown, than getting the homeland protected.

A key ingredient in securing that protection, we know, is getting this FISA law right and getting it passed—not some kind of short-term extension. The terrorists are not going to take a vacation for a few weeks or for 6 months or next year; they are going to be around for a while. We need to get this right and do it now, and today is a good day to get started.

I yield the floor.

Mr. REID. Mr. President, if this law is so good and we are able to, in the words of the Republican leader, "get new targets," why don't we extend the law? I don't understand why we are not doing that.

I tell everyone again that it is legislatively impossible to do anything as it relates to this legislation, as far as passing it today. It is impossible. We have a number of amendments that have to be handled. It is going to take a matter of quite a few hours. We can do it in 1 day, I think. Remember, we have to have everybody agree to that, all 100 Senators. Then the House has to agree to what we do or we have to agree to what they do or work out a compromise in conference. That cannot be done tonight. This is the last day we have to legislate. If we don't legislate today, we are going to move on to something else in a few minutes, because there is no agreement on FISA—to extend it. I think that is unfortunate. Having said it so many times already—and I am tired of hearing myself say it—if the law expires, Democrats have no blame whatsoever.

Mr. MCCONNELL. Mr. President, let me wrap it up for myself by saying that we will be staying on this bill. We will not leave this bill.

Secondly, this is a bipartisan compromise that came out of the Intelligence Committee by a vote of 13 to 2, the Rockefeller-Bond bipartisan bill, which is supported by the President of the United States. That is the Senate at its best—a bipartisan bill. The President is willing to sign it. Our effort

here is to get it to him for his signature. He awaits our action.

I yield the floor.

Mr. REID. Mr. President, this bill is not a bipartisan bill. The bill that came out of the Intelligence Committee is bipartisan, but understand it was concurrently referred to the Intelligence Committee and the Judiciary Committee. They both have jurisdiction over this legislation. We cannot pick and choose what the President likes. We have a situation here where the Judiciary Committee is entitled to be heard. That is what they are asking for—to be heard. They demand that and it is appropriate.

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 be a period 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, with the Republican leader controlling the first half and the majority leader controlling the final half.

The Senator from Florida is recognized.

FISA

Mr. MARTINEZ. Mr. President, I wish to talk about the very important issue relating to foreign intelligence surveillance. I want to talk about it not in the sense of who gets to be blamed if something happens. I believe that on something of this magnitude, the American people are pretty tired of the blame game: We would have done this, but if you didn't do that, we blame you; and if this happens, you get to blame us. I think the time of blame-casting has well passed. The fact is that the laws that grant the Government the authority to use the resources we have in order to stay informed of what our enemies are seeking to do to us are outdated and need to be modernized and put up to date with our current technology. We are fighting a modern war against a modern enemy. The tools we have to fight that war are out of date. One of the only ways we are able to expose and stop terrorist plots before they unfold is through the provisions accorded under FISA.

Some of my colleagues have expressed an understandable concern about the current FISA reauthorization, and whether it would improperly invade the civil liberties of our citizens. After 2 years of public debate on the broad issues of FISA, and after reviewing the current legislation, I believe those concerns are unwarranted.

This issue transcends the stance of either political party or any partisan

interest. Those who oppose this are sincere in their concern; they just happen to be wrong. Needless hurdles will be created for our Government in the obtaining and utilizing of valuable intelligence to keep America safe. So I want to see us address this issue head on and come together and send the President a bill that he can and will sign.

The President spoke about this last night in his State of the Union Message. He wants to get this matter resolved, and he wants a bill on his desk. We owe it to the military and the intelligence community to equip them with the tools they need to protect our citizens and carry out their duties effectively.

Throughout our history, Americans have always been concerned about the proper balance between security and freedom. Those concerned about the power of Government and trampling on the rights of free citizens are right to insist on maintaining the individual liberties granted to us by the Constitution, especially during a time of crisis. The bill we are considering is precisely concerned with maintaining and keeping a proper balance of those protections.

This is a bipartisan bill. It was reported out of the Intelligence Committee by a vote of 13 to 2. It is a modern update that is designed to keep our technological edge and to effectively implement the goals of the original FISA law passed in 1978. This bill is the product of the careful consideration of Members of both sides of the aisle on the Intelligence Committee—those best informed about these matters, who have the most knowledge about the means and methods by which we gather intelligence. Those Members recognize a need to modernize the way our intelligence is collected and the need to share information that is vital to terrorist communications, whether these communications be on a cell phone, by e-mail, or in person. This bill is for the American intelligence services to be able to timely develop intelligence without having to wait for a court order. In other words, if a terrorist group such as al-Qaida calls a sleeper cell within our borders, this would ensure that our Government can protect our citizens, the specific procedure for surveillance, and it ensures that the independent FISA Court is fully informed of every step in the process.

The bill also has a provision to protect those who have assisted us and the intelligence community in gathering information that was absolutely vital to our national security. Fortunately, we have had full cooperation from a number of telecommunications companies in providing our intelligence officials with accessing and obtaining information from foreign terrorists.

As we look at this issue—and the majority leader says this issue is the big sticking point, so let me talk about that specifically, that this retroactive immunity for telecommunications companies allows bad actors to get off

the hook—who is it we are giving immunity to and why should it be retroactive? This has already been noted a number of times, but I think it bears repeating.

Retroactive immunity is necessary not only to protect companies that cooperated in good faith at the request of our President during the time of the most serious domestic crisis our country has ever faced, but it was done to ensure our national secrets regarding intelligence methods remained classified and are not disclosed in public through the civil court process. In other words, it is not just about providing immunity to those who helped at the time it was needed, but it is also to ensure that as we go forward, we are not going to have an O.J. Simpson-type trial, with television cameras blaring with information being disclosed. We know things do not keep. We know our enemies are capable of getting the information because it will be in the New York Times. The fact is, we want to keep our methods and sources secret and confidential, and this is a very important part of this immunity idea.

If you want accountability for the executive branch, we have a constitutional system of checks and balances, and leaving aside the President's authority under article II, we are exercising congressional oversight in passing S. 2248, and we, along with the FISA Court, are certainly going to be able to pay close attention to how we select intelligence going forward.

As far as letting bad actors off the hook is concerned, S. 2248 provides retroactive immunity from civil litigation if a series of conditions are met. The assistance was provided in connection with intelligence activity authorized by the President between September 11, 2001, and January 17, 2007, and was designed to detect or prevent terrorist attacks against the United States.

What is wrong with that? The assistance was also to be provided in response to a written request, a directive from the Attorney General or other intelligence community head indicating the activity had been authorized by the President and determined to be legal.

To me, it is a good idea to give these folks the kind of immunity that will allow them to continue to cooperate, that will say to them: The next time there is a vital emergency where your cooperation is needed, we didn't stick you with the bill, we didn't allow the courts to go wild. We protected you because you protected America. To me, that seems only fair and only right.

I hope we can get through the partisan morass that always seems to entangle us. I hope we can find a way we can pull together something of this magnitude and importance, which is about the national security of our country—it is about the intelligence needs of our intelligence community—and that we can come together in a timely fashion, craft this bill, take the bill the Senate Intelligence Committee passed on a bipartisan 13-to-2 vote, put

it up for a vote, let's take the amendments that are available, move it forward, get a vote, and get a bill to the President that he can sign.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Will the Chair kindly let me know when I have used 8 minutes?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

STATE OF THE UNION ADDRESS

Mr. ALEXANDER. Mr. President, last night the President spoke to the Nation in his State of the Union Address. It is one of the great traditions of American Government. One of the most interesting parts of this spectator sport is to watch and see who stands up on which issue when the President talks or who is sitting by whom. It is well watched across our country, and it is a sign of respect to the Presidency as an institution.

The President was in a good mood. It was his eighth such address. He was reflective, but he was decisive. He looked ahead. He talked about the issues facing our country. He did his job, and he challenged us to do ours.

The President devoted a good deal of time to the progress of the war in Iraq, and we devoted a good deal of time today to making sure we have a strong system of intelligence to protect ourselves from terrorists. So I wish to comment on what the President talked about at home, because a great deal of what President Bush said last night was that as important as our role is in the world, as important as the long-term fight against terrorism is, we have work to do at home, and we need to roll up our sleeves and get busy.

This is a Presidential year. Many of the pundits are saying, some politicians even: The Congress will get nothing done. We Republicans believe there is no excuse for taking a year off, given the number of serious issues facing our country. Let me mention a few the President discussed last night.

To begin with, the American economy. The President acknowledged that as strong as our economy is, 52 quarters of growing jobs, it has taken a downward turn, and we need to take appropriate action to help it continue to produce more jobs. That means steps that are temporary, targeted, and that grow the economy and not the Government.

The President has agreed with the Speaker of the House and the Republican leader of the House on a simple package that is aimed to do that: rebates for individuals, most of whom pay taxes, and incentives to small businesses to create new jobs. It is a simple idea.

Speaking as one Senator, I do not believe we can afford to let this economic growth package, which should pass the House today, become a Christmas tree in the Senate for everyone's favorite idea for spending taxpayers' dollars.

I have some ideas. I think every Member of the Senate has some ideas. But maybe we should recognize the American people would like to see us act and act promptly and act decisively.

Someone has said the Senate wishes to speak on the issue. I know very well none of us is guilty, usually, of having an unexpressed thought. We love to speak. But one way for us to speak is to say to the House of Representatives: Madam Speaker, and to the House itself, we agree with you. We think your package is simple, temporary, targeted, and a good idea. And to the President: Mr. President, each of us might have written the package a little differently, but we agree with you and we are ready to pass it before the end of next week.

I would like to write it differently, but I like the idea that it goes mostly to taxpayers, that it is family friendly, that it gives incentives to small business, and that it temporarily helps with housing.

I believe it is important for our Government, particularly at this moment, to send a strong message that we will take the action appropriate to keep the economy strong and that we are capable of functioning as a Government and working in bipartisan ways to deal with real issues.

The American people are tired of petty politics. They are tired of playpen politics on the Senate floor. They do not believe they elected us to stick our fingers in the eyes of the Democrats or the Democrats to stick their fingers in our eyes. We have a good example of our leadership working together with the President, and as one Senator, my recommendation is we support what the President and the House of Representatives is about to do.

The President said we should get to work this year to make sure every American can have access to health care insurance. At our Republican conference last week, that was the first item on our agenda, and I believe it is fair for me to say virtually every single Republican Senator believes every American should be insured and is ready to go to work this year to help make that possible.

The President talked about his plan, which he talked about last year, to redo our Tax Code so dollars would be available to American families to buy at least a basic health care policy that they wouldn't lose when they change jobs.

We have had a number of Senators on this side—Senator BURR, Senator CORNER, Senator COBURN, for example, Senator BENNETT who has authored a bill with Senator WYDEN, which has significant bipartisan support. We are all ready to go to work this year. We believe we should start this year to help make sure every American is insured.

Runaway Federal spending. The President talked about controlling en-

titlement spending. This is an issue that is beginning to get the country's attention, and it should have the country's attention. It certainly has mine.

What do we mean by entitlement spending? We mean 40 percent of the budget is Social Security, Medicare, and Medicaid, and it goes up automatically every year. Over the next 10 years, the annual growth of Social Security is predicted to be about 6 percent, according to the Congressional Budget Office, Medicare about 7.2 percent, Medicaid about 8 percent. Entitlement spending and interest on the debt is 60 percent of every dollar we spend. Another 20 percent is defense, the war and other necessary actions to defend ourselves, and 19 percent is everything else.

The "everything else" was flat last year. The Congressional Budget Office says the "everything else"—that is, parks and roads and many of the items Americans believe Government ought to be doing—that is going to go up about 2 percent annually over the next 10 years, according to the Congressional Budget Office. Our defense goes up 3 percent annually, and entitlement spending goes up 7 or 8 percent.

Senator GREGG and Senator BOND have pointed out to us—they are the heads of our Budget Committee—that we pretty soon are going to be faced with an absolutely impossible situation that will require massive cuts in benefits, massive tax increases that the net worth even of this great country will not be able to pay, and that every year we wait, we risk another problem. The President said to do something about it. He challenged us to do it, and Senator GREGG and Senator BOND have a proposal to do that. We should act on it this year.

That is not all there is to holding down spending. The President mentioned earmarks. There are too many earmarks. They are not as transparent as they ought to be. That is a smaller part of the budget. It is our constitutional responsibility to deal with earmarks, but we should do that ourselves. We should begin that this year.

We could pass a 2-year budget plan, such as Senator DOMENICI and Senator LIEBERMAN and Senator FEINGOLD at various times have proposed, and Senator SESSIONS, Senator ISAKSON. That would give us oversight to repeal rules and regulations every other year. So there are three ways to get a handle on Federal spending.

Senator HUTCHISON and Senator BINGAMAN have been leaders, as well as others here, on keeping good jobs from going overseas. We passed the America COMPETES Act last year, and the President challenged us to fund it this year. He is right about that.

Finally, President Bush mentioned something that is close to my heart. He called it the Pell grants for kids. I remember being in a visit with him a couple years ago, and he said to me: We have to do something about inner-city children who cannot afford to go to

good schools. Why don't we have Pell grants for kids? I said: Mr. President, I had a hearing on that idea last month. He looked at me and said: I thought it was my idea. I said: Mr. President, it is your idea. Any idea the President has is his idea, but he had it before anyone suggested it to him.

The idea is very simple. We take this brilliant idea that Congress has invented over the last 50 years of giving money directly to college students which they can spend at any institution of education of their choice—public, private, nonprofit, Catholic, Jewish, the University of Tennessee, Notre Dame, National Auto Diesel College. As long as it is accredited, they can go there, and it especially helps those with less money. Let's try that with the poorest children.

Sixteen years ago, when I was Education Secretary, the first President Bush proposed a GI bill for kids. Much the same idea. It was the largest provision in his budget, half a billion dollars that year, to give poor kids access to some of the same educational opportunities others had.

I proposed, in a Pell grants for kids version, that we give every child, the middle- and low-income children—that is 60 percent of them all \$500 for after-school programs or other programs. The President has advanced the idea.

President Bush has painted a strong agenda for America this year. He has said let's give a boost to the economy, let's begin to give every American health insurance, let's control entitlement spending, let's fund programs to keep good jobs here, and let's give poor children an opportunity to go to more of the better schools. He has challenged us to go to work. We are ready to go to work. We are ready to get results, which means working across the aisle in a bipartisan way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

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

The ACTING PRESIDENT pro tempore. There is 11 minutes remaining.

Mr. CORNYN. I appreciate that, Mr. President.

BIPARTISANSHIP

Mr. CORNYN. Mr. President, when I came to Washington about 5 years ago, a colleague of mine said: Welcome to Washington, DC. It is about 8 square miles of logic-free environment, where perception is reality.

I always chuckled when he would say that, and I have repeated it myself a few times to audiences back home in Texas because I think it, unfortunately, has a grain of truth to it. One reason I think people chuckle at that, and maybe groan a little bit inside when Washington is described that way, is because we send out such contradictory messages at the same time.

The Speaker of the House of Representatives and the Republican leader,

Mr. BOEHNER, and the President of the United States have come together and said: We have come up with a bipartisan package to stimulate our economy; to make sure, if it is possible, that we avoid a recession that puts many Americans out of work and hurts them in an economic and personal way.

That was a very welcome message that I heard and the public heard, and I think it was a hopeful one. I, for one, hoped it would signal some kind of new period of cooperation in light of the fact that, frankly, what we had been doing was not working very well, as evidenced by one of the historic lows in congressional approval ratings as a result of the dysfunction in the Senate, and Congress as a whole, last year.

By that I mean you will recall we didn't pass but 1 of the 12 appropriations bills on a timely basis by the end of the fiscal year last year, so we had to roll everything into a big Omnibus appropriations bill. Some say "ominous" appropriations bill, and I think that is an apt description. It was chock full of earmarks and things that people hadn't had adequate time to scrutinize, much less to debate and shine the sunlight of public scrutiny on. So I would hope we would learn from the dysfunction of last year and we would look to the example of bipartisan cooperation as evidenced by the House of Representatives and the White House on the economic stimulus.

Of course, it wasn't limited just to appropriations last year. We saw basically a standstill, after 36 votes on Iraq, on nonbinding resolutions calling for unilateral withdrawal. Finally, we passed, at the very end of last year, a \$70 billion emergency appropriations so that our troops in Afghanistan and Iraq would get the support we owe them as a moral obligation, as a sign of our commitment to support the troops, to protect our national security interests. But it took us a long time and a lot of hot air to finally get there.

Then, of course, there was the alternative minimum tax, which, true to form, people said: Well, let's tax the rich. Originally, it was designed to tax 155 taxpayers. Last year, it affected 6 million people. And if we hadn't acted, which we finally did at the end of last year, it would have affected 23 million middle American taxpayers. Thank goodness we were finally able to get the work done, that was our responsibility, but not, frankly, in good form last year.

So it is with some hope that we find ourselves learning from that experience last year and the low approval ratings that they brought. My hope was this early sign of bipartisan cooperation on the economic stimulus package would sort of start a new trend. Unfortunately, on a matter that really is fundamental to our responsibility—I think our first responsibility: to keep America and Americans safe—we find ourselves falling back into the old bad habits of dysfunction once again.

What I mean by that is, the Foreign Intelligence Surveillance Act is vital to our national security. It is vital that we continue to be able to listen to foreign terrorists who are communicating with each other, plotting and planning future terrorist attacks on our homeland and on our troops in Iraq and Afghanistan and around the world. Rather than pass legislation that would address that, we passed a patch in October for 6 months, which expired in December. So we passed another 1-month extension. And now we find ourselves with our backs up against the wall with this Protect America Act extension expiring February 1. And I was discouraged to hear the majority leader say this morning that it was impossible to pass a reauthorization of the Foreign Intelligence Surveillance Act.

What he suggested is that we need another patch for 1 month, or a short period of time, without addressing the primary issues that need to be voted on. The Senator from Florida, Mr. MARTINEZ, talked about the civil liability immunity for the telecoms that may have cooperated with the United States Government at the highest levels based on a request from the President of the United States, the Commander in Chief, during a time of war, and the certification by the Attorney General that what they were being asked to do was legal and, in fact, necessary for us to protect ourselves against another attack, such as the one we suffered in Washington and in New York on September 11, 2001.

We know if this law expires without our addressing all aspects of the Foreign Intelligence Surveillance Act, our intelligence officials will be literally blind and deaf to the important intelligence that will allow us to detect and deter future attacks against American citizens. In fact, last summer the Director of National Intelligence told us we were missing about two-thirds of the communications between foreign terrorists that were necessary to protect our country. That is why we passed the Protect America Act. So why in the world we would get bogged down in the same sort of bickering and partisan divide rather than come together to solve this in a bipartisan fashion, frankly, escapes me.

As was pointed out earlier, this very same legislation passed in the Intelligence Committee by a vote of 13 to 2. That is a bipartisan supermajority, sponsored by the chairman, the Democrat, Senator ROCKEFELLER, and the vice chairman, Senator BOND, a Republican. So with that kind of bipartisan support for a product that the Director of National Intelligence and the leadership of our defense community tell us they need in order to continue to protect America against attacks, why is it impossible for us to pass this legislation? I don't know of any other explanation than just downright stubbornness. And, frankly, it is the kind that represents a sort of reminder of the bad habits of the past that I had hoped we would have learned from and change.

Frankly, if the definition of insanity is doing the same thing over and over again and expecting a different outcome, what is happening on FISA is insane because we are resorting to the same old bad habits and not reaching out and solving this problem, which is very real and very urgent.

Let me say a word about the economy. I mentioned the economic stimulus package that was negotiated between the Democrat Speaker of the House and the Republican leader and the representative of the President, Secretary Paulson. I find myself in agreement with the remarks made earlier by Mr. ALEXANDER, the Senator from Tennessee. While there are parts of that agreement that I, frankly, don't like all that much, given the nature of the legislative process, I think it represents a compromise. And looking at some of the proposals coming out of the Senate, to add additional costly programs to grow the size of Government, which invariably will either raise taxes or will send the IOU down to our children and grandchildren to pay by way of expanding the deficit, I am beginning to think the bipartisan package out of the House of Representatives represents a better alternative than I have seen so far discussed here in the Senate.

The last thing we should be doing is using this national challenge to our economy—a great risk of seeing people put out of work and seeing them suffer economically—and taking chances on growing the size of Government or raising taxes or passing the debt down to our children by growing the size of Government and expanding the size of this package in order to satisfy an individual or group of Senators' desire to add pet projects on to that stimulus package. So I hope we will act in a bipartisan fashion to support the House-negotiated legislation, a bipartisan package, just like the Intelligence Committee product is a bipartisan package, and just like we acted at the end of last year, after a lot of dilly-dallying and a lot of delay, to finally pass, in a bipartisan way, legislation that appropriated emergency funding for our troops, that protected middle-class taxpayers from a tax they were never intended to pay in the first place—the alternative minimum tax—and the other business that we finally did after so many months of delay at the end of last year.

My hope, Mr. President, is that we will not punish those who cooperate with the United States Government in a time of war to help us listen to the conversations of foreign terrorists by refusing to pass this important piece of legislation because it sends the wrong message that if you don't cooperate, you can basically make America blind and deaf to our enemies. That is a danger to all of us.

Mr. President, I yield the floor.

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

BIPARTISAN COOPERATION

Mr. DORGAN. Mr. President, I have listened with great interest this morning. It has been fascinating for me to see a party block access to making progress in the Congress and then several days later come and complain that progress hasn't been made. That is a Byzantine approach to legislating.

I do agree, however, that we don't want bad habits to exist here. And even though I am honored to serve in this place, I have often called this the place of 100 bad habits, which would include myself, of course. It is hard to get things done in this place, but I am not suggesting one side or the other side is all wrong.

I am reminded of Ogden Nash's poem:

He drinks because she scolds, he thinks.
She scolds because he drinks, she thinks.
Neither will admit what is really true: He is a drunk; she is a shrew.

I understand both sides bear responsibility for difficulty from time to time, but let me say this: On this issue of FISA, it strains credibility for a party that says: You may not move; we will block you. We insist that we get 60 votes on every amendment. Every amendment has to have 60 votes, otherwise we filibuster. If that is the case, we don't make progress. And I don't think you can say: Well, we are going to object to progress, and then we will complain that progress isn't made. That makes no sense to me.

I don't know of anybody in this Chamber who doesn't want the FISA amendments to be extended and resolved. Let's do that and get it done. Let's have a little cooperation. But cooperation takes two parties, and it is long past the time to do that. As I have said, we have had a lot of bad habits in this legislation.

Mr. BOND. Mr. President, would the Senator entertain a question?

Mr. DORGAN. Let me ask unanimous consent that my time be extended, however, for the minute or so the Senator wishes to inquire.

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

Mr. BOND. I would just ask my good friend if he doesn't agree the Intelligence Committee bills have to pass with 60 votes? I believe the Protect America Act passed with 60 votes. The leader said in December it made sense to have all votes at 60-vote margins, and would he not expect that the Senate Intelligence Committee bill, which I support, will have to get 60 votes? And if so, does it not make sense to have 60 votes to pass all amendments?

Mr. DORGAN. Mr. President, it certainly does not make sense. In fact, exactly the opposite. That is nonsense, to bring a bill to the floor and say: Look, regular order would be to bring up amendments. If a majority of the Senators agree with them, those amendments are approved. But we don't like regular order. Let's decide every amendment that shall be brought up shall have to have 60 votes. Why? Be-

cause if not, they will filibuster every amendment and then complain nothing is getting done. No, it does not make sense, I would say to my friend.

Now, I didn't come to talk about that, but let me talk a moment about this issue of the economy. This is a discussion about starting the engine, or getting the engine working on this ship of state so that we move the country forward. It is about jobs and expanding opportunities for the American people because when the economy contracts, people run into trouble.

They are the ones who get laid off, the folks who are working in plants and working at the bottom for minimum wage. They are the ones who lose ground during an economic contraction.

Well, it used to be on the old automobiles, when you started an engine, you had to crank it. And then we went from a crank to a starter, so you push a button or turn a key. Well, some people think our economy is simple as that. It is not, of course. A large component of our economy is people's confidence. If they are confident in the future, they do the things that represent that confidence—they make that purchase, they buy a washer and dryer if they need it, they buy a car, they take a trip. In doing so, because they are confident about the future, they expand the economy. If they lack confidence in the future, they do exactly the opposite—they defer the purchase of that piece of equipment for their home, they defer the purchase of the car, they defer the trip—and the economy contracts.

We have a problem with this economy for a lot of reasons. I have described some of them on the floor of the Senate recently. But the Federal Reserve Board recognized that problem and took a very bold action—three-quarters of a percent interest rate cut—and likely will do more in the next couple of days. The impression is that we also should do something called a stimulus package; that is, stimulus with respect to fiscal policy. I do not object to that. In fact, I think we probably have to do that because a whole lot of what is going on in the market these days is about psychology.

I have indicated this before. I have called the field of economics psychology pumped up by helium. I think that is a pretty adequate description of what it is. People think it is science. It is not. It is a circumstance in which we know very little about the way this economy works. We do have more stabilizers in the economy than we did decades ago, so we have been able to even out a bit some of the recessions and the downturns. All of that has been helpful. We may be in a recession now. No one knows. We probably will not know that until we see it in the rear-view mirror. But if we do a stimulus package on fiscal policy—and I think that is a reasonable thing to do—I do

not think it is going to have a significant impact on the economy. Suggesting 1 percent of our GDP as a stimulus—it is not going to have a dramatic impact. But psychologically, I think we must do a stimulus.

Let me say that I do think what the Finance Committee chairman is talking about makes a lot of sense. If you are going to do a stimulus package and you are going to provide some kind of rebate, make sure you include senior citizens, many of whom are living on lower incomes. They are the ones who are going to spend it. They are the ones who are going to contribute to additional purchasing power in the economy. So you should not leave out the millions of senior citizens if you are going to do a stimulus package. I support including senior citizens in that stimulus package.

You know, the President and a couple of my colleagues just said: Well, you cannot change it. The House did it. The President wants it. You cannot change it. They come here, and they always suggest that this is like a loose thread on a cheap sweater: you pull the head of the thread, and the arms fall off. That is not the case at all.

The House did its version of a stimulus package. We should do ours. We have some better ideas. But we ought to get it done quickly, and we ought to resolve it with the House and send it to the President. Extending unemployment benefits is something we always do in an economic downturn, and we should do it again, in my judgment.

But let me say that in a stimulus package that is brought to the floor of the Senate that does not have a cap on who is going to get the rebates makes no sense at all. And there is talk about that, that we will get a stimulus package and have no cap on the rebate. We are going to send Bill Gates a \$500 check to see if we can stimulate the economy a little bit. That makes no sense. You have to have a cap. This ought to go to middle income and lower income families. They are ones who will spend it and the ones who will be able to give a jump-start to this economy, to the extent the stimulus package actually does that. But as I said, psychologically I think we have a responsibility to use fiscal policy to do something in this general direction.

Now, the Senator from Connecticut just came to the floor, and he has been working on something I am very interested in; that is, infrastructure investment. If we just do a short-term stimulus of 1 percent of the economy and that is all, we are not going to give this economy the kind of boost or give the investment to this country that it needs. We need a second step, and the second step ought to be the big step, and we ought to take a look at what is going on in the infrastructure of this country.

My colleague has a bill, the Dodd-Hagel bill, that I think makes a lot of sense. We had a meeting on that on Friday, a rather lengthy meeting with a lot of people. Here is the situation.

Infrastructure investment is job creating. When you invest in infrastructure, you create jobs and you create a better country. Fly into Bagram Air Base and then get in a vehicle, drive to Kabul, take a look at the road, and ask yourself about infrastructure in a country such as Afghanistan. Fly into Tegucigalpa and then drive in a car to Juticalpa in Honduras, take a look at the road, and ask yourself about infrastructure investment. Or go to Haiti and land at Port-au-Prince, travel across the island to Jacmel, and consider for a moment what infrastructure means to a country. The fact is, you fly over Nicaragua and look down, and you do not see many roads because they do not have much of an infrastructure.

Then fly from any of those countries back to our country, come into an airport, get in a vehicle and drive down the road, and then think about infrastructure and what we have built over a long period of time that makes us proud of this country and allows this country to expand and grow and create opportunity. Then take a look at what has happened recently. This country stopped investing in infrastructure in any significant way. Our infrastructure is crumbling, in desperate disrepair. Big bridges fall down, and highways are crumbling. The fact is, we have schools that are in shameful condition in this country, water programs that are desperately needed for water treatment that are waiting for money to do it.

Now, when the Federal Government buys this highlighter pen for me—at my office, we have a supply of highlighter pens—this is expensed. Now, anybody who takes accounting understands you expense something on day one. But the fact is, when we spend \$200 million building a piece of highway or invest \$500 million in an airport, we expense that as well. No other enterprise that I am aware of in this country—none—will do what the Federal Government does and say: When you spend on infrastructure something that will last 50 and 100 years for this country, you have to expense it on the first day. We need a capital budget. We need an infrastructure investment bank. We need a whole series of things that represents a second step so that we can in the longer term invest in and expand opportunities in this country through infrastructure investment.

It is about jobs; it is about having pride in your country; it is about investing in your country in the kinds of things that allow economic progress. I don't want people to come out here and say: Let's do this stimulus and, boy, that will fix things. This is putting a little patch on something here; it is not going to fix things. It is something we should do, but if we do not do something much bolder, do something with much greater consequence in the longer term, that invests in this country's future, we will have missed a very substantial opportunity.

In the New York Times this morning, there is an op-ed piece by Bob Herbert

that talks about the catastrophe in New Orleans. He talks about the bridge collapse in Minneapolis, the underground steam pipe in midtown Manhattan that blows up, the manhole cover that is blown out of the streets here in Washington, DC. He talks about South Carolina, where there is a long stretch of grievously neglected rural schools that has been dubbed "the corridor of shame." You know, I have been in those kinds of schools. I have been in schools where kids were going to school in parts of the building that were condemned that were 100 years old, where sewer gas was coming up back through some of the rooms and they could no longer use those rooms. We have all seen those things. This country has to do better. And we can do better if we put together the kinds of infrastructure investment banks and the capital budget, and advance this country's interests by building this country.

I want to make one final point. We were told this morning that the President is going to ask for another \$70 billion for Iraq and Afghanistan. That is on top of the \$196 billion he asked for last year in this fiscal year that we are in now. That is \$16 billion a month, \$4 billion a week. He wants another \$70 billion. That will take us well over two-thirds of a trillion dollars. I ask the question: Is it not time we started investing some at home? It is not time we started taking care of things here at home? The sky is the limit for these kinds of investments.

This morning, my colleagues were talking about fiscal responsibility. Not one penny of the war costs has been paid for. The President has insisted that we send soldiers to war and we spend this money and charge it to future generations. They will fight the war and come back and inherit this debt. That is not fiscally responsible either. How about suggesting there is a priority here at home for investing in this country, expanding opportunity in this country, and taking care of things that have been too long neglected?

So I wanted to say that in the context of this discussion we will have about the stimulus program. It is important, but what is much more important is for ourselves to have a longer view of investing in this country and expanding opportunity in this country by making this the kind of place we are proud of.

The folks who came before us did that. They had some real vision. Dwight Eisenhower said: Let's build an interstate from coast to coast. That would not happen under some of the folks who exist in this Chamber these days. It just would not. But what a boon to this country, to connect America with interstate highways. So we can do a lot better, and must if we are interested in the long-term well-being of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank my colleague, Senator DORGAN, for his statement this morning. I wish to follow with very similar remarks. He and I have been good friends for a long time and have worked together on a lot of issues over the years. I just want to underscore what he said this morning about the importance of the stimulus package and the importance of additional ideas that will allow us to get moving again.

I am grateful to hear about the article this morning that was very gracious in talking about the bill that Senator CHUCK HAGEL and I have worked on, along with others, including former Senators Warren Rudman and Bob Kerrey, the Center for Strategic and International Studies, John Hamry, Felix Rohatyn, Bernard Schwartz and other leaders. I am delighted that the Chamber of Commerce as well as major labor unions have endorsed this bill which we spent 2½ years putting together, including spending a lot of time with people in the investment community about ways in which we can attract private capital to public infrastructure. So I appreciate immensely Senator DORGAN hosting the meeting last Friday that brought a lot of these people together.

Our plan here, I say to him, is to talk with our leaders, the Democratic leader as well as, I hope, Senator MCCONNELL, the Republican leader. This ought to be a major issue. If we can bring the Chamber of Commerce and organized labor together around a bill, this is a vehicle which ought to deserve the attention of this body.

I know there is a growing interest in the House as well about it for all of the reasons Senator DORGAN has mentioned. The economic implications are huge, and the necessity grows by the hour. But it even goes beyond economic terms because there is symbolism in a nation building and working.

In talking to Bob Herbert yesterday, I mentioned that even during the Civil War, President Lincoln insisted that the work on the Capitol, the very building which we are in here this morning, would continue; that it was important, despite that there were obvious demands to provide the resources to prevail in the great conflict between North and South, that the country see that this project, to build a national capitol representing the entire country, would go forward. Obviously, there were jobs that were important in that construction. But more important than the jobs, even, was the symbolism of a nation at work.

So I am looking forward to the opportunity to take this idea of a major infrastructure proposal and hopefully attract some broad-based attention to it.

My colleague RON WYDEN from Oregon has a proposal as well. We are hoping to bring them together. He has a little different perspective but one that I think can be added to our proposal.

I wish to focus my talk this morning about the stimulus package and economic issues. I know the FISA bill is going to come up again. I have some strong feelings, as my colleagues know, about the retroactive immunity in that bill. But I was stunned last evening as I sat and listened to the State of the Union. I have been to a lot of them over the years. Last night, when the Presiding Officer and I walked he asked me how many. When I said the number, it stunned me in a way, how many I have been involved in. I was elected to the House in 1974 and went to my first one in January of 1975, with Gerald Ford giving his State of the Union. I have been to every one since. I have not missed one over the last three decades.

There have been some great ones and others less than great. Last evening, put aside whether you like the rhetoric or not, what surprised me is that here we are in a nation where, by everyone's estimation, we are either in a recession or about to enter one, we have economic data that indicate this country is in deeper trouble economically than we have been in in years, and there was hardly any reference to our economic problems whatsoever other than a paragraph or so about a stimulus package.

So the elephant in the room, if you do not mind using that animal analogy, the elephant in the room in the State of the Union was, of course, the state of the union is in tough shape economically. We are in desperate shape in many ways.

What is beyond ironic is that we would have a President of the United States talking about the condition of our union, and here is a major problem that is the subject of headlines every day across the Nation, and there are hardly any references to it at all. So we were gathered last evening to talk about where we are and what we need to do in the coming days, and there is hardly a passing reference to the economic condition our country is in.

The President called this a period of "economic uncertainty." I think those were the words he used. While I agree we are certainly in an uncertain period, to put it mildly, what we know with some certainty is that the current economic situation is more than merely a slowdown or a downturn; it is even more than a mere recession or near recession. Instead, I think it is a crisis of confidence among consumers and investors. Consumers are fearful of borrowing and spending, investors are fearful of lending. Financial transactions which generate new businesses and new jobs are shrinking in number and size by the hour in this country.

The incoming economic data shows how serious this problem is. Yesterday the Commerce Department reported that the sale of new homes fell again in December, reaching a 12-year low. Retail sales were down and unemployment was up significantly in December. Credit card delinquencies are on the

rise, as consumers find themselves increasingly unable to tap the equity in their homes to help pay down credit card and other bills. Lastly, inflation increased by 4.1 percent last year, the largest increase in 17 years. This is what the President called a period of "economic uncertainty."

You have record numbers and statistics pointing to the difficulty our Nation is in economically, and we hardly heard any mention of it at all last night. The inflation that we are experiencing, is driven mainly by the rising cost of energy—oil is at \$100 a barrel—and there was hardly a reference to that last evening. It costs \$100 for a barrel of oil, and I do not recall a word being spoken, except about energy independence and to try to get there.

Food and health care costs have gone up as well. Industrial production is falling. And we have been hemorrhaging jobs in the manufacturing sector. Our economy is clearly facing more than uncertainty; it is facing significant challenges to our Nation's future economic growth and prosperity.

The most important step we could take right now is, of course, to act to restore consumer and investor confidence. Unlike past recessions and slowdowns, the epicenter of this economic crisis is the housing crisis; and the epicenter of the housing crisis is the foreclosure crisis. Housing starts are at their lowest level in more than a quarter of a century. Home prices declined last year nationwide by 6 percent, and are expected to decline again this year. This would be the first time since the Great Depression that the country will have had two consecutive years where home prices have dropped and the President calls this a period of "economic uncertainty."

This crisis stems above all from the virtual collapse, as I said a moment ago, of the housing market. That collapse was triggered by what Secretary Paulson has rightly and properly called—and I commend him for it—"bad lending practices." Those are his words, not mine. These are lending practices that no sensible banker would ever engage in. Reckless, careless, and sometimes unscrupulous actors in the mortgage lending industry essentially allowed loans to be made that they knew hard-working, law-abiding borrowers would never, ever be able to repay when the fully indexed price kicked in. And they engaged in practices that the Federal Reserve and the Bush administration did absolutely nothing to effectively stop.

As a result, foreclosures are at record levels, the value of people's homes is declining, and the tax base for State and local governments is shrinking.

A year ago, I chaired the first Housing hearing in the Congress on the subject of predatory lending. I talked then about the possibility that more than 2 million Americans would lose their homes as a result of such lending practices. I know there were those who scoffed when I mentioned the number

of 2 million almost a year ago, but no one is scoffing now. Today, foreclosure rates are at record levels. Estimates are that foreclosures will continue to climb for most of this year, dip briefly, and then begin to rise again when interest rate resets kick in.

The catalyst of the current economic crisis is, as I said a moment ago, the housing crisis. And the face of the housing crisis is the foreclosure crisis. Therefore, in my view, any short-term stimulus package should include measures that will address the causes and symptoms of the foreclosure crisis head on, as well as trying to provide some immediate relief for those who are dealing directly with this problem.

I want to indicate at the outset I am very supportive of the work done by Speaker PELOSI in the House along with JOHN BOEHNER, the Republican leader, and other Members over there who have worked on this. I thank them for what they have done to formulate outlines of a stimulus package that the administration could support. Senator BAUCUS, my good friend from Montana and the chairman of the Finance Committee, Senator HARKIN, Senator KENNEDY and others have expressed some important views regarding unemployment insurance, food stamps, low-income energy assistance, and other important programs.

We may not accommodate all of those priority programs, but they bring up a good point; and that is, historically you want to make sure resources get into the hands of the people who are feeling the pinch. For people who still have choices, there may be less than the desired impact by providing a tax break for people in that category, as opposed to those who are at the low-income levels, who are tremendously strapped, that they are provided some relief. So I am confident when the Senate works its will, there will be some additions to the stimulus package, I think, in the unemployment area, certainly, and possibly in low-income energy assistance, and in some food stamp areas as well.

In addition to the problems in our housing market, we also have tremendous challenges and opportunities with respect to our Nation's aging infrastructure.

In the short term we need to include funding for States and localities to start projects that are already ready to go, including existing highway and transit maintenance projects and other infrastructure projects that can be done quickly. There are a long list of highway and transit projects that are important to creating jobs today and to strengthening our Nation's economic future. These projects will boost employment in the construction and manufacturing sectors, which are those that have been hardest hit in the recent economic downturn. I intend to work for and support an immediate investment in transit, highway and other infrastructure projects.

In the long term we need to renew and reinvent our infrastructure. This is

no small task, but it is critically important to putting people to work and modernizing the economy for future generations. As I said, I have worked with my colleague, Senator HAGEL, in introducing legislation to authorize a National Infrastructure Bank to address some of these challenges, and I look forward to working with him and others in this Chamber to do that.

I do not want to overload the stimulus and I realize it is important we act quickly or the value of the package gets lost. Even if it does not include all the things I wish to see in it, it is important we move expeditiously or the value of the timing of it, I think, could be lost on us altogether. It is important we consider some of those suggestions that are being made on a temporary basis. I look forward to working with our colleagues to try to add some additions to the stimulus package. But, hopefully, we can do it in a timely fashion.

Specifically, with respect to housing, because this is an area where, again, if we are just dealing with people's problems and not the problem that caused the problems, then I think we are missing a critical point. I want to pick up on some of the things BYRON DORGAN talked about a moment ago. Let me add that I am pleased to note there were elements in the proposed House package that address the housing market issues; namely, a temporary increase in the conforming loan limits for the GSEs, and also for the FHA program.

I think we ought to be talking about jumbo loans in this area. One of the concerns in the current crisis is that of market liquidity. If you want to get liquidity into this market, then you have to have loan limits that can reach amounts that truly make a difference, even if for only 12 months.

So my hope is the administration—however this will work—will set those loan limits to create the desired impact that we are trying to reach, and that is, injecting liquidity into the housing market. Increasing these loan limits will help restore confidence and liquidity into the housing market, where interest rates have skyrocketed for nonconforming loans due to the current problems. These steps will also allow millions of middle-class Americans who live in areas of the country where the value of an average house is far above the existing conforming loan limits to participate and reap the benefits from having a conforming loan. So I would urge these additional loan limits to deal with the problems in the jumbo loan market, at least for a year, be considered.

I have supported both of these measures and have also worked very closely with my ranking member on the Banking Committee, Senator SHELBY, to draft and pass a more broad FHA modernization bill. That legislation passed this body 93 to 1. We spent a lot of time drafting that bill, and getting strong bipartisan support for it back at the

end of last year. I want to acknowledge the assistance of the majority leader, Senator REID, and Senator SCHUMER of New York who were very helpful in getting that legislation adopted on the floor with the kind of overwhelming numbers I mentioned a moment ago.

I remain dedicated to making this happen. I have spoken with Chairman BARNEY FRANK of the House as late as last evening. We had breakfast together a week ago to talk about how this bill can get done as part of this stimulus package. These are good and needed steps, but we must, I think, go farther. I think this is where Senator DORGAN's remarks come in. If we limit it to a short-term stimulus package, and assume that is going to achieve the desired results, I think you are missing the point and that explains why we have had some negative reaction to the short-term program.

It has to be followed on—whether you call it a second or third tranche or effort here—but we need to follow the short-term effort with some longer term decisions and proposals that can go a long way to restoring that sense of confidence and optimism beyond the short-term injection of confidence that is needed if we are going to see our economy improve and opportunities improve in this century.

The work of the President and the Congress to right our Nation's economic ship will not end with the enactment of a stimulus package. On the contrary, it will have barely begun.

There are other important measures we can and should take to address the problems in the housing market, and I want to briefly address two of them, if I can.

In the short term, we need to increase funding for the community development block grant, CDBG, program. The CDBG program has been a very successful program all across the country for many years, and in my view, it can do an awful lot to assist in foreclosure mitigation. It is a tried and true program. We should use it to direct, I would suggest, some \$10 billion to local governments to renovate and resell the foreclosed and abandoned homes that are decimating many communities.

The mayor of Bridgeport, CT, was in my office last week. He was a newly elected mayor last fall. He told me in the city of Bridgeport—which is a city of a little less than 100,000—he is looking at 6,000 foreclosed homes in his city. That is 6,000 homes in a city of less than 100,000 residents. Needless to say, even for those homes that are current with their mortgage and in no danger of foreclosure, the value of those homes, and every home, in that city will be adversely affected. Even if there were only 1,000 foreclosed homes it would be a huge number. Imagine if it is six times that in one city in my State, which is the most affluent State in many ways in the country, what it must be like in many other cities throughout my State and the country as a whole.

I do not know the numbers in Hartford and Waterbury and other cities, and smaller cities, but 6,000 foreclosures in Bridgeport is a huge number. These are not speculator homes. This is not Las Vegas or Florida or Arizona. These are single-family homes that people are living in, and the idea that 6,000 people and families in that city would be adversely affected ought to cause all of us great pause to ask what can we do creatively and imaginatively to help out.

The CDBG program has been very useful over the years in providing mayors and county supervisors and others across the country some help in this area. I think it would be a smart short-term effort.

Foreclosed and abandoned homes are devastating—again, I am preaching to the choir as we all know this—to communities around the country. They lead to a cycle of disinvestment and crime in neighborhoods. All of the commensurate problems that emerge with abandoned properties hardly need to be articulated again this morning. We all understand it. The property values and property tax bases all suffer, thereby leading to service cuts and further disinvestment. So CDBG money could provide, I think, some very valuable resources for these communities. Again, we are talking about \$10 billion. It is not insignificant, but if we think about the potential good it could do, I think it would be a worthwhile investment.

Let me mention another idea. I want to thank the American Enterprise Institute and the Center for American Progress that wrote an op-ed piece on this idea. It is an idea that comes out of both conservative and liberal to moderate think tanks about what to do about foreclosed properties, where you have people living in their homes. This is about a need for a temporary apparatus to mitigate foreclosures.

I am working with a proposal to create what is called the Homeownership Preservation Corporation, which was tried actually in the 1930s and worked rather well under similar circumstances. Very basically, this proposal would allow for the purchase of very distressed mortgages either in default or about to go in default. These are single-family homes with people living in them. Again, it is not housing speculators that we are talking about here.

What you have already going on is, there are people actually going out buying some of these loans in the hopes they will restore it and sell it at some point down the road. The Homeownership Preservation Corporation idea would allow us, in effect, to form a corporation to do this: buy them at discounted rates, so the lender gets a haircut, but there is still someone paying the note. You get a fixed rate deal, so the homeowner stays in it under terms they can afford to stay in, so you do not have your neighborhoods deteriorating. If it works as well as it could

work, I think you actually have a program that has little or no cost to it. What you have done is stabilized these neighborhoods and allowed people to stay in their homes. While everyone suffers to some degree, it also allows us to preserve people's ability to remain in these neighborhoods, remain in their homes.

As I said, this was done during the Great Depression very successfully back a number of years ago, at little or no cost to the Government. Under this concept, no one gets bailed out. Everyone shares in the pain of the housing bust. But at the same time, a market-based mechanism is established that can restore confidence to lenders and investors, and give innocent homeowners a chance to save their homes.

In the longer term and this is the last point I want to make, we need to end predatory lending practices. I introduced a bill in the fall that will crack down on these practices. Again, there will be ideas that our colleagues will bring to this debate. I do not claim we have captured all the wisdom in this area. But clearly we want to send a message that some of these practices cannot go on any longer. My hope is we will get some strong support again from across the political divides in the country. Fifteen of our colleagues have already cosponsored the bill, and others are welcome to do the same.

In addition to the problems in our housing market, we also have tremendous challenges and opportunities with respect to our Nation's aging infrastructure.

Again, I thank the Chamber of Commerce and I thank the labor unions who are supporting my bill. I thank BYRON DORGAN, people such as Felix Rohatyn, Bernard Schwartz, CSIS, and others for spending the last 2½ years with Warren Rudman, CHUCK HAGEL, myself, and Bob Kerrey in putting together this proposal of an infrastructure bank.

Again, the estimates are that we need \$1.5 trillion just to bring our infrastructure up to current levels. Our infrastructure is declining and deteriorating literally as we speak. The definition of infrastructure has changed as well. It is not just the physical infrastructure but human infrastructure as well. The FAA system is in deep need of modernization, or we are going to face some tragedies if we don't understand how important that piece is. There are a wide variety of issues that need to be addressed with infrastructure. Throughout history I think we have all understood the value, economically, to our country that has come from investing in infrastructure. Bob Herbert's article this morning very generously talks about the bill CHUCK HAGEL and I have introduced. He talks historically about the great canal systems in the Midwest that opened up opportunities for New York, and obviously, the interstate highway system under the Eisenhower administration, and the incredible economic expansion

that occurred as a result of those investments. The rural electrification programs that brought electrification to rural areas in the country made a huge difference to people and to our nation.

So we invite our colleagues to look at these ideas on how we can expand our efforts to meet our infrastructure needs. It really is an issue that demands the attention of this body. So I offer that idea as well.

In conclusion, I think the package the President and House leaders have laid out is a good one. I think it can be expanded on, and it addresses some of the critical areas. More needs to be done. If we don't follow up on the stimulus package with some of these other ideas, I think we will have missed a significant not only opportunity, but I think an important moment in our history to restore that confidence and optimism people are looking for.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the period for morning business be extended for 30 minutes, with the time equally divided.

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

The Senator from Georgia is recognized.

TRIP TO IRAQ

Mr. ISAKSON. Mr. President, I rise in morning business to discuss a recent trip I made about 2 weeks ago to Iraq. It was a trip I made, as I have every year since I have been in the Senate, to visit Iraq, to visit firsthand with Georgia troops on duty, Georgia troops who are there standing guard for America, as well as to interact with the Iraqi Government—the Kurds, the Sunnis, the Shias—and rank-and-file Iraqi people to measure the progress of our effort in Iraq but, more importantly, the progress of the Iraqis themselves.

I am delighted to be able to come and give a very unbiased and, hopefully, unvarnished and very plain recitation of the remarkable changes that have taken place in that country. We all know a year ago in this body we had serious debate over the fate of our effort in Iraq. There were calls for us to withdraw. There were declarations that we had lost. There were other challenges that were brought forward. But finally, though difficult, the decision by the President to commit to an increase of troops for the surge and follow the anti-insurgency plan of General Petraeus and put General Petraeus in charge finally became a reality.

About midyear on the ground in Iraq the deployment was complete and they began exercising the plan.

Let me try and give an idea of what Iraq today is like compared to Iraq 1 year ago. When I landed at the Baghdad Airport, for the first time I drove

by car—by armored vehicle—into downtown Baghdad. Every year before we had to fly in on Apache helicopters because of the ground fire and the danger. We arrived in Baghdad in the Green Zone and spent the night. On every trip before to Iraq, they took us out to Kuwait City to a Sheraton Hotel when darkness fell in Baghdad because it was so dark. Twice during the course of the visit we got outside of the Green Zone and into a Chevy Suburban in one case, and into an MRAP in another case, and went out on two excursions. I would like to talk about them for a second.

The first was in an MRAP. I have to pause here and pay great tribute to Senator BIDEN. About 18 months ago, Senator BIDEN led the charge in this body for us to fund the MRAPs to try and do away with the tragic loss of life that was taking place through IEDs on the ground and on the roads in Iraq and in Baghdad.

There is no question in this body that the most strident voice in favor of that funding and that commitment was the Senator from Delaware. Today, the soldiers of the United States of America and of Iraq and of our coalition partners ride in the new MRAP vehicles, which are remarkable. General Petraeus told me at the dinner I had with him that in the first five hits where an IED exploded under an MRAP, there was not a single scratch of an American serviceman. I know a week ago we lost our first serviceman in an MRAP, but that serviceman was the gunner above the turret at the time he was hit. It has a 100-percent record in terms of those inside of the MRAP when moving the troops. It is a marvelous transformation and a great testament to this body, Republican and Democrat alike, to rise to the occasion to see to it that when our men and women are threatened, if there is a technique, if there is a technology, if there is engineering sufficient to bring about a new product, we will do it, and we will fund it. We did it on the MRAP, and today our soldiers are safer and our efforts stronger.

I rode in one of those MRAPs to a neighborhood known as Gazaria. Gazaria was the neighborhood that was completely destroyed 2½ years ago. I went to a market that had about 20 shops, of which about half were open, and traveled with a squad headed by a lieutenant colonel who was making microgrants and microloans and measuring the progress of previous loans that had been made to Iraqis who were reopening their stores. Senator CORNYN, Senator COBURN, and myself stood in a bakery and ate an Iraqi-type of flatbread and drank tea in a market that had been totally destroyed and unoccupied for 2½ years. We went to an auto repair shop where two brothers had reopened the shop and were beginning to do repairs and had bought a generator to provide them with reliable, continuous electricity. These are microloans made by the United States

of America to the Iraqi people to reinvest in themselves, reinvigorate their enterprises, reinvigorate their employment.

Was it dangerous? Sure. We had on bulletproof vests, we had on helmets, and we traveled in MRAPs. But heretofore you could never have gone into downtown Baghdad as we did on this trip. Twice we ran into local Iraqis: once two Sunnis who joined the awakening movement and the CLCs who were taking up arms to guard the secured market to see to it that no terrorist or insurgent could come in and do damage, and then twice to refugee families who over 2 years ago had left Baghdad and Gazaria with no intention of ever returning, but now, because of its relative security, they returned.

The second trip was made by Chevy Suburban—not by armored tank or not by MRAP—and we left the Green Zone and went through Baghdad to the government building where we met with Sunni, Shia, and Kurdish leaders. For the first time in my annual trips back there, the talk was substantive and the inference on the part of the leadership was that things were getting ready to get better. As all of us know, on deBaathification and reconciliation, things have started to happen.

As the President acknowledged in his speech last night, they will be happening in terms of sharing the oil revenues and eventually a hydrocarbon law for the entire country.

My point in bringing this story to the Senate and telling it firsthand is the progress the President described last night is real. It is tangible. Things are changing in Iraq, and they are changing for the better for the Iraqis and for us. We have brought back two groups, and as the President said, we will bring back five more without replacing them this year. Our troop level will be going down. We are going from a combat confrontation to an oversight role in terms of helping and providing logistics to the Iraqis.

Have the Iraqis responded? Think about this: Remember about 6 months ago when the Prime Minister of Great Britain said they were pulling the British troops out of Basra, and the American press wrote about another failure: One of our partners was leaving, so what were we going to do. Nobody has written about Basra since then because here is what happened: All the Brits who left were replaced by Iraqis—not by Americans, not by coalition forces. Have you read about damage or problems in Basra? No, you haven't because the army has performed magnificently—the Iraqi Army.

Today we read of reports in Mosul, and we mourn the tragedy of the loss of U.S. soldiers, but in that big attack going on against one of the last strongholds left of the insurgents of al-Qaida, the spear of that attack, the point of that attack was all Iraqi soldiers. I had the privilege to meet with Iraqi generals who, for the first time, see themselves energized, see themselves fully

capable of assuming the role that we have taken for so long: for us to move to oversight and for them to move to the point of the spear.

The practical matter is, whatever mistakes may have been made in the past, whatever differences we may have had, the young men and women of the United States of America have performed magnificently. General Petraeus has lived up to every single promise of hope we had for him.

In the name and in the memory of the tragic loss of life in Iraq, Georgia soldiers such as Diego Rincon, LTG Noah Harris, SGT Mike Stokely, and the other 119, the sacrifice they have made has not been in vain, and we are on the doorstep, hopefully, of building and of helping to have created a democracy that will last and endure in the Middle East. Hopefully, it will be the first step of many to accomplish the hope of peace, freedom, and liberty that we in this country so often take for granted but the rest of the world cherishes.

So the President was right last night in his State of the Union speech. We have made great progress. There is work left to be done, but there is light at the end of the tunnel, and it is not a locomotive. It is the light of hope, liberty, and peace and freedom because of the sacrifice and the endurance of the fine young men and women in the U.S. military serving in harm's way today in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont is recognized.

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

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

THE ECONOMY

Mr. SANDERS. Mr. President, last night I listened intently to President Bush's State of the Union speech, and, frankly, I had a hard time understanding what country the President was talking about and what reality he was talking about. Certainly, if the State of the Union refers to what is happening to the shrinking middle class of this country and how we as a people are doing, the President had almost nothing to say that rang true. In fact, last night's speech just reminds many of us how far removed from the reality of ordinary life this President is and how little he and his administration know about what is going on in the lives of millions and millions of people in cities and towns across this country.

In my view, the President's speech was lacking not just for what he said but, perhaps more importantly, for what he didn't say. Somehow, President Bush forgot to mention some of the results of his failed economic policies and how they have impacted the lives of ordinary people. So let me take

a moment, therefore, to review the record the President refused to talk about last night.

Since George W. Bush took office in 2001, nearly 5 million Americans have slipped out of the middle class and into poverty. These are mostly low-income working people whose wages have not kept up with inflation. These are people all across the country who are trying to make it on \$6 or \$7 an hour without any health insurance, desperately trying to keep their families above water. These are, by the way, parents and kids in Pennsylvania and in Vermont who are now flocking to emergency food banks because they simply don't have the income to buy the food they need in the United States of America in 2008. It might have been a sign of decency on the part of the President to at least recognize that reality which is impacting so many of our people, and the reality that hunger in America is actually going up.

Since George W. Bush has been in office, median household income for working-age Americans has declined by almost \$2,500. That is a lot of money. Also, overall median household income has gone down by nearly \$1,000. This is the shrinking middle class, and maybe as people are working longer hours for lower wages, maybe as people are working 50 or 60 hours a week trying to bring in enough money for their families to pay the bills, maybe the President might have said a few words to them that he understands the reality they are experiencing. Maybe he might have said to the young people of our country that he is concerned if we don't turn around our economy, for the first time in the modern history of this country their generation will have a lower standard of living than their parents; maybe just a few words to those young people so they know he knows what is going on in their lives.

But I didn't hear that. I didn't hear that at all.

Mr. President, since George W. Bush has been in office, 8.6 million Americans have lost their health insurance, and we are now up to 47 million Americans without any health insurance whatsoever. Meanwhile, health insurance premiums have increased during Bush's tenure by 78 percent—a huge increase in the cost of health care.

Last night, while the President gave us his usual rhetoric about all of the virtues of free market health care, he somehow forgot to tell us why we spend almost twice as much per capita on health care as any other nation, and why we are the only major country on Earth without a national health care program guaranteeing health care to all people. The President didn't even tell us why he vetoed legislation that would expand health insurance to millions more children; just the usual rhetoric about free market health care, which is failing us every single day.

During his remarks last night, somehow President Bush neglected to mention that 3 million workers, since he

has been in office, have lost their pensions—the promises that were made to them for their retirement years—and about half of American workers in the private sector have no pension coverage whatsoever. I didn't hear much from the President about that.

What I did hear is the President's rhetoric about "Social Security reform," which are code words for the privatization of Social Security. At a time when seniors are facing more and more insecurity than they have seen for a very long time, privatizing Social Security is the last thing this country needs.

Last night, President Bush once again pushed for more unfettered free trade agreements, despite the fact that since he has been in office the annual trade deficit has more than doubled, and over 3 million manufacturing jobs—good-paying jobs—in this country have been lost. It astounds me that, despite the horrendous record of these unfettered trade agreements—NAFTA, CAFTA, and permanent normal trade relations—we have a President who says: Look, we have failed year after year, we have lost millions of good-paying jobs, our trade deficit is soaring, and do you know what the answer is? We need more of this failed trade policy. In my own small State of Vermont, never one of the great manufacturing States in this country, we have lost, since the President has been President, 10,000 manufacturing jobs—25 percent of the total or one out of four manufacturing jobs. And President Bush says we need more outsourcing; we need corporations to throw more American workers out on the street so they can run to China and pay people 50 cents an hour there, and then bring the products back into this country.

Last night, President Bush did say a word about gas prices going up. But he did forget to tell us that since he has been President the price of gas at the pump, and home heating oil, has more than doubled. For whatever reason, he also forgot to tell us that, year after year, while Americans are paying outrageous prices for oil and gas, the oil companies are enjoying record-breaking profits. I didn't hear him mention anything about that, not one word.

A couple of years ago, for example, ExxonMobil—which has enjoyed huge profits while Americans are paying \$3.15 for a gallon of gas at the pump—gave a \$398 million retirement package for its former CEO, Mr. Lee Raymond. And our people are paying \$3.15 for a gallon of gas. The President forgot to talk about that.

Also, I found it interesting that President Bush neglected to discuss that for the first time since the Great Depression the personal savings rate in this country is below zero. This means that because of the dire economic conditions facing so many of our people, we as a people are actually spending more money than we are earning. In fact, today, millions of Americans are

buying their groceries with credit cards. They don't have the cash to buy the food they need. They are going into debt to buy groceries. And our friends in the credit card industry are then charging them 25 or 30 percent interest rates for the groceries they are buying on credit.

For some reason, last night in his State of the Union Address, the President also neglected to mention that home foreclosures are the highest on record, turning the American dream of homeownership into an American nightmare for millions of our fellow citizens.

The reason I am raising these issues is because if we as a Senate, as a government, do not talk about and discuss the reality of life in this country for the vast majority of the people, if we do not understand what is going on in the cities and towns across our Nation, then it will be virtually impossible for us to formulate the public policies we need to transform our economy so that it begins to work well for all of the people and not just the wealthiest people on top.

Also, we do not do this enough. It is important to take a look at what is going on in our country compared to what is going on in many other industrialized nations. Very often, I hear people on the Senate floor say we are the wealthiest and the greatest Nation in the world. We are all of these things.

Let's look at some of the facts as they apply to the lives of ordinary people. What country in the industrialized world has, by far, the highest rate of childhood poverty, where one out of five children are living in poverty? Is it France, Germany, or the U.K.? No. It is the United States of America. One out of five children in this country live in poverty. And shock of all shocks, we end up having the highest rate of incarceration—putting people behind bars—of any other country on Earth. If you think there is not a correlation between those two factors, I would strongly disagree with you.

Unfortunately, the U.S. today has the highest infant mortality rate of any major country on Earth, the highest overall poverty rate, the largest gap between the rich and the poor, and we are the only major country in the world not to provide health care to all of their its people as a right of citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with the time equally divided.

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

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

NUCLEAR WASTE POLICY AMENDMENTS ACT

Mr. CRAIG. Mr. President, I come to the floor to speak about a piece of legislation that has been introduced by our colleague, Senator JIM INHOFE, of Oklahoma, S. 2551. It is entitled the Nuclear Waste Policy Amendments Act of 2008.

The reason I do this is multiple in the issue of nuclear energy today and the management of the waste stream that flows from not only current nuclear reactors operating in our energy portfolio, but, of course, the growth of generating capability through nuclear reaction as it relates to all that is going on out there from the creation of the Energy Policy Act of 2005, the 30-plus reactors that are on the drawing boards today, and the opportunity to see new reactors built in our country to supplement and build our energy base, and the issue of how we handle the waste.

As most Senators know, Yucca Mountain, a permanent deep geologic repository in Nevada, has become increasingly controversial over the years largely because of the delegation from Nevada and the antinuclear folks, but also the reality of reprocessing and still finding a permanent repository for nuclear waste. I strongly support Yucca Mountain. I believe we need a deep geologic repository, whether it is for the current waste that is in storage at most of our reactors or whether it is for the refined waste that would come from a reprocessing stream. So for a few moments today I thought I would share with fellow Senators a legacy that most don't realize but I find extremely important in this overall debate of a nuclear renaissance and Congress getting real and honest about how we handle a waste stream, instead of the political football that some would like it to be and, therefore, create the uncertainty that results from that.

In my State of Idaho, I have a national laboratory. The State of Idaho hosts one of our Nation's premier energy laboratories, known as the INL, Idaho National Laboratory. It started in 1949. It started for the sole purpose of a national reactor testing site, where reactors would be built and tested before they went into commercial use or, at this time and place, mostly military use and for national security purposes. So a site that was started in 1949 actually saw by 1951 the lighting of the first light bulb ever lit in America by nuclear reaction. That site today is now a museum, so dedicated by President Lyndon Johnson. Many people have come to see the first reactor ever built to light the first light bulb ever lit by nuclear reaction in this country.

Since that time, 52 test reactors have been built onsite at the Idaho National Laboratory. Idaho is also, therefore, the home of something else—the legacy of nuclear reactors. Three hundred metric tons of spent nuclear material and 4,000 metric tons of high-level

waste are stored at this national laboratory. Most of this waste was generated from defense and from our Navy's nuclear program. In fact, one of the most successful programs ever in the history of the world has been our naval vessels powered by nuclear reaction. All of the waste from those reactors over the years has been stored at Idaho.

Idaho was the premier training location for our men and women in the nuclear Navy to come and learn how to manage and operate nuclear reactors in our nuclear Navy. We also have waste from West Valley in New York, and other locations, because Idaho has been the recipient of that waste. But I must say that as a result of that, the Federal Government signed an agreement with Idaho some years ago that all of that waste would go to Yucca Mountain by 2035, or to a deep geologic repository other than the State of Idaho, where it is now stored in dry storage and in wet storage.

There is no other disposable option for our Navy's high-level waste. Because of the configuration of the waste, of those reactor fuel rods, they cannot be reprocessed. So they, unlike the commercial reactor spent fuel rods, have to go into a permanent home and permanent waste. Idaho, South Carolina, and the State of Washington are all relying on Yucca Mountain for permanent disposal of this waste.

So it is critical that this Senate, this Government, doesn't put aside the issue of Yucca Mountain, but that we deal with it in a forthright way, that we recognize there is truly a need for some geologic storage of our types of waste, especially our military waste that, in many instances, is stored in South Carolina, Washington, and my State of Idaho.

As I said in my opening comments, since we passed the Energy Policy Act of 2005, and we began to streamline the process to bring a new design construction concept on line and grant guarantees for the construction of nuclear reactors for commercial electrical production, there has been what many call a renaissance as it relates to the possibility of pouring concrete to actually build new reactors.

Certainly, the debate of climate change, the emission of greenhouse gases has caused us to recognize the need for what we call baseloading of our electrical system with large units of production that are nonemitting. And, of course, at this time, technology says the only one that is out there in that high-capacity way would be a nuclear reactor. That is also clearly what has fed the growth, the desire to develop, the licensing process that is underway, the design concepts, the attempt to locate new reactors at current sites and facilities.

Something happened in my State of Idaho this past week that tells me and should tell the world there is still a great deal of uncertainty out there as it relates to siting a nuclear reactor.

Part of that uncertainty is the unwillingness of this Congress to get on with the issue of siting a deep geologic repository, getting the licensing process over, dealing with reprocessing, and truly bringing our arms around the issue of the waste stream.

Mid-America, a large utility in the Midwest that has recently acquired utilities in Idaho and adjoining States or at least utilities that feed part of Idaho's electricity, made the decision that they would attempt to build a nuclear reactor in my State of Idaho. They looked all over the country and decided Idaho was the preferable location based on their needs and their need to load their service area and because they thought the climate was appropriate in Idaho. They studied it. They spent millions of dollars looking at that possibility. They determined this past week they would not move forward. Why? Because even under the most favorable conditions and in possibly the most favorable State, they found the uncertainty and the expense was still too great.

Who is Mid-America? It is an asset of Berkshire Hathaway. It is an asset of Warren Buffett, probably one of the deepest pockets in the world. Yet they and their studies, with due diligence, determined they would not move forward after millions of dollars were spent.

It was all based on cost and uncertainty, and part of that uncertainty rests right here in the Senate and with a Congress that will not in a clear, clean, decisive way say: We are going to deal with the issue of the waste stream as the rest of the component pieces that we put together to build a true nuclear renaissance in this country. It is critical we move forward. This legislation, S. 2551, speaks to that point. It speaks to that long-term importance.

I cosponsored legislation this past year that Senator DOMENICI and I introduced that dealt with the kinds of issues that are dealt with in S. 2551. These two bills, the Domenici-Craig bill, now the Inhofe-Craig-and-others bill, would allow Yucca Mountain to open on a predictable timeline, replacing, as I have said, the uncertainty. And it protects the citizens of Idaho, South Carolina, and 30 other States that are currently storing nuclear materials.

Nuclear energy, nuclear power clearly remains our best and brightest option in the near term as it relates to a sustainable, nonemitting source of energy for our country. Clearly, this Congress should not, and to date has not, stood in the way of building that renaissance from the policies passed in 2005, to the guarantees we are offering, to the new licensing process the Nuclear Regulatory Commission is now in the final stages of developing. The only piece left undone is the issue of waste stream, and it is critically important we deal with it. If we do not, if we were to put a blight on the potential growth

of nuclear energy, here is what could happen. From 1995 to 2006, nuclear power helped us avoid emitting more than 8 million metric tons of carbon dioxide into the atmosphere. Many States have started to say no to coal and yes to nuclear power or other forms of clean energy. But other than nuclear power, they are limited, and clearly we should not be saying no.

Our economy, our growth, future jobs for this country, the vitality of our economic leadership in the world is tied to available energy, abundant energy, and reasonable cost energy. We know today the one source of energy that answers all those charges is nuclear.

Yucca Mountain remains a key piece of all of that picture. That is why Senator INHOFE has introduced the legislation, why I am a cosponsor of it. I certainly encourage all my colleagues to look through clear glasses at this issue because we have to deal with the waste stream in a responsible fashion. We need to do so in a way that is acceptable to the industry and acceptable to the American people.

The efforts that have been put forth from day one in the examination of the geology, the development of the core tunnel at Yucca Mountain—all those stages are there for the public to see. The licensing process is now underway, which is the next step. Let's don't arbitrarily and politically step into the middle of it and mess it up.

I must tell you the frustration I have had listening to Presidential candidates out on the road. If you want the endorsement of a single State, you are against Yucca Mountain and that single State was Nevada. This is a national issue; it is not a local issue. This is Federal land properly handled, properly researched, and it can be properly developed in a safe way for all Americans and for our future. That is what this legislation speaks to.

I am pleased to be a cosponsor with Senator INHOFE. He introduced it in a timely fashion. Clearly, in the course of this year, it is something that needs to be debated; it is something with which we need to deal. This administration has moved forward as quickly and responsibly as they could, and the licensing process is certainly something that needs to be completed in the overall effort of the renaissance of nuclear power in our country and that form of generation as an important option in our mix of energy sources for this Nation for now and into the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ECONOMIC STIMULUS

Mr. GREGG. Mr. President, I wished to rise to talk a little bit about the proposed stimulus package which is working its way through the Congress and has been agreed to between the President and the Speaker of the House.

First, I congratulate the Speaker, the Republican leader of the House, and the President, especially Secretary Paulson, for sitting down and trying to reach a bipartisan understanding as to how we move forward in what is obviously a very tentative economic time. We know in this Nation we are confronting some very serious issues, most of them brought on by a bubble in the credit markets relative to lending for housing construction. As happens with a classic bubble—and this is a classic bubble—when it bursts, when, in other words, the underlying security and the people responsible for paying back the debt cannot do that because money has been lent to people who are not in a position to repay their loans and the security under that debt has not been able to be maintained to reinstate the value of that debt, when that happens, that not only affects the loans, the immediate loans that are impacted, but it leads to a further contraction in the marketplace.

I have been through this a number of times in my experience, and it always seems to happen the same way with loans which turned out to be not well made being called, and they are then followed by the people who lent the money and the capital markets having to contract in order to basically build back up their capital positions. So people who actually have good loans find that they cannot get credit extended further and it feeds on itself and you start to see a slowdown. That appears to be the type of issue which we may be confronting as a Nation, where we know we have a huge subprime problem. It is very big. We know that may lead to a further contraction. In fact, we are already seeing that.

We know also, ironically, in this market, what happened was a lot of those loans were syndicated out and then they were put in synthetic instruments and actually multiplied their impact and we ended up with an inverted pyramid. We have one little loan with inadequate capital which can't be paid back, and then you have a pyramid with the way that loan is chopped up and can't be sold. So it is exaggerated in size. So this is a big issue for us as a nation. The question is how to address it.

Well, first off, I congratulate the Fed because the Fed has stepped up. I wish they had stepped up earlier, but they have stepped up and reduced rates and, as a result, that should create more liquidity in the market. The second is fiscal policy, and that is where the President's proposal, working with the Speaker of the House and the Republican leader, has come forward. It is called a stimulus package, the purpose

of which, in an economic slowdown, is to pursue classic economic policy, which is to stimulate demand during a time of economic slowdown in order to stimulate the economy, generally. That is a "black letter" rule of how you try to abate the economic slowdown. The question is: Will it work? Will what has been put on the table make sense and will it work?

Remember the last time we did this—with what is known as the tax rebate, which are not tax rebates because most of the people getting these don't pay taxes, it is an income transfer—we were coming off a period of surplus, the only time of surplus in the last 30 years we have had as a Federal government. We had 3 years of surplus, and we felt we had cash in the till to rebate or to pay out. Now we don't have the surplus. In fact, we have a deficit. It is not a huge deficit but still a deficit. It has been coming down over the last few years, which is the good news. But it does mean any stimulus package we pursue is going to have a debt effect.

In other words, we are going to have to borrow the money in order to pay it out to people through this tax rebate or basic payment process. So who ends up paying it? Well, our children are going to pay the cost of this stimulus package, and it is going to be because it is a debt-compounding event. In other words, if the package represented today is to be \$150 billion in cost over its lifetime, which is supposedly confined to this year, that debt that you have to borrow to pay the \$150 billion will have interest earned on it. So after 10 years, that becomes \$200 billion in debt because it won't be paid back over 10 years and our children and our children's children will have to pay the burden of that.

So basically we are saying to our children, some of whom haven't even started earning money yet, we are going to give you a \$200 billion bill for this stimulus package we are going to put in place over the next 6 months. So if we are going to do something such as that, which is fairly significant, we better make sure the stimulus package works; that it actually stimulates the economy; that it actually does retard the slowing of forces slowing down the economy and, hopefully, reenergize it.

The proposals which we have on the table and came from the House break into two basic approaches: First is a pure consumption approach, where you basically give people of middle and low incomes in this country—I think it is \$80,000 of individual or \$175,000 of joint income—a tax rebate of \$600 to \$1,200. That is a payment. It is structured in a way that some people who don't pay taxes will actually get the payment. The theory is they will take that money and they will go and spend the money and, as a result, the economy will see a boost.

There are two problems with this theory we need to address, however. First, under the present structure of our Internal Revenue Service, the CBO,

which is a fair arbiter—they do not have prejudice in this debate—the CBO has testified—the Congressional Budget Office—that the IRS—and they have consulted with the IRS on this—the Internal Revenue Service cannot get these checks out before midsummer, probably, or late June at the earliest.

CBO has further testified that the actual economic impact of people spending this money, these rebates, these payments, will probably not occur until the late third quarter, early fourth quarter of this year. Interestingly enough, Dr. Orsak, the head of CBO, has also testified—and again this is a fair arbiter—that the slow period, the period when you need stimulus, is the next two quarters or the next two-and-a-half quarters. And he has said, quite simply, that because of the limitations within the IRS, this rebate probably would not help those quarters.

So that should be a concern to us. The money may not end up coming into people's hands—taxpayers or non-taxpayers—to be able to be used in the timeframe when it is going to be most needed.

In fact, toward the third quarter of this year and into the fourth quarter of this year, it is again the testimony of the CBO Director that the cuts the Fed has put in place, the $\frac{3}{4}$ -percent prime cut, is going to cause the economy to react to that cut in a positive way, hopefully, and that will occur in the third and fourth quarter mostly. So you could actually end up with two events on top of each other acting as a stimulus at the same time when we no longer need a stimulus. So we need to be concerned about that. That is of concern.

The second problem which this proposal has—of taking a large amount of cash and putting it on the table for people—is that, again, it may not stimulate our economy. In other words, if somebody goes out with their \$600 rebate and they buy a television made in China or they buy an iPod made in Vietnam—I don't know if that is where iPods are made—or if they buy a washing machine made somewhere else—if the product isn't actually physically produced here—then, basically, you are not stimulating our economy, you are stimulating the economy where the product is produced. Since the assumption is most of these dollars will be spent on consumable items or will be used to pay down credit cards, which has no stimulus effect at all—theoretically, if it is spent on consumable items and, for example, is apparel or consumable goods which are manufactured overseas, then the stimulative effect for the United States is extremely limited, only at the margin. Again, this was testified to by the Director of CBO.

So these are two concerns with this idea of infusing money into the package. The second part of the package says: Well, we are going to do an inventory of basically a business incentive

event. We are going to allow people to expense capital purchases, versus depreciate, over a number of years. We are going to allow people bonus depreciation. Both of those are probably good tax policies from the standpoint of strengthening our economy over the long run because they make the economy more efficient. It means some small businessperson will be able to go out and buy a machine which makes their business more efficient, and as a result of being more efficient, it makes the American economy stronger. So yes, that is good policy, but it will have very little stimulus effect on the underlying economy.

So the concern is the House package may not have the stimulus it claims to have and may end up being a debt event which our children will have to repay. What concerns me even more, though, is what is being talked about in the Senate. We are talking about taking the House package and significantly bidding it up. The House package bothers me to begin with, but to bid it up in the Senate is a mistake.

We are talking about expanding the rebate to everybody. Now, that will have absolutely no stimulus effect, in my opinion. To say that high-income individuals or people with joint incomes over \$100,000 should get a stimulus, should get a \$500 payment—first off, they probably don't need it; and, secondly, they do not need it if we are going to borrow from their children; and, thirdly, they are probably going to save it, which is great in the long run but has no immediate stimulus effect.

Secondly, there is a proposal to include an extension of unemployment compensation benefits—unemployment insurance. Well, that would make sense if we were in a recessionary event, but right now the national unemployment rate is about 5.1, 5.2 percent, which is deemed full employment. Anything between 5 and 5.5 percent is historically a full-employment situation.

There are pockets of communities around this country which have higher unemployment, no question about it. But to put out a nationwide extension of unemployment insurance for an additional year, which is what is being talked about, or for an additional 6 months, which is also being talked about, that creates an incentive, in a full-employment economy, to not co-operate, to not go out and find jobs. It has the opposite effect. It is intuitively obvious that has a perverse impact on what you want in the area of human reaction, which is to go and find a job, if the jobs are available. Jobs in a 5-percent economy are available.

So any unemployment extension should be tied to a trigger, and that trigger should be set at what has been the historical levels of what is deemed to be recessionary, or a significant slowdown, which is around 6 or 7 percent, so you don't extend unemployment insurance unless you hit that level of unemployment. You can also

make it regional. If one region has 6 percent unemployment, then you give them the extended unemployment insurance. If one region doesn't have 6 percent unemployment, you don't give them the extended insurance.

We are also talking about, on our side of the aisle, adding food stamps, adding FMAP, adding LIHEAP, adding infrastructure, and adding State and local tax deductibility. All this has been thrown out by other Members on our side of the aisle. State and local aid. It is making it a grab bag of everybody's ideas of whom they want to take care of and whom they want to attract in terms of political support or what is important to say to supporters or a group of people they think are important as their constituencies.

And that makes no sense at all. First, it is going to slow this package dramatically if you do that. Second, you are not going to improve stimulus activities around here by doing that. So I would hope we would not proceed that way.

I have a lot of problems with the initial package. I do congratulate the White House. I do congratulate Speaker PELOSI and Congressman BOEHNER for putting together a package and for recognizing the need.

I have big reservations as to whether it is the most useful package from the standpoint of stimulus, but it appears, in light of what the Senate is now talking about, to be the high watermark. Maybe we should take the House package and pass it and acknowledge the fact that we have done something.

The biggest impact of this event is very obvious; it is psychological. It is a big price to pay for a psychological event, \$150 billion, which adds up to \$200 billion over 10 years to our children. That is the big impact, that the American people and the world can see the Congress and the President can work together to address what we see as an economic slowdown, even though what we are proposing probably will not have the effects we hope it will have in the short term.

But we should not aggravate this problem by significantly increasing the lack of focus of the package by throwing in all these other ideas, by expanding the rebate to high-income individuals, by extending unemployment insurance in areas where there is basically full employment. Literally, the House package becomes the high watermark. I thought I would never say that, but that is the way it looks right now from the Senate activity.

So I wished to make those points because I think we may have to have an open discussion of what goes on around here, but we also have to have expedited activity. I do not want to slow it down.

I do want to make the points that if we start throwing all this baggage under the bill, we will probably set the train in the wrong direction.

I appreciate the courtesy of the Chair and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from New Jersey.

EXTENSION OF MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the period for morning business be extended for 2 hours, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that any quorum time be equally divided.

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

Mr. LAUTENBERG. 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. HARKIN. 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. HARKIN. Mr. President, I understand we are in a period of morning business.

The PRESIDING OFFICER. Yes, we are, for roughly 2 hours.

STIMULUS PACKAGE

Mr. HARKIN. Mr. President, I thought I would take a few moments to talk about this stimulus package that is sort of maybe making its way through the Congress.

I was in my home State of Iowa this weekend, and a lot of people came up to me, from various walks of life, questioning whether we had lost all our sanity around here in terms of this stimulus bill.

Well, as I probed and asked questions, it seemed everyone thought this idea of just sending a check out to everybody—when we are borrowing the money from our kids and grandkids—to do it did not seem to make much sense, especially if some of that so-called stimulus money is used to buy a flat-screen TV made in China.

So we borrow money from China, we go into more debt to them—which our

kids and grandkids and great-grandkids and on and on will have to pay for—so that people here can buy a consumer good made in China, and send the money to China. So whose stimulus is this? Is it for our country or is it for China? So people really rightfully question it.

Now, they have heard that maybe we are going to send a check to everybody regardless of income, that Bill Gates—and God bless him; he is always the foil, I guess, for the wealthiest in our country—and people of that magnitude of income would actually get a check.

I have to believe people are beyond laughing about this now. I have to believe the citizens of this country are scratching their heads and wondering just what we are doing.

What I heard from my constituents in Iowa is that if you really want to do something in terms of the economy, first of all, you take care of those who are hurt the most, those at the bottom, and then you take and you invest money in the economic well-being of this country.

So the more I talked to people about this issue, it became very clear to me that what we should be focusing on in the stimulus package—not what the White House has said and not even what the House said. I was not part of that agreement. I was not invited to those talks or anything else. It was only done by the Speaker of the House, I guess, and the minority leader of the House and the President. Well, there are 100 Senators here, too, and we represent people. It would seem to me we should have some input into what this “stimulus package” is.

So it is clear to me that just taking a bunch of money we borrowed from China—which our kids and grandkids have to pay back—and giving it in a check to everyone, just throwing it out there, is just throwing money at the problem. How many times have we heard around here: Don’t just throw money at the problem. So if we have an economic slowdown, let’s target—let’s target—what it is we are going to put our money into.

Now, first, you want to ask the legitimate question of, if you are going to spend a dollar, what gives you the most economic activity? What rolls around the most in the economy? What has the largest multiplier effect? Well, the Economic Research Service, the Moody’s have all said that the biggest bang for the buck we could get is in food stamps—either a 1.73 or a 1.84 multiplier effect. It means for every \$1 you put in, you are getting \$1.84 more in economic activity. That is the highest. It dwarfs everything else. Here is a way we can actually do something about the economy, target money and help those who need help the most.

We have had a constant erosion in food stamps, a 30-year erosion in the asset level. The asset level right now for a person who qualifies for food stamps in this country is \$2,000. In other words, if you are a single parent

with a couple of kids and you are working—maybe you are in a temporary layoff now with the economic turn-down, but let’s say while you were working you saved a little bit of money for that rainy day. We are always telling people to save money. It is good for you. It is good for your future. So maybe they saved a little bit of money. Well, if they saved over \$2,000, they do not get food stamps. That is the same level it was in 1977. If it had kept pace with inflation, the asset level today would be about \$6,000. So we have had that erosion now for 30 years. We have had 11 years of an erosion of the standard deduction, which is, without getting into the nitty-gritty of how it works, just a standard deduction for a family on food stamps, taking into account certain factors that comes out to be a deduction of about \$130 a month. That is at the level it was 11 years ago. It hasn’t changed. It was frozen at that level in 1996.

The childcare deduction is now capped at \$175, and it has been that way for 11 years. There has been no increase in the childcare deduction, even though we know childcare costs more money today than it did 11 years ago. So we have had great erosions. Couple that with the fact that since 2000, the number of people on food stamps in this country has gone from 16 million to 26 million.

So while the economy may have been good for some people over the last 5 or 6 years, it was good for people at the top. But if the economy was so darn good over the last several years, why did we go from 16 million on food stamps to 26 million on food stamps? Because for those at the bottom, the economy was not very good; thus, the widening gap between the rich and the poor in this country.

So it would seem to make sense, if we are going to have some kind of “stimulus package,” the first rule would be do no harm, and then target it so that it is effective. Ask the economists. They all say the best bang for the buck is when you put it in food stamps. So here is our opportunity, both to have some multiplier effects and to help stimulate the economy and do what really is morally right, what we should have done a long time ago, and that is to make sure the people at the bottom don’t keep falling through the safety nets.

So I say, I don’t know what the Finance Committee is going to do. This is not in their jurisdiction. I understand. They can’t do anything about food stamps; that is not in their jurisdiction. But when that bill comes up, and when we get it to the floor, I want everyone to be aware that we are going to have an amendment—and I will have an amendment on food stamps—to put a significant amount of money into food stamps, about a 20-percent increase in food stamps for the next year. That gives us 12 months.

Now, why 12 months rather than 6 months or 7 months or 8 months? Well,

first of all, we have a farm bill in which both the House and the Senate addressed some of these longstanding problems in the food stamp structure. I don't know when that farm bill is going to get passed. The President has threatened to veto it. We will get it done sometime. Sooner or later we will get this farm bill done—hopefully, in the next month or so. But then the changes that have to take place to change the system so we can begin to increase the asset level, take the cap off of the childcare deduction, and then take a standard deduction and factor in inflation for that, that takes time. We will not get it done right away. I think it would be the height of cruelty to say to people who need this food and who need food stamps that we are going to increase it for 6 months and then we are going to take it away. Now, at least if you get a rebate—as I said, I am not in favor of all of these checks going out, but if you are going to get a check, you can save it for a rainy day or you can do something like that. But with food stamps, you can't do that. So if you get food stamps, and we say, OK, we will increase your food stamps, you can buy a little better protein, you can eat a little bit better for 6 months, and then we are going to cut it off.

Keep in mind that right now, under our Food Stamp Program, the amount of money a person gets per meal on food stamps is \$1—\$1—\$1. Have you ever tried eating a meal for a dollar? Try it sometime.

So what we are talking about is not lavish living. We are talking about giving people just the basic necessities. So, again, this is our chance to do something that is morally right and at the same time target our help in stimulating the economy.

Second only to that would be increasing unemployment benefits. People who have been unemployed for a long time need to have it extended, to have their unemployment benefits extended. That also has a big multiplier effect. Also, close on the heels of that in terms of benefiting the economy is the money that we use to build our infrastructure; that is, the roads and the bridges, the school buildings, the sewer and water systems, government buildings. It would be things like community development block grants that we put out to our cities and communities to do construction projects.

So it seems to me, again, if we are going to put money out there, this is what we ought to be doing. We have billions of dollars of construction that is needed to be done in this country on school buildings, classrooms, bridges—need I mention Minnesota—highways. Our highway system is falling apart, that great interstate highway system that we built, and I worked on when I was in high school, well over a half a century old. Keep in mind when it was built, we didn't have the truck traffic then that we have today. So we need to put money into the infrastructure. Those jobs are ready to go by May. By

the time these checks would get out they are talking about, you would have people starting to go to work.

The benefits of putting money into an infrastructure project are multiple. There are multiple benefits. First of all, the work is done locally. You can't outsource it to India or China. Obviously, if you are going to build a schoolhouse, you have to hire people locally to do it. So the work is done locally.

Secondly, almost all of the materials used in any kind of infrastructure project, whether it is cement or reinforcing rods or whether it is carpeting or doors or windows or lights, heating and air-conditioning systems, drywall—you name it—almost all of that is made in America. Maybe not all of it, but the vast majority of it is made in this country. So the ripple effect throughout our economy is great when you do an infrastructure project. You put people to work. Most of the materials and stuff you buy are American made.

Third, once you do this, you have something of lasting good to our economy, something that helps the free enterprise system function better.

When our roads and highways are plugged up with traffic and it can't move, that hurts business. When we don't have adequate clean water and sewer systems for communities, businesses can't locate and, therefore, operate efficiently. When we don't have the best schools in America with the best facilities, the high-speed hookups to the Internet, when we don't have schools which are the jewel of a neighborhood—the best thing that kids would ever see in their activities during the week would be the school—not the mall, not the theater, not the sports arena but their school. What if that was the nicest thing in every neighborhood? I tend to think that would help our teachers to teach better, our recruitment of teachers, and give kids more incentive to study. But it provides a lasting benefit for this country. So mark me down as one who is—I am just more than a little cautious and maybe a little bit more conservative on this idea of sending everybody a check. I think people would be better off and our economy would be better off if we did those three things: Do something on the food side for the people who are hardest hit in our economy, extend unemployment benefits, and put a slug of money into infrastructure.

That is what we ought to tell President Bush. That is what we ought to tell the White House. That is our program. That is the Democrats' program for this country: to put people back to work, not just to send everybody a check, but let's give everybody a job. Let's give them jobs out there that will build our country. The multiplier effect on that is enormous. But if you are just going to send somebody a check, that is it. They might just tend to buy something made in China or Japan or

who knows where else. That is just not the best thing for our long-term economy and not for what we want to do in this country.

So, once again, it seems as though we look for short-term solutions to long-term problems. Our long-term problems are the infrastructure of this country and the fact that we don't have a good job base for people in this country—long-term problems. We are importing more and more and more from overseas. I listened to the President last night in his State of the Union message when he talked about how exports are up. He didn't mention how much more imports were up over exports. He just didn't even mention that. We are in hock to China up to our eyeballs, and it is getting worse not better. So we are going to send everybody \$500 and tell them to go spend some money on things probably made in China.

So, again, I don't think we ought to roll over. I don't think we ought to block anything. But I think we ought to come up with a package that does something for our economy. The things I just outlined I think will do more for our economy than sending everybody a \$300, \$500, or maybe a \$1,200 check.

Lastly, I see there is some talk about sending everybody a check—no income limit. Well, I thought the income limits in the House were too high: \$75,000, \$150,000 for a couple, so you could get up to 1,200 bucks. I just don't think that is logical, and I don't think it is healthy. I don't think it is good for our country. I don't think it is good for the long-term health of our economy.

So I hope we can work together in a bipartisan atmosphere to come up with a package that is not just throwing money at the problem but targets it, and targets it to those areas that will be effective in putting people back to work, helping people at the bottom of the ladder, and providing for the long-term economic underpinning of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

FISA

Ms. SNOWE. Mr. President, I rise today as a member of the Select Committee on Intelligence to discuss the pending legislation to modernize the Foreign Intelligence Surveillance Act that was originally passed in 1978. At the outset of my remarks I would like to first express my sincerest appreciation to the chairman of the committee, Senator ROCKEFELLER, and the vice chair, Senator BOND, for their exceptional leadership in working in a concerted, cooperative manner to shepherd the Intelligence Committee bill through the legislative process in a strong, bipartisan manner.

As my colleagues know, the act is set to expire on February 1—less than a week from now. It is imperative that Congress pass legislation reflecting the

will of this body and send it to the President's desk for enactment. At a time when al-Qaida lurks in the shadows, making no distinctions between combatants and noncombatants, between our battlefields and our backyards, we as lawmakers must work with firm resolve to ensure that the intelligence community possesses the tools and the legal authority that is required to prevent future terrorist attacks on our soil. Yet in the wake of years of controversy surrounding the Terrorist Surveillance Program, we all must be mindful of our duties to uphold the constitutional protections as old as this Republic. I do not believe these goals are mutually exclusive.

The Foreign Intelligence Surveillance Act, commonly known as FISA, establishes a distinct system of laws and regulations for the Government's ability to legally conduct national security-related surveillance of communications. The Intelligence Committee proposal, which was reported out on a strong 13-to-2 bipartisan vote, does not present the ideal solution to the urgent matter before us, underscoring the difficulties and complexities that are presented by the question of intelligence surveillance. However, it is a marked improvement over the Protect America Act and represents the collective agreement of 13 of the 15 members of the Intelligence Committee, both Republicans and Democrats. I appreciate the disparate views that many of my colleagues on both sides of this aisle espouse, but in the end, the Senate must work to achieve its will and to find the common ground that is so essential on this issue for our Nation's security. For Congress to be relevant, it must ultimately come to a legislative resolution and conclusion.

The underlying premise of FISA recognizes that obtaining a standard search warrant through a typical Federal or State court is not appropriate when dealing with sensitive security operations and highly classified information. In creating separate legal mechanisms for such matters, FISA has, for nearly 30 years, relied upon the rulings of the special Foreign Intelligence Surveillance Court and continuous congressional oversight in ensuring that fourth amendment protections against unreasonable searches and seizures are respected. Although FISA is and remains an indispensable tool in the war on terror, it was written almost 30 years ago—long before the name “al-Qaida” rang with any significance—and it has begun to show its age.

FISA was enacted before cell phones, before e-mail, and before the Internet, all of which are used today by hundreds of millions of people across the globe. Unfortunately, those numbers include terrorists who are using these tools for planning, training, and coordination of their operations. Put simply, FISA's technology-centered provisions do not correspond to the systems and apparatus that are used in communications

today. As Admiral McConnell, Director of National Intelligence, said most bluntly and straightforwardly:

FISA's definition of electronic surveillance [has] simply not [kept] pace with technology.

But we all know this is not the only backdrop to FISA reauthorization. Prior to December 2005, only the party leaders in both the House and the Senate, and the chairmen and ranking members of those Houses' respective Intelligence Committees—the so-called gang of eight—had any knowledge that warrantless surveillance was occurring on U.S. soil with neither court approval nor congressional authorization. Once the program came to light, the administration asserted it had the legal authority to conduct such surveillance anyway, citing considerably tenuous interpretations of both article II of the Constitution and the 2002 authorization for the use of military force in Iraq.

This was not the power-sharing construct between the three branches of Government under which FISA had operated for nearly three decades. Rather, this was a unilateral exercise of executive branch authority to the exclusion of the other two. The use of unchecked executive power was neither how the Framers of the Constitution nor the framers of FISA intended this matter to be addressed.

Accordingly, less than 2 months later, I, along with Senators DeWine, HAGEL, and GRAHAM, introduced the Terrorist Surveillance Act of 2006, which called for strict legislative oversight and judicial review of the program. A number of colleagues joined the effort with a variety of additional proposals to both exert congressional oversight, as well as to modernize FISA; and the administration, bowing to this collective congressional pressure, finally permitted full access to the NSA program by members and staff of both Intelligence Committees. Congressional leverage also led the Attorney General this past January to submit the terrorist surveillance program to the requirements of FISA, including appropriate review of Stateside surveillance requests by the Foreign Intelligence Surveillance Court. At the time this was viewed as a step toward some restoration of the rule of law and constitutional principles, and FISA reform efforts focused on modernizing the statute for technological purposes.

Yet, as noted in the Intelligence Committee's report on the FISA Amendments Act of 2007,

At the end of May 2007 . . . attention was drawn to a ruling of the FISA court . . . that the DNI later described as significantly diverting NSA analysts from their counterterrorism mission to provide information to the Court. In late July, the DNI informed Congress that the decision . . . had led to degraded capabilities in the face of a heightened terrorist threat environment.

FISA reform efforts quickly shifted to addressing this gap. Congress responded this past August by passing

the bipartisan Protect America Act, a law which cleared the Senate 60 to 28. Although an imperfect statute, it granted the DNI the tools necessary to protect our homeland at a time when there were well-documented gaps in our intelligence gathering. Congress wisely employed a 6-month sunset to ensure that the shortcomings of this temporary law could be explored at length and properly corrected. The bill before the Senate today is a product of that 4-month deliberation, and given all that I have just outlined, clearly the time has now come to take precise and concrete action.

The Intelligence Committee has been guided by its vast expertise in overseeing American intelligence operations, and this proposal sorts out the confusion of the past several years and replaces legal gray areas with clear bright line rules. Central to this revision is the role of the FISA Court—a critical step in this process, as the courts must play a prominent role whenever fourth amendment concerns are at stake.

The bill rightly maintains the rule that no court order is required when targeting communications abroad, and clarifies that this remains the case even if, for example, a foreign-to-foreign e-mail transits a server located on U.S. soil. However, the bill would, going forward, allow for so-called “umbrella surveillance” only under the following conditions: First, it may be conducted for 1 year. Secondly, the DNI and the Attorney General must certify that such operations would target only those individuals reasonably believed to be outside of the United States. Third, the FISA Court must receive and approve the minimization procedures to ensure that any “inadvertent collection” is promptly destroyed.

More importantly, where the target is located within the United States, or where the target is a U.S. citizen or a permanent resident anywhere in the world, the bill now requires that a warrant first be obtained from the FISA Court. The FISA Court—only the FISA Court—will have the authority to determine that there is probable cause to believe that the U.S. person in question is an agent of a foreign power. Only then may a warrant be issued, and only then may targeted surveillance commence. This is a strong and substantial improvement over the provisions of the Protect America Act.

It is noteworthy that this bill, if passed, would recognize for the first time ever the right of a U.S. citizen or permanent resident to be free from warrantless surveillance by the U.S. Government even when such person is abroad. As our colleague Senator WYDEN said in the Washington Post on December 10, this is a change that was contemplated back in 1978 but which never received the attention necessary from Congress to become law.

Finally, the bill authorizes the inspectors general of the Department of

Justice and elements of the intelligence community to conduct independent reviews of agency compliance with the court-approved acquisition and minimization procedures—adding another independent check to ensure that the agencies charged with implementing the program are in fact complying with the court order and minimizing any information that was inadvertently collected.

This is not to say that the Judiciary Committee substitute was not superior in some regards. For example, it contained far stronger language asserting that the FISA Court and the Federal Criminal Code are the exclusive means by which the U.S. Government may conduct surveillance, counteracting allegations by the administration that the 2002 authorization of the use of military force against Iraq provided an alternate statutory authority.

To be clear, the Intelligence Committee bill does state that such a restriction applies to “electronic surveillance.” In fact, I felt strongly about this provision, and that is why I joined other colleagues on the Intelligence Committee in submitting additional comments regarding this provision—specifically that FISA is the exclusive means by which the U.S. Government may conduct surveillance. Yet the Judiciary Committee bill took this one step further, expanding exclusivity to cover any “communications or communications information,” a broader term meant to reach even those communications not covered under the more narrowly defined category of “electronic surveillance.”

Yet, on balance, the Intelligence Committee legislation reflects the committee’s expertise in this field, and it presents a bipartisan approach for restoring order to the state of the law surrounding Government surveillance.

As the Intelligence Committee report noted, the committee held seven hearings in 2007 on these issues, received numerous classified briefings, propounded and received answers to numerous written questions, and conducted extensive interviews with several attorneys in the executive branch who were involved in the review of the President’s program. In addition, the committee received formal testimony from the companies alleged to have participated in the program and reviewed correspondence that was provided to private sector entities concerning the President’s program.

The committee secured IG reports and the orders and opinions issued by the FISA Court following the shift of activity to the judicial supervision of the FISA Court and invited comments from experts on national security law and civil liberties. The committee also examined extensive testimony given before other committees in the last several years and visited the NSA, carefully scrutinizing the program’s implementation.

The underlying committee bill vests significant authority—and rightfully

so—in the FISA Court to authorize targeting of U.S. persons and to sign off on minimization procedures of any nontargeting surveillance. It further modernizes FISA so that its terms apply rationally to today’s technology, and streamlines procedures to ensure that the men and women in our intelligence community can maximize their focus on detecting threats to our homeland. It does all of this while employing the Intelligence Committee’s technical expertise to avoid any unintended consequences.

I wish to focus the remainder of my remarks on what has become the flashpoint of controversy—whether to grant retroactive immunity to the numerous telecommunications companies who have been sued for allegedly providing private customer information to the Government in violation of the law. I believe that this narrow, limited grant of immunity is a proper course of action for these reasons:

First, it is critical to note and understand that a grant of immunity to telecom providers for assisting the Government is not a novel concept, but rather a longstanding component of existing law. Specifically, the Federal Criminal Code already states that “no cause of action shall lie in any court against any provider . . . for providing information, facilities, or assistance” to the Federal Government in conducting electronic surveillance if the company is presented with either a court order or a certification signed by the Attorney General stating that “no warrant or court order is required by law, that all statutory requirements have been met, and that the specific assistance is required.”

Why, then, must the bill before us contain an immunity provision for communications firms? The answer is that they are unable to invoke it because the very existence of whether a particular company—or any company—did or did not participate in any alleged surveillance has been designated as a state secret by the U.S. Government. This places the telecom companies in a Catch-22 scenario: if, hypothetically, a company did assist the Government, it cannot reveal that fact under the State Secrets Doctrine, and thus cannot claim the benefit of immunity; conversely, if a company did not provide any alleged assistance, it still cannot demonstrate that fact to conclusively dismiss the lawsuit, again because of the mandates of the State Secrets Doctrine. In the 40-plus active lawsuits, defendant telecom companies are in a “no-win situation.”

To those who may ask why Congress should concern itself with addressing these pending lawsuits, I would answer that the credibility and effectiveness of America’s intelligence community depends upon it. Particularly in the wake of the devastating attacks of September 11, 2001, any American company that, when reportedly presented with proper certification, assisted the Government in a matter of national secu-

rity was doing so, in all likelihood, in the best interests of our Nation. And punishing such cooperation through subsequent lawsuits could have drastic future consequences.

This position has been asserted by former Attorney General John Ashcroft and former Deputy Attorney General James Comey, both of whom had well-documented misgivings about the administration’s approach to surveillance. This view is also held by the distinguished chairman of the Intelligence Committee, who on October 31 of this year wrote in the Washington Post that the telecom lawsuits are “unfair and unwise. As the operational details of the program remain highly classified, the companies are prevented from defending themselves in court. And if we require them to face a mountain of lawsuits, we risk losing their support in the future”—a development that Chairman ROCKEFELLER assessed would be “devastating to the intelligence community, the Justice Department and military officials who are hunting down our enemies.”

The immunity provision in this bill is narrow and limited. First, it is only retroactive. It clearly delineates what types of surveillance require a search warrant from the FISA Court and what types do not. The very fact that the FISA Court will be involved contrasts starkly with the “gray area” under which the Terrorist Surveillance Program had operated prior to January of this year. This clarity will thus also make it clear as to whether a telecom company is complying with a lawful request and thus whether it will be entitled to statutory immunity.

As the Intelligence Committee report underscored, the action the committee proposes should be understood by the executive branch and provided as a one-time response to an unparalleled national experience in the midst of which representations were made that assistance to the Government was authorized and lawful.

In doing so, the underlying legislation acts prospectively to guard against any future infringements of constitutional liberties that might occur. By contrast, striking title II will accomplish nothing constructive in the future. To the contrary, as I indicated, it may be counterproductive by discouraging future cooperation by private entities.

Second, the bill only grants immunity for civil lawsuits. It would not provide amnesty to anyone—the telecommunications companies, Government officials or any other party—who engaged in any potential criminal wrongdoing. Should any criminal allegations arise against telecommunications officers, Government officials or others, such investigations would not be prevented by this provision. Nothing in this bill is intended to affect any of the pending suits against the Government or individual Government officials.

Third, this provision does not make any determination as to whether the

program in question was legal. It only grants the telecommunications carriers immunity if the Attorney General certifies those carriers cooperated with intelligence activities designed to detect or prevent a terrorist attack and that such a request was made in writing and with the assertion that the program was authorized by the President and determined to be lawful.

Finally, this bill provides the fairest course of action for addressing corporations that, when presented with an urgent official request at a critical period for our Nation's security, acted in a patriotic manner and provided assistance in defending this Nation. These companies were assured that their cooperation was not only legal but necessary and essential because of their unique technical capabilities. Also note that the President initially authorized the NSA program in the early days and weeks after the September 11 attacks, attacks that shocked our Nation and forced us to quickly react and adjust to the new reality of the 21st century, where terrorism was occurring in our own backyard. If a telecommunications company was approached by Government officials asking for assistance in warding off another terrorist attack and those Government officials produced a document stating the President had authorized that specific activity and that activity was regarded as legal, could we say the company acted unreasonably in complying with this request?

In the interest of protecting our Nation in this new environment of the 21st century and bringing stability and certainty to the men and women who are in our intelligence community as they carry out their very vital and critical missions in defending and preserving our freedoms at home, I urge passage of FISA reform that is bipartisan, that respects an active balance among all branches of Government, that will establish a key role for the courts going forward in evaluating surveillance measures in the United States and against U.S. persons abroad and that we will allow the intelligence community to devote its full efforts to fighting and winning the war on terror.

I yield the floor.

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

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, there is confusion as to the order of the speakers. I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, in morning business, to be followed by me, to be recognized for up to 35 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. CASEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Will the Senator modify his request to add Senator WEBB to

that lineup to be the next Democratic speaker?

Mr. INHOFE. May I ask how long Mr. WEBB, the junior Senator from Virginia, wishes to speak?

Mr. CASEY. Ten minutes.

Mr. INHOFE. I amend my request that it be, first, Senator CASEY for 15 minutes, Senator WEBB for 10 minutes, and myself for 35 minutes in morning business.

This is the new request: I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, after which I will be recognized for up to 35 minutes, and then the Senator from Virginia, Mr. WEBB, will be recognized for up to 10 minutes in morning business.

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

The Senator from Pennsylvania is recognized for up to 15 minutes.

Mr. CASEY. Mr. President, I thank the Senator from Oklahoma for working through that unanimous consent agreement.

IRAQ

Mr. CASEY. I rise today to speak about the war in Iraq. There is a lot of talk in this Chamber and across this town and across the country about our economy, and that is justifiable. But we have to remember that in the midst of a difficult economy in America, there is a lot to talk about and to work on to respond to that. We still have a war in Iraq to worry about, to debate, and to take action on. I don't think we can lose sight of a war that grinds on without end in Iraq.

This war does burden our troops, obviously, with repeated and prolonged deployments and, in fact, drains our national resources. The war hampers our efforts in places such as Afghanistan and Pakistan, the real frontlines in the global struggle against Islamic terrorism and extremism.

So we must ask ourselves at least a couple of questions when it comes to the war in Iraq. There are many, but there are at least a few I can think of.

What are we in the Congress doing about this war today, this week, this month, and in the months ahead, even as we struggle to deal with a difficult economy?

The second question might be: When will the Iraqi Government start serious discussions on national reconciliation?

Third, how will we know when we have achieved our objectives in Iraq? How will we know that?

Finally, and I think the most compelling question is: When will our troops come home?

Last night, the President spoke about a number of topics, and one was the economy. One of the first words the President said with regard to the economy, he talked about a time of uncertainty. Mr. President—President Bush I mean—I disagree. With regard to the economy, this is not about something

that is uncertain. It is very certain. The lives of Americans, the perilous and traumatic economy they are living through is not uncertain or vague or foggy. It is very certain. The cost of everything in the life of a family is going through the roof, and we have to make sure we respond to that situation.

I argue that word "uncertainty" does apply when it comes to the war in Iraq in terms of our policy. I would argue to the President what is uncertain, if there is uncertainty out there in our land, it is about the war in Iraq. Uncertainty, frankly, about what our plan is in Iraq and what is this administration and this Congress doing to deal with this war in Iraq. That is where the uncertainty is. I think the reality of the economy is very certain for American families.

While the headlines about Iraq have all but vanished from the front pages and television screens and the administration continues to divert attention elsewhere, we have a fundamental obligation as elected representatives of the American people to continue to focus on the war until we change the policy and bring our troops home.

We marked the first year anniversary of the President's decision to initiate a troop escalation in Iraq, and we are coming upon the fifth anniversary of the invasion of Iraq.

Last night, in his State of the Union Address, the President described the surge in very positive terms. Make no mistake about it—we all know this—our soldiers have succeeded in their mission with bravery and heroism and violence in many parts of Iraq is, in fact, down. Yet despite all that, despite all that effort, despite all that work, Iraq today is still not a secure nation, and it will not be secure until its leaders can leave the Green Zone without fear of assassination. It will not be secure until they can leave the Green Zone without fear of suicide bombings. It will not be secure until its own national Army and police forces can stand up and protect all of Iraq's people without regard to ethnicity or creed.

In assessing whether the surge has worked, we should pay attention to the President's words from a year ago. President Bush declared in January 2007, when he first announced the surge:

Iraqis will gain confidence in their leaders and the government will have the breathing space it needs to make progress in other critical areas.

Those are the President's words. So let's judge this issue by his words. Judged by those standards enunciated by the President, we can only conclude the surge has not worked, if that is what the objective was. I add to that, when I was in Iraq in August and I talked with Ambassador Crocker about the terminology used by this administration with regard to the war, because I said sometimes the terminology is way off and misleading, he said: The way I judge what is happening here is

whether we can achieve sustainable stability. That is what he said, sustainable stability.

Based upon what Ambassador Crocker said and based upon what the President said, if we measure what is happening now against those standards, the surge has not worked, based upon those assertions by the Ambassador and by the President.

The troop escalation did not prompt the Iraqi Government to make the hard choices or to meet the benchmarks laid out by the administration. As General Petraeus told me in that same meeting this past summer in Baghdad, the war in Iraq can only be won politically, not militarily, and he said that on the public record as well. But on national reconciliation, oil sharing, and other key issues where Iraqis must forge agreement in order to allow U.S. forces to eventually withdraw, we do not see nearly enough progress. In fact, the evidence of substantial progress is very bleak.

We heard recently about things that have been happening in Iraq. Although the Iraqi Parliament passed a deBaathification measure this past month, it is unclear how far the legislation will go toward addressing Sunni concerns, since serious disagreements exist on the law's implementation. Some contend that former Baathists will still be barred from important ministries such as Justice, Interior, and Defense.

As has often occurred in the past, once again the Iraqi political leadership has chosen to avoid the hard choices and instead kick the can down the road, ensuring further bloodshed and national fragmentation in the interim.

We all know how long this war has endured. It has endured longer than the war we know as World War II. It is longer than that war, with over 3,900 dead, 178 Pennsylvanians, the number of wounded in Pennsylvania is about 1,200 or more; across the country, 28,000. Our military forces have done everything we have asked of them. They have matched the bravery and success in every way possible of those great American warriors who preceded them in past conflicts. But our troops, the best fighting men and women in the world, cannot force a foreign government to be stable, they cannot force the Iraqi national police to put aside their deep-seated sectarianism and corruption, and they cannot force Iraqi political leaders to want progress as much as our troops do and as much as the Iraqi people deserve.

We have much to do to make progress. But here is what is happening lately. This is a very important point, and I conclude with it. The President is showing every sign that he intends, in the waning days of his administration, to lock the United States and, in particular, to lock our fighting men and women into a long-term strategic commitment in Iraq without consultation with the elected representatives of the

American people in Congress. He has signaled to the Iraqi Government that the United States can maintain significant U.S. troop levels in Iraq for at least 10 years—10 years—if not longer. He seeks to negotiate a long-term strategic agreement with the Iraqi Government that would commit the United States to providing security assurances to the Iraqi Government against external aggression—an unprecedented commitment that could embroil the United States in a future regional conflict or even a full-scale Iraqi civil war. The President's senior aides have proposed that such an agreement would need to be ratified by the Iraqi Parliament—the Iraqi Parliament—and bypass the U.S. Congress. That is unacceptable to me and I think to anyone in this body and to the American people, and it is why five other Members of this body joined me in December in sending a letter to the President stating that the Congress must be a full and coequal partner in extending such long-term commitments.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter of December 6, 2007, to the President.

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

U.S. SENATE,

Washington, DC, December 6, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write you today regarding the "Declaration of Principles" agreed upon last week between the United States and Iraq outlining the broad scope of discussions to be held over the next six months to institutionalize long term U.S.-Iraqi cooperation in the political, economic, and security realms. It is our understanding that these discussions seek to produce a strategic framework agreement, no later than July 31, 2008, to help define "a long-term relationship of cooperation and friendship as two fully sovereign and independent states with common interests".

The future of American policy towards Iraq, especially in regard to the issues of U.S. troop levels, permanent U.S. military bases, and future security commitments, has generated strong debate among the American people and their elected representatives. Agreements between our two countries relating to these issues must involve the full participation and consent of the Congress as a co-equal branch of the U.S. government. Furthermore, the future U.S. presence in Iraq is a central issue in the current Presidential campaign. We believe a security commitment that obligates the United States to go to war on behalf of the Government of Iraq at this time is not in America's long-term national security interest and does not reflect the will of the American people. Commitments made during the final year of your Presidency should not unduly or artificially constrain your successor when it comes to Iraq.

In particular, we want to convey our strong concern regarding any commitments made by the United States with respect to American security assurances to Iraq to help deter and defend against foreign aggression or other violations of Iraq's territorial integrity. Security assurances, once made, cannot be easily rolled back without incurring a

great cost to America's strategic credibility and imperiling the stability of our nation's other alliances around the world. Accordingly, security assurances must be extended with great care and only in the context of broad bipartisan agreement that such assurances serve our abiding national interest. Such assurances, if legally binding, are generally made in the context of a formal treaty subject to the advice and consent of the U.S. Senate but in any case cannot be made without Congressional authorization.

Our unease is heightened by remarks made on November 26th by General Douglas Lute, the Assistant to the President for Iraq and Afghanistan, that Congressional input is not foreseen. General Lute was quoted as asserting at a White House press briefing, "We don't anticipate now that these negotiations will lead to the status of a formal treaty which would then bring us to formal negotiations or formal inputs from the Congress." It is unacceptable for your Administration to unilaterally fashion a long-term relationship with Iraq without the full and comprehensive participation of Congress from the very start of such negotiations.

We look forward to learning more details as the Administration commences negotiations with the Iraqi government on the contours of long-term political, economic, and security ties between our two nations. We trust you agree that the proposed extension of longterm U.S. security commitments to a nation in a critical region of the world requires the full participation and consent of the Congress as a co-equal branch of our government.

Sincerely,

ROBERT P. CASEY, JR.,
ROBERT C. BYRD,
EDWARD M. KENNEDY,
JIM WEBB,
HILLARY RODHAM CLINTON,
CARL LEVIN,
United States Senators.

Mr. CASEY. We now learn that the President, in signing the Department of Defense authorization bill into law yesterday, has once again taken the opportunity to issue another infamous signing statement, imposing his own interpretation of a law over the clear intent of the Congress.

Let's not forget that this important legislation has been needlessly delayed for weeks because the President wanted to defer to concerns of the Iraqi Government over compensation for U.S. victims of Saddam Hussein's acts of terrorism. Let me repeat that. A critical pay raise for our troops was delayed because a foreign government raised concerns with this White House.

In signing the Department of Defense authorization bill into law, the President declared his right to ignore—ignore—several important provisions, including the establishment of an important special commission to review wartime contracting. This provision was an initiative of the Senate Democratic freshmen class, led by Senators WEBB and MCCASKILL. The President also declared his right to ignore a provision prohibiting funding for U.S. military bases or installations in Iraq that facilitate "permanent station" of U.S. troops in Iraq.

Let me say that again in plain language. This provision sought to prevent the United States from establishing permanent bases in Iraq, and

the President has indicated he may ignore—ignore—this provision. Every time senior administration officials are asked about permanent military bases in Iraq, they contend it is not their intention to construct such facilities. Yet this signing statement issued by the President yesterday is the clearest signal yet that the administration wants to hold this option in reserve. This is exactly the wrong signal to send both to the Iraqi Government and its neighbors in the region and to others as well.

Permanent U.S. military bases gives a blank check to an Iraqi government that has shown no evidence that it is ready to step up and take full responsibility for what happens in Iraq. Permanent U.S. military bases feeds the propaganda of our enemies, who argue that the U.S. invasion in 2003 was carried out to secure access to Iraq's oil and establish a strategic beachhead for the U.S. military in the region. Permanent U.S. military bases means U.S. troops will be in Iraq for years to come, ensuring that the great strain on the American military will continue indefinitely.

Finally, and I will conclude with this, we have a lot on our plate this year to deal with. We have the economy to deal with and so many other difficult issues, but the war in Iraq continues to be a central foreign policy challenge faced by the President, by the Congress, and by the Nation. When this President departs office after 8 years, he should not—should not—commit our soldiers and our Nation to 10 more years—10 more years—if not longer, and hundreds of billions of dollars, if not more, spent on the war in Iraq.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, it is my understanding, under a previous unanimous consent request, that I would be recognized for up to 35 minutes.

The PRESIDING OFFICER. That is correct.

THE THIRD REASON

Mr. INHOFE. Mr. President, I don't very often do this, but I am going to make a presentation today, and I would like to give it a title, and the title is "The Third Reason." The subtitle very likely could be "The third reason we are winning in Iraq, and we should be in Iraq."

I have to say that I have had occasion to be there many times, and there is no doubt in my mind and, I don't doubt, in many people's minds that we are actually winning in Iraq. But be-

fore I address this, I would like to point out something very few people are aware of; that is, the mess that was inherited by George W. Bush right after 9/11.

First of all, if we look back during the 1990s, there was this euphoric attitude that the Cold War was over and we no longer needed a national defense system. So during the 1990s, during the Clinton administration, we started decimating the system. And I have the documentation here because a lot of people don't understand this.

If you would take what happened in the first year, or the last year of the previous administration over the first year the Clintons had control of the budget, and if we had taken a flat amount to determine how much we were going to be spending on defending America, then draw a straight line and only add into that the inflation—in other words, that is what it would be if we didn't do anything else—well, the budget that came from the White House is this red line down here. If you take the difference between the red line and what would have been a flat budget, it is \$412 billion. In other words, \$412 billion came out of our defense system. However, the good news was that Congress looked at that and said that is too big of a cut, so they intervened and raised President Clinton's budget up to this brown line in the middle. So what was inherited by this President was an amount \$313 billion less than it would have been if it had just been a static amount.

Now, that would have been bad enough—and I have always contended we have to make that the No. 1 priority in America: to defend America—but to make it worse, on 9/11 we went to war, and then we were pushed into a situation of going into and liberating Iraq, and all of a sudden, people started standing on the floor of the Senate and saying things like: Well, how in the world could this President be getting into deficits, how could he be spending so much, and all of this. This is the reason: because we started off \$313 billion less than during the time period of the previous administration. That is the seriousness of it.

Now, I say that just because I recall so well the confirmation hearings for the Secretary of Defense, Secretary Rumsfeld. During his confirmation hearings, they were making statements at that time about what were they going to do with the problems that were there and that we are underfunded in the military, that our modernization program has gone sideways, our force strength is not what it should be, and what should we do about that. This was all live on TV.

During the confirmation hearing—and I was on the Senate Armed Services Committee—I said: Mr. Rumsfeld, we have a problem I see as very serious, and that is you are going to get all of your generals around you, we are going to get all these smart people, and they are going to be asked what are we

going to be confronted with 10 years from today, and the generals, as smart as they are, are going to be wrong.

I can remember what I said at that meeting 7 years ago. I said: The last year I was in the House of Representatives, I was attending a House Armed Services Committee hearing, and in that committee hearing an expert witness said: Ten years from now, we will no longer need ground troops in America.

Of course, we saw what happened in Kosovo and Bosnia, and we knew that was wrong. So I said: Since we can't tell where we are going to be 10 years from now, and there is a lead time in preparing for war or a contingency, what is the answer to this thing? We don't know if we are going to have the best strike vehicles or lift vehicles or the best artillery pieces.

He said: I have made a study of that, and you are asking the right person, because in the average year, for the 100 years of the 20th century, we spent 5.7 percent of our GDP on defense. At the end of the 1990s, it went down to 2.7 percent.

I said: Down to 2.7 percent. Where should it be?

He said: We don't know for sure but somewhere in excess of 4 percent, probably 4½ percent, which is still less than it was for the previous several hundred years.

That was kind of interesting to me because when you look right now, how many people in America realize there are some things we have that are not as good as some of our potential adversaries?

I would say that one of my heroes prior to the time he was Chief of the Air Force was GEN John Jumper. General Jumper stood up and said publicly—in 1998, I believe it was—he said: Now the Russians are making a strike vehicle that is better than our best, and he talked about the SU-27s and the SU-30s. Our best were the F-15s and the F-16s. That was a shocking statement. So we started working on the F-22 and the F-35, the Joint Strike Fighter.

Right now, the best piece of artillery we have in our arsenal is World War II technology. It is a Paladin. It is something where you have to get out after every shot and swab the breech the way you did back in World War II. So now we are stepping ahead. But this has all happened during this administration, where we now have the new FCS—Future Combat System—that is going to revolutionize, for the first time in probably 40 years, how we fight battles.

I only say that because this is something we are going to have to contend with in the future, and it also paints a pretty good picture as to where we were when this thing happened on 9/11.

I would like to suggest there are three reasons we went into Iraq. The liberation of Iraq is the first one, and that is called to my mind now because I had an experience—you will enjoy this, I say to my good friend from Arkansas, who is occupying the chair—

two weekends ago when I happened to be in a place referred to now as JFK's winter White House. It was the Kennedy compound in West Palm Beach, FL. Ironically, it was sold to a very strong, wealthy, partisan Republican, and we were having an event down there. I looked out to the audience when giving a talk, and there were a lot of my heroes, among them Alexander Haig, who was previously Secretary of State under Ronald Reagan. He told the story of Saddam Hussein, that in 1991—and this is right after the first Persian Gulf war—we had what we called the first freedom flight into Kuwait. Now, it was so early in the end of the war that the Iraqis did not know the war was over, and they were still burning the fields down there, the oil fields, and all of a sudden, day would turn into night as the wind shifted and smoke went back and forth.

It wasn't all Republicans, I might add. Tony Cuello, who at that time was the majority whip in the House of Representatives, was there also.

Anyway, we had an occasion to go to Kuwait, and one of the persons on that trip was then the Ambassador from Kuwait to the United States, a man of nobility, and he had his daughter, who was around 8 years old, with him. They wanted to go see what their home looked like in the Persian Gulf. So we went there, only to find out that Saddam Hussein had been using that home as a headquarters. We went up to, I think it was the little girl's bedroom, or one of the bedrooms, and found that it had been used as a torture chamber. There were body parts strewn around the room, stuffed into walls, and horrible things had been going on. A little boy had his ear cut off because he was caught with a little tiny American flag within sight.

We talked about the horrible atrocities going on and personally witnessed some stories of individuals, people who were sentenced to a torturous death by Saddam Hussein. Many of them would beg that their body be eased into a vat of acid head first so that they would be able to die quicker than feet first.

We saw the fact that the weddings, any weddings that were taking place out in the streets at the time of Saddam Hussein, they would raid the weddings, they would kill the people, rape the girls, and bury them alive. We saw mass graves, hundreds of people had been buried alive or tortured to death.

I guess what I would say is, the first reason we went to Iraq, as I think we would go anywhere, our country would go anywhere, is to aid a country that had this type of Holocaust-type of atrocities taking place. So that was the first reason was to end Saddam Hussein's regime of torture. It was successful. We did it.

The second reason was because Iraq was a major terrorist-training area. There are four areas where they trained. You know about Samara and Ramadi because people now realize—they are pretty familiar with that. But

you may have forgotten or may never even have known about some of the other areas. Sargat, for example, was an international terrorist training camp in northeastern Iraq near the Iranian border. It was run by Ansar al-Islam, a known terrorist organization. Based on information from the U.S. Army Special Forces, operators who led the attack said: It is indeed more than plausible that al-Qaida members trained in that particular training camp.

That is in Sargat. The Green Berets discovered, among the dead in Sargat, foreign ID cards, airline ticket receipts, visas, passports from Yemen, Sudan, Saudi Arabia, Qatar, Oman, Tunisia, Morocco, Iran, and many other places.

At Salman Pak, it was a facility south of Baghdad, and we have a number of videos and computer disks, documents, and other materials, including explicit jihadist propaganda, which revealed terrorist training footage, and the targets were clearly Americans. The foreign Arabs were being trained as hijackers of airplanes. That is interesting. They had a fuselage of an old Boeing 707 on the ground in Salman Pak, where they were training terrorists to hijack airplanes.

Now, we have no way of knowing whether those were the perpetrators of the crime that took place on 9/11, but very likely that could have been the case. Now, the bottom line, though, is the second reason for the liberation of Iraq was to do away with all of the training camps, the four specific training camps that I am talking about, and we did that.

So I would like, before getting into reason No. 3, to kind of compare what is going on from a perspective that most of you guys probably have not heard; that is, I have had occasion to be in what we call CENTCOM and Africa—that is where the major problems are—some 19 times. And let's go back and kind of compare the last three visits there—not the last three but three of the last visits.

One was before the surge. It was June of 2006. And that was in the wake of Zarqawi's death. We remember that so well. The Iraqis were operating under a 6-month-old parliament. Al-Qaida continued to challenge coalition forces throughout Iraq. Things were not going all that well, but the coalition forces did launch 200 raids against al-Qaida and cleared out some of the strongholds.

But I had occasion to talk to Defense Minister Jasim. And in visiting with him, we talked about the current situation in Iraq. And he felt it could be done. It could be done—our people would be able to be trained over a period of time with proper training to take care of this. And we talked about some of these things that our press talked about back in the United States.

He said the big conflict between Sunnis and the Shias was mostly a

Western concept, and he used as evidence of that individuals in his own family. He happened to be married—I could get this backwards—either he was a Sunni married to a Shia or vice-versa.

We had a good discussion. But we could see very clearly that we believed things might be getting a little better, but they were not as better as we hoped. Let's fast-forward to May of 2007.

I returned to Iraq and visited Ramadi, Fallujah, Baghdad, and some of the other areas. And this is after the surge. The surge took place in January. So this was in May; this was 3 months later. So Ramadi went from being controlled by al-Qaida and hailed as their capital. We might remember this. About 15 months ago they had a news conference over there where they said that Ramadi was going to become the capital of terrorism in the world, the world capital.

Well, by May of 2007 it was under total control, totally secure not by U.S. troops but by the Iraqi security forces. The neighborhood security watch programs were working. It was kind of like the programs we have in this country. We have a neighborhood watch program, and they go out and they look and see what they can do to make things more peaceful.

And you have heard the stories of how they would go out and they would take an orange spray can, and they would draw circles around the undetonated IEDs. This was going on, and it seemed to be going very well. That is the first time that I realized—I am kind of a slow learner—I realized that the leaders in Iraq were not the political leaders but the religious leaders, the clerics and the Imams.

Prior to the surge, the average—we had intelligence people there—the average of the messages that were in the mosques on a weekly basis were 80 to 85 percent anti-American. Since April there had not been any anti-American messages.

The joint security stations seemed to be going very well there. That was where, instead of going back, our troops going back into the Green Zone in Baghdad after they were out on a raid or doing their work on a mission, they would instead go to some of the homes of the Iraqi security forces and actually bed down with them, they developed personal, intimate relationships with them.

The burden sharing was increasing. Fallujah came under the control of the Iraqi brigade. And that was an area that we might recall where our Marines went World-War-II style door to door.

In Anbar, it changed from the center of violence to a success story. In Baghdad, the sectarian murders decreased by 30 percent, and joint security stations stood up forming deep relationships between the coalition forces and the Iraqis. It was referred to by General Petraeus as "brotherhood of the close fight."

And there is some other good news, too. The media became about halfway honest. This was kind of interesting because I can remember on earlier trips, the first thing the troops would ask me when I would go in is, they would say: Why is it the American people do not understand what we are doing? Why do they not like us? Why is it the media do not like us?

I can remember LTC Tim Ryan. He said, as I have here:

The inaccurate picture they paint has distorted the world view of the daily realities in Iraq. The result is a further erosion of international support for the United States' efforts there, and a strengthening of the insurgents' resolve and recruiting efforts while weakening our own. Through their incomplete, uninformed and unbalanced reporting, many members of the media covering the war in Iraq are aiding and abetting the enemy.

Well, that is what I heard from many of them, but this is one that we can actually quote.

Well, that is something that is changing. I think we saw a few months after I returned from that trip, two of the journalists—one was Michael O'Hanlon, the other Kenneth Pollack—wrote an op-ed piece in the New York Times, and this was actually above the fold on the front page, to let you know. If you want to look it up on your Web site, it was July 30, 2007.

They said things such as: Troop morale is high, and they had confidence in General Petraeus and his strategy. Civilian fatality rates were down roughly a third since the surge began. Streets in Baghdad were slowly coming back to life with stores and shoppers and so forth. American troop levels in Mosul now numbered only in the hundreds from where they were before. More Iraqi units are well integrated in terms of ethnicity and religion. And, keep in mind, these were statements that were made and were in the New York Times, which has not really been a bastion of support for the President or the war.

But here is another one. I happened to see this one September 2, 2007. Bob Schieffer had an interview televised with Katie Couric. Katie Couric is another one who has never been a supporter of the President. And they said this. This is a quote now. She was responding to questions.

Well, I was surprised, you know, after I went to eastern Baghdad. I was taken to the Allawi market which is near Haifa street—

Which several of us have been to—which was the scene of a very bloody gun battle back in January, and, you know, the market seemed to be thriving, and there were a lot of people out and about, a lot of family-owned businesses and vegetable stalls, and so you do see signs of life that seem to be normal. . . . The situation is improving.

That was not me. That was not Senator JIM INHOFE who has always been supporting this effort. That was Katie Couric.

Before giving the press too much credit, though, let me suggest to you that if you look at this chart—this is

something I stumbled onto yesterday—and since the success has been there, you notice they are not saying it is not successful, but they are not covering it. This is the coverage in September of 2007. It dropped down by about half in October, then it dropped down again in November. So I guess what we are saying is, if they cannot print something bad because nothing bad is happening there, they do not print anything at all.

Well, I returned to Iraq on August 30, and the surge continued its success. I traveled to the Contingency Operating Base Speicher in Tikrit and to the Patrol Base Murray south of Baghdad and visited Ambassador Crocker and General Petraeus. And so, again, the same changes that took place 3 months later were taking place and were much better. Less than half of the al-Qaida leaders who were in Baghdad when the surge began were still there. There was a 75-percent reduction in religious and ethnic killings in the capital, double the seizure of insurgents' weapons, and a rise in the number of al-Qaida killed and captured.

So, you know, the surge knocked out some six media cells which make it harder for al-Qaida to spread their propaganda. Anbar's incidents and attacks were down from 40 a day to less than 10 a day. Economic growth, you heard what Katie Couric said about the markets. I was in the same crowded markets. They were selling fresh food like normal times.

The large hospital project in the Sunni Triangle is back on track. The Iraqi Army is performing very well. The Iraqi citizens formed a grassroots movement called the Concerned Citizens League.

Baghdad returned to normalcy. Little kiddie pools, the lawns that were cared for, amusement parks and markets, and the surge provided security. Security allowed the local population and governments to stand up. Basic economics has taken root. Iraqis are spending money on Iraqi projects.

Now that is the good news. Here is the bad news. General Petraeus, after all of his success, the far left had crossed the line—I think we all remember this—when a full-page ad, paid for by moveon.org, besmirched the motives and the honor of our No. 1 commander on the ground in Iraq, General Petraeus.

Remember, they called him General "Betrayus." I supported Senator LIEBERMAN's condemnation of moveon.org's attempt at character assassination, as well as Senator CORNYN's resolution. Senator CORNYN's resolution stood behind General Petraeus. And there were 28 Senators in this Chamber who supported moveon.org, an act, I am sure, will be remembered.

While no American is above scrutiny, this was clearly a calculated move on the part of this organization to undermine the noble efforts of this patriot to execute the duties that we in the Con-

gress unanimously sent him to accomplish.

You simply have to wonder whose side some of these people were on. This goes to show how far some will go to root for American failure in Iraq. These organizations are clearly placing their political agenda ahead of the best interests of the United States and particularly the men and the women who are in uniform.

So let's just for a minute set Iraq aside and look at Iran. Beyond the obvious consequences that would befall an Iraq without U.S. support, lack of a secure and stable Iraq means instability in the Middle East; namely, an unimpeded rogue Iran. A crippled Iraq will create a power vacuum. Remember what Ahmadinejad said on August 28, 2007.

Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap, with the help of neighbors and regional friends like Saudi Arabia, and with the help of the Iraqi nation.

Maybe it was good that was said because people know what kind of person he is, and they know he was prepared and wanting to fill the gap, a gap, a vacuum that is not there now.

Arab nations in the region have expressed their concern about Iran and are eager to contain the growing Iranian power. The world knows what Iran is capable of. The world has seen their aggression.

BG Jimmy Cash, U.S. Air Force retired, former command director inside the Cheyenne Mountain Complex, that was 1987 to 1989. He was the only person who could initiate a nuclear attack after advising the sitting President of a missile launch by our enemies and our need to respond.

No political or civilian had more knowledge about day-to-day military actions around the world. He said—and this is a quote. This is BG Jimmy Cash:

I watched Iran and Iraq shoot missiles at each other every day, and all day long, for months, they killed hundreds of thousands of their own people. . . . They were fighting for control of the Middle East.

Iran's nuclear work continues, including the enrichment of uranium, which could easily be used as part of a nuclear weapons program. I think we all understand that.

In the last 2 years, Iran has continued developing ballistic missile technology, launching missiles over 2,000 kilometers. Coalition forces have intercepted Iranian arms shipments in Iraq, including materials that are used to make explosively formed penetrators—that is EFPs—which are the most deadly of IEDs, which are being used against our American troops.

Coalition forces have also detained Iranian agents in Iraq. On January 7, Iranian gunboats—we remember that, how they were harassing some of our U.S. warships at the time.

Iran has now turned their attention to the only other threat to their dominance—freedom-loving nations throughout the globe. The world cannot afford to have Iran in control of the Middle East.

So Iraq remains as the critical link. Iraq is at a decisive turning point in their journey toward democracy. The surge has created opportunities that the Iraqi people have not taken for granted. The "awakening" is spreading from Al Anbar Province to Diyala Province. I saw it coming years ago. Years ago, I can remember going, as many of my colleagues had, from place to place in Iraq—long before the surge—seeing that our troops, when they would receive goods from home, such as cookies and candies, and they would take their packages and repack-age them in small packages and throw them out to these kids way out in the countryside, and the kids would wave American flags. That was out there. We knew that success was taking place.

The once turbulent and violent Al Anbar Province is returning to Iraqi control—Iraqi control, not our control. The Government of Iraq enacted The Justice and Accountability Act—that law—on January 12, showing real progress toward former baathist reconciliation.

Al-Qaida is a spent force in Iraq. It is retreating to the Horn of Africa.

Speaking of Africa, I have had occasion to be in Djibouti in the Horn of Africa. I have to say this with some degree of pride—this picture you are seeing in the Chamber now is of a little girl who was actually found as a little orphan girl who was 3 days old, south of Djibouti. My wife Kay and I are blessed with 20 kids and grandkids. Our daughter had nothing but boys, so she has now adopted this little girl, and that little girl is my granddaughter.

Some good things are happening over there. But I have to say that looking at the squeeze that is taking place in the Middle East, a lot of the terrorist activity is going down into the Horn of Africa. The occupier of the chair is fully aware that we—both sitting on the Senate Armed Services Committee, we are very proud of the fact that we are setting up and helping the Africans set up African brigades.

Syria has ceased supporting foreign fighters in Iraq. The Saudis are cracking down on supporters of Islamic terrorists in their own country. Iran is isolated. The world must remain focused and steady.

Iraq is an example to the world of how to reject terror and confront those who practice it. It is not going unnoticed. Political leaders see this. The world sees now that little kids are not being tortured to death in Iraq. Girls are now going to school instead of being raped and murdered. No more mass graves, no more vats of acid. And the butcher, Saddam Hussein, is dead.

Yes, we are doing a difficult thing, but we are doing the right thing. Just as Americans always try to do the right thing, we are doing the right thing there. But think of it for a minute. Isn't Iraq trying to do what we were trying to do 230 years ago? We were seeking a parliament at that time 230 years ago, and that is what Iraq is

doing today. We were seeking a constitution. That is what Iraq is trying to do. We were seeking democracy. We were seeking freedom. Iraq is seeking the same things we were seeking some 230 years ago.

The Iraqis are watching us. They are risking their lives, the same as we were risking our lives some 230 years ago. I think of that first election that took place up in Fallujah, when the Iraqi security forces were going—knowing they were going to be shot at, but they were willing to do that—to go vote. Remember the purple fingers. That is what was taking place.

I would have to say this: We went through the same thing in this country. I have always said one of the best speeches made was Ronald Reagan's "Rendezvous With Destiny," when he talked about the Cuban who trying to escape Castro's Cuba. As his ship washed up on the shore of Florida, a lady was there and said—and he was talking about the atrocities of Castro's Cuba—and she said: I guess we in this country don't know how lucky we are. He said: How lucky you are? We are the ones who are lucky because we had a place to escape to.

I would have to say that the first reason was to end the murderous regime of Saddam Hussein. The second reason was to shut down the terrorist training camps. The third is they are doing exactly what we did 230 years ago.

When you stop and think about the message and the inspiration we had from our forefathers, and when you stop and think about the message that was given when a tall redhead stood before the House of Burgesses and made a speech for them at that time—and it is certainly for us today, and certainly for Iraq today—he said:

They tell us, sir, that we are weak—

This is exactly what they have been saying to the Iraqis.

They tell us, sir, that we are weak—unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week or the next year? Will it be when we are totally disarmed . . . ? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of hope . . . ? [We are not weak, if we make a proper use of those means which the God of nature has placed in our power. . . . armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone.

This is important.

. . . we shall not fight our battles alone. There is a just God who presides over the destinies of nations; and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides. . . if we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged.

Some would say that we should retreat, we should leave. But that man stood before the House of Burgesses and said:

Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God!—I know not what course others may take; but as for me—

Said Patrick Henry—

give me liberty or give me death!

I guess what I am saying is, the Iraqi freedom fighters are not unlike what we were some 200 years ago. Wouldn't it be great if we were to provide the inspiration for them that our forefathers provided for us?

That is what is happening right now. We are winning. We are doing the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

GI BILL

Mr. WEBB. Mr. President, I wish to raise two issues briefly to the Members of our body today.

The first is, if we look back at the State of the Union speech last night, the President, toward the end of his speech, talked about those who have been serving since 9/11—the same individuals my colleague from Oklahoma has been talking about for the last 35 minutes. The President said, at one point:

We must keep faith with all who have risked life and limb so that we might live in freedom and peace. Over the past 7 years, we have increased funding for veterans by more than 95 percent. As we increase funding, we must also reform our veterans system to meet the needs of a new war and a new generation.

Unfortunately, what the President did not speak about in his remarks last night was probably the most important benefit we can be offering to people who have served our country since 9/11; and that is, a GI bill that would give them the same sort of educational benefits as those who served during World War II.

We have heard so many people on this floor and in the administration, in their speeches, talk about how this is the next greatest generation. We hear people lionizing the service they have given since 9/11, and I am one of those who is a great admirer of those young men and women who have stepped forward and served since then. But when they leave the military, they have an educational package that was designed in peacetime as a recruitment incentive in the 1980s and does not allow them to move forward toward truly a first-class future.

Here are a couple of examples for you:

When people came back from World War II—those veterans—8 million of them were able to take advantage of a GI bill that paid all their tuition, bought their books, and gave them a monthly stipend to the school of their choice.

For instance, Senator LAUTENBERG, who is a cosponsor of my GI bill legislation, S. 22, was able to go to Columbia on a full boat. Today, that would

cost \$46,874 a year. Our average veteran coming out of Iraq and Afghanistan is able to receive about \$6,000 a year under this Montgomery GI bill that is in place. That is about 12.8 percent of what it would take for our veterans today to be able to go to Columbia.

Senator WARNER, my senior colleague from Virginia, was able to take advantage of two GI bills. He was able to go to Washington and Lee University for his undergraduate degree, and then he was able to go to the University of Virginia Law School—full boat. Today, the Montgomery GI bill would pay about 14 percent of what it would take to go to the Washington and Lee University, and about 13 percent of what it would take to go to the UVA Law School.

I emphasize that I am standing here as a full beneficiary of Uncle Sam. After I was wounded in Vietnam and left the Marine Corps, I was able to go to Georgetown Law School, with my tuition paid for, my books bought, and a monthly stipend. Today's Montgomery GI bill would pay about 11.6 percent of that.

I think it is time for all of us in the political process, who like to use the words of praise—rightfully earned by the people on these battlefields—to talk the talk and then walk the walk. Let's get them a GI bill that truly allows them a first-class future. We have a majority—an overwhelming majority—of my Senate colleagues on the Democratic side who are cosponsors of this legislation. I am truly hopeful people on the other side of the aisle will understand this is not a political measure; it is a measure of respect, and it is an earned benefit.

We are giving this year \$18.2 billion worth of educational grants to people in this country purely based on their economic status. Certainly we can afford to pay for a meaningful GI bill for these young men and women who have been serving since 9/11.

The senior Senator from Alaska mentioned, during the Christmas break, that we are spending approximately \$15 billion a month in Iraq and Afghanistan. We could fund this GI bill for 1 week of what it would cost for us to run the wars in Iraq and Afghanistan. Unlike a lot of other comparisons that are made on this floor, this is a direct comparison because a GI bill is a cost of war.

I urge my colleagues to get behind it. Let's get this done early in this session before we go into the political season, and get these young men and women the benefits they not only deserve but they have earned.

COMMISSION ON WARTIME CONTRACTING

Mr. WEBB. Mr. President, the second issue I wish to mention today regards the National Defense Authorization Act, which the President signed into law yesterday. In that act was a commission on wartime contracting, which

Senator McCASKILL and I jointly introduced last year and were able to get embodied in the National Defense Authorization Act.

This is a very important piece of legislation. It will put into place an independent, bipartisan commission that has a 2-year sunset date on it—jointly picked, jointly selected by Democrats and Republicans in the Senate and in the House and from the administration—a commission filled with experts, not Senators sitting around or political people sitting around, to examine the wartime contracting that has taken place since our invasion of Iraq, particularly, also looking at Afghanistan, and trying to bring accountability to the broad range of fraud, waste, and abuse that we all know has occurred during that period.

Now, to my surprise, when the President signed this legislation yesterday, he issued a signing statement along with it saying this, with respect to this wartime contracting commission, that:

This wartime contracting commission purports to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief.

He goes on to say that:

The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.

In other words, the President of the United States, who has been in charge of the conduct of this war, and whose administration has been in charge of executing these contracts—supervising them, making sure that they meet the requirements of fairness in the law, is now saying that he believes a legislative body can enact a law that he can choose to ignore basically because he says it would interfere with his responsibility as Commander in Chief to supervise a war. I am totally at a loss. I am totally amazed to see this kind of language as it respects this legislation.

The Commission was put into place with broad bipartisan support and bicameral support by both the House and the Senate, the idea being to study systemic problems—the same sorts of things this President, I would think, would want to root out. Its historic precedent comes from the Truman Committee that took place during World War II, when then-Senator Harry Truman wanted to look at wartime fraud, waste, and abuse so we could get a proper handle on the Federal spending that was going into mobilization and into the projects that were being put on line during World War II. We certainly didn't see President Franklin Roosevelt trying to say the Truman Committee's work was going to interfere with his ability to conduct World War II. To the contrary, the President, during that war, saw this was the type of thing he needed in order to bring the right sort of supervision and the right sort of accountability that might eliminate waste, fraud, and abuse.

So we don't quite know what the administration intends with this sort of language, but I want all my colleagues to be aware of it and to be aware that it potentially is an impingement on the rights of the legislative body, in effect saying the President has the authority to ignore a law that has now passed, a law he has now signed.

So we are going to go forward with this Commission. We are going to work with the administration, we hope, to set it up. We are going to move as rapidly as we can because the clock is ticking in terms of statute of limitations on some of the charges that might be filed. I hope the people of this country understand we want to do this for the good of the American people; that we have a responsibility to make sure the Nation's purse strings have been properly taken care of and that we are acting as the stewards of America's taxpayers.

Again, if someone in the administration would like to explain to us what their constitutional issue is with a piece of legislation the President has signed, we would be happy to hear that. In the meantime, we are moving forward with this Commission. It is vitally important to accountability in the Government. I am very proud to have been a sponsor of it, and we are marching forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, first, let me commend Senator WEBB for the leadership on the issue he talked about. I am going to speak very briefly on that same issue—the signing of the statement by the President yesterday—but before I do that, I wish to commend him and the other sponsors of this legislation. It is critically needed. It is long overdue. But for the leadership of Senator WEBB and a few other Senators, we would not have had that provision in the bill which was finally signed yesterday.

Yesterday, the President did sign into law the National Defense Authorization Act, which is essentially the same bill the President vetoed last month. In his signing statement, the President identified a few provisions of the act and stated that they:

Purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations.

The President's statement went on to say that:

The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.

The specific provisions the President cited relate to a commission to study

and submit reports to Congress on war-time contracting in Iraq and Afghanistan. He cited a provision that enhances the protections from reprisal for contractor employees who disclose evidence of waste, fraud or abuse on Department of Defense contracts. He objected—or at least raised a question—about a requirement for offices within the intelligence community to respond to written requests from the chairman or ranking member of the Armed Services Committees for intelligence assessments, reports, estimates or legal opinions within 45 days, unless the President asserts a privilege pursuant to the Constitution of the United States; and he also made reference to at least a limitation on the use of funds appropriated pursuant to the act to establish a military base or installation for the permanent stationing of U.S. Armed Forces in Iraq or to exercise U.S. control of the oil resources of Iraq.

Now, I understand the President's statement did not say these specific provisions or any other provisions of the act are unlawful, nor that the executive branch would not implement these provisions. I also understand similar statements have been included in signing statements on a number of laws by this President and that those statements did not result in the refusal to enforce the law as written.

Nevertheless, I believe it is important to come to the floor as the chairman of the Armed Services Committee to express the view that Congress has a right to expect the administration will faithfully implement all the provisions of the National Defense Authorization Act of 2008—not just the ones the President happens to agree with.

As I noted at the outset, the President vetoed an earlier version of this act which contained the same specific provisions he singled out in his signing statement yesterday. The President did not choose to exercise his veto over those provisions and, as a result, they have not changed in any way whatsoever in the version of the bill the President chose to sign. With his signature, these provisions become the law of the land. Congress and the American people have a right to expect the administration will now faithfully carry them out.

I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that morning business be extended for 90 minutes, with the time equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, 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. STEVENS. Mr. President, is it in order for me to make a comment as in morning business at this time?

The PRESIDING OFFICER. The Senate is in a period of morning business.

(The remarks of Mr. STEVENS pertaining to the submission of S. Res. 433 are printed in today's RECORD under "Submitted Resolutions.")

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

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

FISA

Mr. CHAMBLISS. Mr. President, I come to the floor this afternoon to talk for a minute about the pending FISA legislation.

As a member of the Senate Intelligence Committee, I have been very pleased to be a part of the bipartisan process in which Chairman ROCKEFELLER and Vice Chairman BOND have crafted a very delicate, a very sensitive, yet important piece of legislation. Probably the most important piece of legislation that the Intelligence Committee has dealt with over the last several months or even years. Certainly, it is one of the most important pieces of legislation to come to the floor of this body this year.

This FISA legislation gives tools to our intelligence community which allow our brave men and women—who stand at the forefront today of the war on terrorism in every part of the world—to gather information from those who are plotting, planning, and scheming to kill and harm Americans. The tools with which the intelligence community seeks to get in this particular instance deal with their ability to gather information, primarily through what we refer to as electronic surveillance, from terrorists, or bad guys, who are overseas communicating to other individuals who are also overseas. There is no question that in order for our intelligence or law enforcement officials to be able to gather information from communications of persons located within the United States, it is necessary that they first obtain a court order. Let's make that very clear. We

must first obtain a court order to conduct surveillance against individuals located within the United States. What we are seeking to do in this legislation is to give our intelligence community the ability to collect information without a court order from people who are planning attacks against the United States and located outside the United States. It is those individuals whom we seek to gather information from and prohibit from having the capability to kill and harm Americans. This legislation is a crucial piece in the puzzle to enable the intelligence community to gather information from these individuals.

This particular piece of legislation has been debated in the Intelligence Committee for 10 months and was voted out of the Intelligence Committee on a very bipartisan vote of 13 to 2. I actually voted against several of the amendments offered in the Intelligence Committee. But at the end of the day, even though some of the amendments I voted against were accepted and were included in the bill, I believed it was such an important piece of legislation and put such necessary power and authority into the hands of the intelligence community that I voted to support it.

I commend my vice chairman, Senator BOND, who is on the floor with me now, for his leadership. I would simply ask the vice chairman: We started debate on this bill on the Senate floor in December, have been debating this bill this week, as well as last week. Where are we? What is the holdup in passing this critical legislation? What is the problem? Why can't the Senate give our intelligence community the tools they need to protect Americans?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, if I may respond to my colleague from Georgia, who is a very valuable member of the Intelligence Committee and who brings expertise from the other body and who has been a valuable contributor, when we passed the FISA bill in what is called the Protect America Act in August, everybody agreed that it should be 60 votes because this is a very important but very controversial bill that has to be adopted by 60 votes. Thus, we have asked that amendments to this bill be considered under a 60-vote rule.

It is very common in this Senate to demand 60 votes to be sure it is a non-partisan bill. So far, we have not been able—although we have provided several alternatives to our friends on the other side—to get a clear way of going forward. So that is why we are stuck, waiting to find a reasonable manner of proceeding.

I would ask my colleague if, in fact, he feels we had adequate contact with, interaction, and advice from the intelligence community and whether it is important to have the advice and assistance of those who are experts in and know the operations of electronic surveillance, to have a role in our drafting of the legislation.

Mr. CHAMBLISS. Mr. President, I would respond to the vice chairman, the Senator from Missouri, that without question, under his leadership and the leadership of Senator ROCKEFELLER, the chairman, we have received important input and had dialogue with the intelligence community throughout the drafting stages of this legislation. We not only had the top leadership, including the DNI, the Director of the NSA, the head of the CIA, and folks from the FBI in to testify before the Intelligence Committee, but also every member of the Senate Intelligence Committee has had the opportunity to visit these agencies and see firsthand where and how this information is gathered. We have had the opportunity to see firsthand the methods our intelligence community uses and the professionalism they exhibit. All of this is very highly classified. Our committee deals with all of this information in a very sensitive and classified manner. But the fact is, we have had testimony and firsthand accounts from top to bottom—from the individuals who physically gather the information all the way to the top leadership. Members of the committee on both sides of the aisle have asked tough questions to the individuals who have presented testimony before the committee. Everybody had the opportunity to have a free and open dialog and debate with those individuals.

Again, based upon what our intelligence experts had to say, this legislation was crafted and debated within the committee. Without question, there was ample opportunity for every member to inquire of all of those in the intelligence community of why we need this legislation, why it is so critically important, where we would be without it, and why we need it to make sure we are able to stop those individuals who seek to do harm to Americans around the world.

Mr. BOND. Mr. President, I would ask the Senator from Georgia further why it is so important to have the intelligence community operatives and lawyers involved in drafting the measure. We had several good ideas offered in the committee that turned out not to be workable. I would ask my colleague why he thinks it is important to have the direct involvement by the intelligence community experts as to how to craft not only the legislation but amendments to it.

Mr. CHAMBLISS. Mr. President, I would respond to the distinguished Senator from Missouri that without question, it is necessary, from a legal standpoint and from a practical standpoint, to get testimony and advice from the legal experts and our operators in the intelligence community to make sure there are no unintended consequences that come out of the final product from the Intelligence Committee.

As the Senator will recall, we had some very heated debates on a couple of amendments within the committee.

Very good debate on both sides of the issues. Sometimes, there were Democrats arguing with Democrats, other times Republicans were arguing with Republicans, but that is the nature of the Intelligence Committee. It operates in a bipartisan fashion to make sure we look at every aspect—legal, technical, as well as practical—to make sure we get it right. As the vice chairman knows and has been working to correct, some of the amendments adopted in committee were well intentioned but harmful to our collectors. With the input of the intelligence community the manager's amendment has been able to correct those unintended consequences while preserving the intent of the amendments. In this instance, I think we did get it right through engaging with our intelligence experts.

Mr. BOND. Mr. President, would the Senator from Georgia say that this bill not only enables the intelligence community to move forward, but it provides additional protections for Americans, for their privacy and constitutional rights? I would ask him if he thinks those amendments have been incorporated in the legislation before us and what he thinks the final product of the Intelligence Committee is as a result.

Mr. CHAMBLISS. Mr. President, I thank the Senator for his question. I would simply say that, again, there is just no doubt this legislation goes beyond the Protect America Act and the current FISA statute to protect American's privacy and constitutional rights. After all the discussion, after all the testimony that was presented, after all the debate that took place within the confines of the Senate Intelligence Committee, we found that for 25 years, the members of the intelligence community have been able to conduct surveillance against Americans overseas without a court order. I would point out that they did this in a professional manner and reduced the risk of compromising American's privacy through established minimization procedures. Since FISA's original enactment, the intelligence community has used minimization procedures to ensure that the information being gathered from Americans was necessary foreign intelligence information and from individuals who are foreign agents. This legislation subjects this type of surveillance to a court order, providing new protections for Americans.

One purpose of FISA reform was to ensure that the ultimate and final language we came up with would provide additional privacy protections to American citizens, both inside the United States as well as outside the United States.

Mr. BOND. Mr. President, I would ask, isn't this the first time any of the FISA bills—even the predecessor FISA bill or the Protect America Act—have included privacy protections for Americans overseas?

Mr. CHAMBLISS. Mr. President, I would respond to the distinguished

Senator from Missouri that this is the first time these protections have been enacted. This bill also prohibits reverse targeting.

This is the first time in the history of our intelligence community that a FISA court order for U.S. persons is required regardless of where that individual is located. So if a U.S. citizen who goes abroad is an agent of a foreign power or a terrorist seeking to communicate, our intelligence community must first get a court order before they can conduct any electronic surveillance, irrespective of whether that person is inside the United States or outside. For the first time in the history of our intelligence operations, this will be the case. So the added protections of the fourth amendment, which normally are not needed for a person located outside the United States, are applied in this particular piece of legislation.

Mr. BOND. Mr. President, my colleague mentioned reverse targeting. I would ask him, after debate on both sides and suggestions from both sides, did we not also include an express prohibition of reverse targeting, as well as providing court review, as he has stated, of minimization, acquisition, and certification procedures? I would ask him if reverse targeting is prohibited and what reverse targeting really means.

Mr. CHAMBLISS. Again, I thank the vice chairman for his question. The issue of reverse targeting is directly addressed in the bill—it is prohibited explicitly. Reverse targeting refers to the hypothetical situation where our intelligence community targets a foreigner overseas solely to get a U.S. persons' communications between that foreign person and a U.S. person. The targeting of the foreign person is allowed without a court order. The targeting of a person located in the U.S. is not allowed unless a court order is first obtained. So if someone in the intelligence community targeted a foreigner with the intent to listen in on the U.S. citizen, that is reverse targeting. This is prohibited in this legislation. Again, this is the first time we have seen that protection put in the statute.

So as a lawyer still recovering from practicing law sometimes, I think, it is the first time that I can remember in all of my years since my days of constitutional law at law school where the United States applies fourth amendment rights to individuals who are outside of the United States.

Mr. BOND. Mr. President, I would ask my colleague—he just talked about the new protections for U.S. persons overseas: prohibition of reverse targeting, court review of acquisition, minimization, and certification procedures.

Now, some have said we just ought to extend the Protect America Act. As a sponsor of the Protect America Act, I thought it was pretty good. But if we were simply to extend the Protect America Act, would that not

eliminate or at least delay any of the additional protections against reverse targeting, providing court review, and preventing reverse targeting of U.S. persons?

Mr. CHAMBLISS. Again, Mr. President, I respond to the vice chairman that reverse targeting is not prohibited under the Protect America Act. It is a procedure that some allege could occur under the Protect America Act, but which is clearly prohibited under this act.

Anybody who is concerned about extending and protecting the rights of individuals ought to be a lot more concerned about getting this bill enacted into law than they should be about extending the Protect America Act. So this is one of those situations where it is totally unexplainable to me for someone to say: I don't think we ought to pass this law because it doesn't go far enough, when it goes further than current law and the Protect America Act which we already have voted for. Now there is an attempt being made to extend the Protect America Act for an additional period of time.

Mr. BOND. Mr. President, I ask my colleague why it has taken so long to get us to this point when the Protect America Act expires on February 1?

Mr. CHAMBLISS. As the Senator has said on the floor over the last several days, we are ready to pass this bill tonight if our friends on the other side of the aisle will simply get together with us and let us vote it up or down.

When it comes to the issue of 60 votes, I have only been in this body for 5 years, but I cannot think of one single major piece of legislation that I have seen on the floor of the Senate during those 5 years that didn't require 60 votes for all major amendments. I was the manager of the farm bill recently. That is a long way away from this sophisticated piece of legislation, but every major amendment we had required 60 votes. That was the most recent, large piece of legislation we have had on the floor. So every time we have a major bill, a 60-vote requirement is reasonable and is going to be called for. I think for us not to have it in this particular situation would be extremely unusual.

Mr. BOND. Mr. President, I might ask, isn't there a danger that if there is an amendment not subject to the 60-vote point of order, it is possible, with various Senators absent, that we could adopt, perhaps, on a 47-to-46 vote, an amendment that would make it impossible for the intelligence collection required by the intelligence community to go forward, and if such were adopted, what would happen to the legislation?

Mr. CHAMBLISS. Mr. President, if I may respond, the Senator is exactly right. If we did not have a 60-vote requirement on amendments, or dealing with any issue in this bill, then it is possible that we could adopt amendments, by less than a majority of the Members of the Senate, which could

hamper our intelligence community. And on this critical, sensitive, most important piece of legislation, for us to pass an amendment without a 60-vote requirement really makes no sense at all.

I think all of us would certainly be remiss and derelict in our duties if we didn't insist on a 60-vote requirement.

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

Mr. BOND. Of course.

Mr. DURBIN. Mr. President, is the Senator proposing to change the Senate rules that all amendments will now take 60 votes? Is that the proposal before the Senate?

Mr. BOND. Mr. President, if I may respond, as my friend from Georgia pointed out, in order to pass very important legislation such as this, it has been the practice in this body to require 60 votes, and as my colleague from Georgia just said, the farm bill passed with 60 votes on the amendments. When we passed the Protect America Act, we had to get 60 votes.

This bill could be enacted into law and will undoubtedly have to have 60 votes to be signed by the President. I say to my distinguished colleague from Illinois, if there are changes made with less than a 60-vote margin, if they destroy the ability of the intelligence community to operate the collection system as we have prescribed, then that bill will never be signed into law. We would have to start all over again, and we would thus be leaving our intelligence community without the tools to protect us.

We are not saying we are changing the rules of procedure. We are following the practice that has been adopted in this Senate.

Mr. DURBIN. If the Senator will further yield, I am new here; I have only been here 11 years. So I am trying to learn a little about how this works. I recall that somehow the Republic survived and the Nation did well, we kept our armies in the field and built our highways and passed our bills, and we did that for a long period of time without requiring 60 votes on every amendment. Then there came this age of the filibuster, where the Republican minority last year had 62 filibusters, breaking a record in the Senate. Well, to stop the filibuster, you need 60 votes.

So now I assume what the Senator is suggesting is that we are in a new age in the Senate, and it is going to take 60 votes for everything. If that is the proposal, I suggest a rules change. Let's get on with it and find out if there are enough votes here to make that the rule. If it is going to be the age of filibusters again this year, the public won't like it much. We were in the minority not that long ago.

But if that is your goal, if you want to make this a 60-vote requirement, it is a different Senate, and it will be, unfortunately, adding to the frustration many people have when they look at Washington and say: Why don't you pass something, or why don't you do

something about health care or about other issues? We will have to tell them we don't have 60 votes.

Mr. BOND. Mr. President, if that was a question—and I assume it was a question—let me say that requiring 60 votes is something which has occurred frequently in previous years, when this side had the majority and the other side was in the minority. We found that it was very difficult to pass legislation without 60 votes. Thus, we have seen that practice before.

But this is not an ordinary piece of legislation. Had we dealt with this in a timely fashion, this could have been handled on a different basis. But the Director of National Intelligence, whom I will refer to as the DNI, submitted to the Intelligence Committee, in April, a measure that he felt was necessary to modernize FISA. That bill was not brought up. The DNI testified in person before the committee in open hearing in May. Despite my request, no legislation was developed in the committee. The DNI came before the Senate in closed session, in a confidential room, in July of this year, to say how important it was. No bill came out of the Intelligence Committee. So the DNI proposed a short-term fix, which I brought to the floor on his behalf at the end of July, the first of August, and we were able to pass the bill, but we had to pass on a 60-vote basis.

When there are very important pieces of legislation, with strong feelings on both sides—as my colleague from Georgia has pointed out, he handled a very important and difficult farm bill—those measures had to have 60 votes.

Now, the fact is, we could have a bunch of simple majority votes, and there are many we can take on a simple majority. But if there are amendments which, if adopted, would prevent the bill from being passed and signed into law, as a practical matter, it makes sense to have a 60-vote margin.

We are waiting for a response to the offers we have made to the other side because, frankly, February 1 is coming. I hope we will agree on it. I understand the House is sending us a 15-day extension. I say to my friend from Illinois that I hope we can adopt the 15-day extension and a collaborative agreement between the two sides on how we are going to proceed to finish this bill.

I see the distinguished assistant majority leader has some information. I am happy to yield to him for that.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with the time equally divided.

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

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, I announce to the membership that there

will be no further rollcall votes during today's session.

Mr. BOND. Mr. President, I thank the assistant majority leader for advising us that we won't have to continue the frenetic pace of voting this evening. I look forward to working with him. He is a pleasure to work with. Maybe tomorrow we will be able to go forward.

I was going to offer some thoughts on the intent of FISA, but I will defer to my colleague from Georgia if he has further points he wishes to raise.

Mr. CHAMBLISS. Mr. President, I am happy to yield to the vice chairman if he has prepared comments he intends to make. If I have something to supplement that, I will do so.

FISA

Mr. BOND. Mr. President, I thank my colleague from Georgia. I thought maybe, if anybody is still listening, we would talk a little bit about the intent of the Foreign Intelligence Surveillance Act. I hope maybe we can clarify some of the misunderstandings.

First, I believe that when the distinguished Senator from California, a valued member of the committee, Mrs. FEINSTEIN, spoke on the origins of FISA, she correctly noted that it was created, at least in part, in response to the disclosed abuses of domestic national security surveillance. However, as the legislative history makes clear, FISA was never intended to regulate the acquisition of the contents of international or foreign communications where the contents are acquired by intentionally targeting a particular known U.S. person who is in the United States.

The legislative history states:

This bill does not afford protections to U.S. persons who are abroad, nor does it regulate the acquisition of the contents of international communications of U.S. persons who are in the United States, where the contents are acquired unintentionally. The Committee does not believe this bill is the appropriate vehicle for addressing this area. The standards and procedures for overseas surveillance may have to be different than those provided in this bill for electronic surveillance within the United States, or targeted against U.S. persons who are in the United States.

In essence, then, FISA, as originally drafted, was a domestic foreign intelligence surveillance act. Congress was concerned about targeting persons inside the United States with interceptions conducted inside the United States.

The FISA Act amendments legislation we are considering today is a very different animal, and it could be better characterized as an international foreign intelligence surveillance act. The bill is concerned mainly with targeting persons outside the United States when interception might occur inside the United States. What do I mean by that? The legislation will regulate how the President may conduct electronic surveillance of foreign terrorists operating in foreign countries when their

communications just happen to pass through the United States on wire communications networks.

This strange interference with the intelligence community's and, indeed, the President's authority to conduct foreign intelligence activities appears to arise from an overabundant concern about the "rights" of persons in the United States whose communications are incidentally collected when they talk to terrorists overseas.

It is odd that we are creating a new law in this area that departs from the original construct of FISA because in the international surveillance realm, there have been no significant abuses of the intelligence community's ability to collect overseas foreign intelligence.

Unfortunately, two factors have compelled us to make these changes to FISA. First, we need to ensure that the critical intelligence gaps identified by the DNI last year do not reappear.

The Protect America Act effectively closed those gaps last summer, but there was bipartisan agreement that we could improve on its provisions, especially in the area of carrier liability protection, and that is what our committee did.

Second, this legislation is also required because we must address the practical reality that electronic communications service providers are now insisting on a formal process to compel cooperation in the foreign arena in order to obtain prospective liability protection similar to that enjoyed for domestic intelligence and criminal wiretaps. That is why the carrier liability protection and prospective liability protection provisions of this bill are so important.

Another area where we are departing from the original intent of FISA is the targeting of U.S. persons abroad. FISA, as passed in 1978, left the targeting of American citizens abroad to the President's Executive order applicable to the intelligence community and the procedures approved by the Attorney General. In this legislation for the first time in history, we build into the FISA new laws that govern the targeting of U.S. persons overseas who are agents, officers or employees of foreign powers when a significant purpose of the acquisition is to obtain foreign intelligence information.

These new procedures are sometimes referred to as 2.5 procedures because they are based in part upon section 2.5 of Executive Order 12333, which has long governed the electronic surveillance of U.S. persons overseas by requiring the approval of the Attorney General based upon a finding of probable cause that the target is a foreign power or agent of a foreign power.

These 2.5 changes were part of the overall bipartisan compromise and now require prior court review by the Foreign Intelligence Surveillance Court of all surveillance conducted by the U.S. Government targeting U.S. persons overseas. Americans will still be on their own with respect to being

surveilled by foreign governments overseas, but at least they can remain confident that if they are not working for a foreign power as a spy or terrorist, their own Government will not be listening to their conversations.

The last area that merits discussion on the issue of FISA's original intent is the Foreign Intelligence Surveillance Court. We refer to it as the FISC. According to section 103 of FISA, the FISC was established as a special court with nationwide jurisdiction to "hear applications for and grant orders approving electronic surveillance anywhere within the United States." That is it.

As evidenced by the application and order requirements in FISA, each application is for a "specific target" for the significant purpose of obtaining foreign intelligence information.

The court was originally structured so its seven judges would provide geographical diversity. The post-9/11 expansion of the FISC from 7 to 11 judges enhanced that diversity. Judges are nominated by the chief judge of their circuit to promote ideological balance on the FISC.

It was clearly recognized that only one or two judges would be in Washington, DC, on a rotating basis at any given time. This was intended to discourage judge shopping and make it unlikely that an application for the extension of an order would be heard by the same judge who granted the original order.

The FISC was never envisioned as a court that would or should handle protracted litigation. It possesses neither the staff nor the facilities to preside over such litigation. Moreover, it is very likely that such prolonged litigation would interfere with the main business of the FISC, which is to ensure the timely review and approval of individual operational FISA applications for court orders.

We need to remember that the FISC was set up to review domestic electronic surveillance and later physical searches, an area that has numerous parallels to the similar reviews conducted by district court judges when they are asked to authorize criminal wiretaps. As I mentioned previously, even the FISC has acknowledged its lack of expertise in the foreign-targeting context, which is, they say, better left to the executive branch.

The Court's recent opinion in the case of *In re: Motion for Release of Court Records* stated:

... even if a typical FISA judge had more expertise in national security matters than a typical district court judge, that expertise would still not equal that of the Executive Branch, which is constitutionally entrusted with protecting the national security.

We should be very hesitant to disregard the Court's own assessment of its competency in the overseas intelligence realm, especially given the original intent of FISA. I urge all my colleagues to be mindful of the Court's own words as we consider some of the

proposed amendments, particularly those that would allow the court to assess compliance with minimization procedures used to target foreign terrorists. For example, amendment Nos. 3920 and 3908, and would require the court to determine the good faith of those providers who allegedly assisted the Government with the Terrorist Surveillance Program. As examples, amendment Nos. 3919 and 3858.

In conclusion, I offer these observations mainly to ensure the record reflect the legislation departs from FISA's original intent in a deliberate and carefully tailored manner. While there are some practical considerations, including a desire for a strong bipartisan bill, that have driven the need for this legislation, we should be extremely careful about adding new or changing existing provisions in the bill that could negatively impact the operational effectiveness of our intelligence community or provide unwarranted protection to overseas terrorists and spies.

Mr. President, I will not propound a unanimous consent request now, but I advise my colleagues that if we cannot reach agreement, I will ask unanimous consent that all amendments to the FISA bill be brought up and decided at a 60-vote threshold so we can move forward on this important legislation. I am not making that request now. I alert my colleagues on the other side of the aisle, I hope that will not be necessary, but we have not had a response to our proposal on how we move forward. We have been at this a week now, and we only have, at best, two full working weeks before we go on recess. We must get this bill done, sent to the House, conferenced, and passed before we leave for the President's Day recess. Failure to do so could leave our intelligence community without the tools they need and, thus, America without the protection it needs.

I yield the floor.

THE PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Colorado.

ADDRESSING THE ISSUES

Mr. SALAZAR. Mr. President, when we looked back at the work of this Chamber at the end of 2007, we saw this Chamber coming together in a bipartisan way to garner what was 82 votes for the passage of the 2007 farm bill. It is an example of Republicans and Democrats working together to address a fundamental need of America, and that is the issue of food security.

Last night, we heard the President of the United States address the Nation on the state of the Union, in which one of the things he talked about was the importance of moving forward with an economic stimulus package. That economic stimulus package, which has been negotiated at least with the House of Representatives on a bipartisan basis, is another example of when people are willing to work together, we can actually get some business done.

That is what we should be doing in this Chamber today. We should be working through amendments with respect to improving the Foreign Intelligence Surveillance Act in order for us to get that legislation finally approved. What we are up against, frankly, is an unwillingness on the part of the Republican minority to allow us to move forward to get to final passage of this bill in a way that would consider relevant and germane amendments that would make it better, in a way that would address the absolute need to protect the cherished civil liberties of Americans.

Those are the kinds of amendments with which we ought to be dealing. But instead, we are faced with a filibuster.

I hope we can act on this legislation and then move on to the urgent needs the people of America have brought us here to work on, on their behalf. We heard the President last night talk about the economic issues that face America.

In my view, when I look at my State of Colorado, I believe the economy is skating on very thin ice. We see it in a lot of different ways. We see it in rising gas prices. We see it in the extraordinary health care costs people have to pay. We see it with respect to the housing crisis we are facing in my State and across America.

When I think about my State, maybe it is a small State in comparison to the great States of New Jersey, New York, and others, but there are 5 million people in my State who I believe are very concerned with what is happening with housing in Colorado. That is because 1 out of every 376 homes today in the State of Colorado is in foreclosure. If 1 out of 376 homes is in foreclosure today, I would venture that probably 90 percent of the homes in Colorado have seen a very significant decline in their value over the last 2 years.

So, yes, the people of America are very nervous about what is happening with the economy, and it is our responsibility, therefore, to move forward with an economic stimulus package that will address that economic uncertainty. I am hopeful that with the leadership of Senator BAUCUS and Senator GRASSLEY and my colleagues on the Finance Committee, we will be able to get to a markup of legislation that can reach the floor of the Senate tomorrow evening, perhaps the next day, that will be that jump-start to the economy we need.

There is broad agreement on what that legislation will do. It will put money into the pockets of the consumers of America so it can help stimulate the economy. It will create initiatives for small businesses, which are so much of the economic engine of America, to go out and invest in equipment and growth so we can create jobs for people of this country.

We will move forward with a package that will also include extending unemployment benefits and also include in that making sure 20 million seniors who were left out of the House stimulus package are also included.

There will be other provisions that will come forward. So it is important we get beyond the legislation we are dealing with now with respect to FISA so we can work on those short-term economic issues. And having worked on those economic issues, which I hope we are able to do in a bipartisan fashion, then we will have the opportunity, hopefully, to work on the other legislation that addresses the longer term security needs of America.

In that long-term economic set of issues I believe we have to address, we have to, first of all, get the farm bill which garnered, I believe, 82 votes in the Senate, across the finish line so we can guarantee the food security of America for generations to come. It is the best farm bill, in my view, that has come out of this Senate Chamber, out of Congress for a long time. I think my Republican and Democratic colleagues would agree with that characterization of the farm bill.

We need to move beyond the farm bill to also address other long-term economic issues that face us. We must address the issue of the clean energy future for America. Yes, we can celebrate the fact that we came together in a bipartisan way to pass the Energy bill which the President signed in December, that we did a lot to move forward with efficiency and transportation and how we use electricity and other energy in our homes and buildings, a very significant step forward in embracing the new future with biofuels for America with the quintupling of the renewable fuel standards, and we took some steps to start dealing with the issue of global warming by putting carbon sequestration in that bill. But there is a lot more to be done on energy because what is missing in that bill, and still missing today, is a jet engine that will power us into the 21st century clean energy economy, because the legislation we passed out of the Finance Committee was one vote short to get to the 60 votes to stop the filibuster that was underway.

We need to turn back to the energy legislation so we can build that long-term economic security for America.

We also have to deal with the housing crisis. We will deal perhaps with it in some minor ways when we deal with the stimulus package, but there are other pieces of legislation which a number of committees have been working on to try to deal with the housing crisis. So we need to deal with both the short-term and the long-term economic challenges we face here in America, and yet we are wrapped around the axle in terms of moving forward on this FISA bill because the Republican minority has taken the view that we can simply stall, stall, stall until the time runs out.

I think we ought to be working in good faith, consider the amendments that many of my colleagues have brought to this floor and which are being prevented from being considered so we can then get a FISA bill passed

and we can move forward with the economic issues that we need to so urgently address.

I will continue to speak more specifically about FISA and some of the very important work that both Chairman ROCKEFELLER and Vice Chairman BOND have put together in this legislation, as well as the work of Chairman LEAHY and Senator SPECTER on the Judiciary Committee, and I probably have another 10 minutes or so to go on the general legislation in support of the bill and moving forward with it, but because we are at this impasse, because we are wrapped around the axle, it seems to me a timeout is what would make sense for us then to be able to turn our attention, to pivot over to the economic issues which we have to address and which the President asked us to address last night.

In that regard, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, S. 2556; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I thank my colleague for his courtesy and for his attention and his interest in this subject.

As I had previously stated, we have to get this bill done to replace the Protect America Act. I believe the House has passed or is considering passing a 15-day extension, which I think is long enough, and on behalf of our side, I must object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. SALAZAR. I thank my friend from Missouri, and I look forward to the leadership that was shown by the Intelligence Committee in terms of Senators ROCKEFELLER and BOND bringing Republicans and Democrats together to fashion the legislation that is before us.

In addition to that, I think we have an opportunity to work with Senator LEAHY and the members of the Judiciary Committee to figure out the best way of moving forward to achieve the ultimate goal, which is to make sure we are protecting America. So I very much look forward to working with my good friend from Missouri and getting that done.

I don't think any Member in this Chamber would argue the fact that we need to update and extend FISA. The technologies available, surveillance methods that are now being used, and the threats that we face have changed dramatically since Congress first enacted FISA a long time ago—in 1978. Think of the attacks of the last years. September 11 illustrated in the most tragic and bloody and horrible way the great threat that extremist groups can pose to the United States. The attacks

in New York, Washington, and Pennsylvania brought the spectre of terrorism to our front door. In many ways, the innocence of America was lost on that day.

But September 11 is not the only terrorist attack that we or our allies have endured in recent years. In 2002, a bombing in Bali killed 202 people and wounded 209. In 2004—this is after 9/11—the bombs on the trains in Madrid killed 191 people and wounded over 2,000 people. And in 2005, we saw the attacks on London's underground commuter train, killing 52 and injuring 700.

I could go on with a list of violent incidents that have been caused because of terrorism around the world. The State Department reports that the number of incidents of terrorism worldwide has grown dramatically in recent years. Between 2005 and 2006, the number of incidents rose from 11,153 to 14,338. Three-fourths of those incidents—that is three-fourths of 14,338 incidents—resulted in death, injury, or kidnapping. All told, terrorism has claimed the lives of more than 74,000 people around the world in only the year 2006. That is 74,000 people, most of them innocent members of our human race, who have been killed by the scourge of terrorism around the world.

Americans understand that our intelligence and surveillance capabilities are absolutely essential to preventing these types of attacks. Our Government needs to have the power and the tools to listen in on those who are plotting an attack on the United States and our interests. They need to be able to monitor the e-mails of a terrorist suspect. They need to be able to track people, and they need to be able to track those vital networks. They need to be able to respond quickly and decisively on information that is collected to make sure that we protect the innocent from harm.

Americans want a government that can and will fulfill its primary responsibility—the responsibility of keeping its citizens safe from attack. But we also want to make sure we have a government that will not abuse the power entrusted in it. We want a government that honors the rule of law and upholds the cherished values of our Constitution. We want a government that protects the privacy of law-abiding citizens, and we want a government that is worthy of respect, not fear.

Without a doubt, the events of September 11 demanded an expansion of our intelligence-gathering capabilities. We needed to take emergency action to ensure the security of Americans over the short term. But rather than work within the authorities provided by Congress, the President and then-Attorney General John Ashcroft built their own program—the terrorist surveillance program—out of the view of Congress, out of the view of the public, in the darkness, and without oversight of the courts. They built it on their own based on some assumed authority.

The administration hid the fact that it was implementing its program in a

manner that overstepped the authorities that Congress had provided under law. It hid the fact that it could target Americans for surveillance without a warrant. There was no mention to the American people that their communications could be spied upon without a warrant or without any other kind of protection from the courts. It hid the fact that it was grabbing more power for the executive branch than our Founding Fathers would have ever thought wise in their quest to protect the civil liberties and freedoms of America.

We need to move, in my view, beyond the thinking that characterized the formation of this unlawful terrorist surveillance program within the executive branch, and we have indeed made some progress together in moving forward in a new direction. We have consolidated the information that our intelligence agencies collect, we have implemented the recommendations of the 9/11 Commission in this Congress, we have created the Department of Homeland Security, and we are now ready to bring FISA up to date with our technology in the threats we face.

Over the last few days, the administration has presented the American people with a false dichotomy. They claim we have to choose between protecting our national security on the one hand and protecting our civil liberties. That is a false dichotomy. As a former attorney general, I can tell you that we can do both. We can have a surveillance program that gives our law enforcement the tools it needs to protect America and at the same time we can make sure that we are protecting the civil liberties of the citizens of our country.

The bill before us places some simple but highly effective safeguards on the Government's surveillance program, and we should be thankful for this legislation in that regard. These safeguards will in no way impede our efforts to defeat the terrorist networks and prevent attacks on Americans. If an intelligence agency gets actionable information, it can establish surveillance immediately; no waiting for a warrant, no redtape, no delay. The agency will simply have to seek a retroactive warrant once surveillance has begun.

Mr. President, I ask unanimous consent to continue as in morning business for an additional 5 minutes.

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

Mr. SALAZAR. I thank the Chair.

The bill before us places some simple but highly effective safeguards on the Government's surveillance program. These safeguards will in no way impede our efforts to defeat the terrorist networks and prevent attacks on Americans. I want to highlight a few provisions of the bill that the Intelligence Committee reported, and which are at the center of our debate this week. These provisions require the FISA Court and Congress to play a greater

role in overseeing the Nation's surveillance program. I should say a greater role and an appropriate role in overseeing the Nation's surveillance program.

First, the FISA reauthorization will require the FISA Court to review the administration's procedures for determining that the targeted surveillance is reasonably believed to be outside the United States. Second, the FISA Court must review the procedures for minimizing the identities of and information about Americans incidentally detected during the surveillance of foreign targets. Third, the court must approve or disapprove the targeting of Americans overseas under this new authority on an individual basis, based on its review of whether there is probable cause to believe the person is an agent of a foreign power. Fourth, the bill includes a 6-year sunset to allow Congress to evaluate how the new authorities are carried out, and to ensure abuses do not occur before authorities are extended further. The threats and technologies are changing so fast that Congress will need to update the legislation during that time.

Finally, the bill requires the intelligence community to conduct an annual review and requires detailed semi-annual reports to be submitted to the House and Senate Intelligence and Judiciary Committees concerning collections authorized under the bill, including instances of noncompliance.

These provisions represent a dramatic improvement to our Nation's international surveillance program, and I am pleased they are the foundation of the bill. But we can do more to strengthen the bill and do better to enforce the rule of law.

I support Senator CARDIN's amendment, which I cosponsored, to have a 4-year sunset for the bill rather than 6 years. If we learn of problems in the program, if the technologies continue to change or if the threat changes, we should have the opportunity to change the law.

Over the coming days, we will also debate how to handle the question of immunity for companies that participated in the warrantless surveillance program from 2001 until 2007.

In my view, if a company was knowingly acting in violation of existing law, the courts should review their actions to determine if there was wrongdoing. If, however, the Attorney General or an intelligence agency approached that company, and the company clearly tried to follow the law and act in good faith, it should not be held liable.

That is why I am cosponsoring Senator FEINSTEIN's amendment which establishes an independent process for reviewing whether a company should receive immunity. Under this amendment, the FISA Court would follow a three-step process for determining whether a lawsuit has merit.

Senator FEINSTEIN has proposed a smart and fair solution to this very dif-

ficult problem. The FISA reauthorization has become unnecessarily politicized, in my view. We are fully able to strengthen our Nation's international surveillance capabilities while protecting the privacy of Americans. I hope the Members of this Chamber can put the rhetoric and threats aside and move forward to assure that America is, in fact, protected, both in terms of threats against them in violence from terrorists and at the same time that we protect their civil liberties.

I hope we can pass the FISA bill soon. I hope the President will do what is right and sign it.

The Senator from Alaska.

(The remarks of Senator MURKOWSKI pertaining to the introduction of S. 2570 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. BROWN. I ask unanimous consent to address the Senate as in morning business for 15 minutes.

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

Mr. BROWN. I thank Senator MURKOWSKI for her work. There is absolutely a need for that legislation. I appreciate what she has done.

ECONOMIC STIMULUS

Mr. BROWN. Last night we heard a vision that the President of the United States was standing in the Chamber of the House of Representatives speaking to all of us. He talked about how best to proceed during times of clear economic crisis, job loss, health care, energy costs soaring, threats to our domestic safety nets, and a war in Iraq with no end in sight.

When news media people asked me what I thought about the speech, one of the things I said was I wished the President could have sat in on some of the meetings that I had as I traveled Ohio in the last year, my State. I had about 80 roundtable meetings of 15, 20, 25 people in a community where for an hour and a half I would ask them questions about their communities, about their problems. In every corner of the State, I heard from veterans and first responders, from farmers, from people running small businesses, from teachers, from students, from community leaders, from mothers and fathers. I wish the President had been able to hear some of this because people clearly want to hear their Government is finally committed to change and to fighting for the middle class.

They want to hear that the economic policies of the last 7 years, policies

that have failed them, are a thing of the past and we have a new direction. They want to hear about a plan to finally bring back good-paying jobs, lower our health care and energy costs, secure our safety nets, and end the war in Iraq.

For Ohioans, the future is about change. Let's say you are driving down the road. You notice that the signs, mile markers, exit signs, billboards as huge as houses are telling you that you are going in the wrong direction: Signs saying wages stagnating, signs saying U.S. jobs being shipped overseas, a housing crisis deepening, health care costs soaring, increased dependence on foreign oil, product safety unsure, no end to the war in Iraq. The longer you stay on the road, the worse things get.

So you hit the gas pedal and head further down that road. If you drive down the road, the wrong road, long enough, does it become the right one? Of course not. You do not proudly log more miles on the wrong road. You change direction.

If there is one thing you can say about the administration and its supporters in Congress it is that they are consistent. They consistently answer to the wealthiest Americans and to the largest corporations and pay lip service to the rest of the population.

Think about last night. The President said 116 million people—if we extend the tax cuts, 116 million people will get tax cuts averaging \$1,800 a person.

Does the President really say—does that really say what the tax cuts mean? It is a very small number of people getting huge tax cuts, and tens and tens and tens of millions of Americans are getting almost nothing.

Does he say it that way? Does he tell the American people that is what it is? Of course not. He says the average American will average \$1,800 from the tax cuts. Simply, that is very misleading. We have seen that on tax policy over and over and over in this administration.

Mr. DORGAN. Mr. President, I wonder if the Senator would yield for a question.

Mr. BROWN. I will yield to the Senator.

Mr. DORGAN. Mr. President, I was going to inquire of the Senator from Ohio if he found, as I did last night, it very unusual to have the entire State of the Union Address talking about the economic difficulties in our country and the need for a stimulus plan and so on without ever mentioning the real root causes at all of what has put us in this position: For example, a \$700 billion, going to an \$800 billion-a-year trade deficit; a fiscal policy budget deficit that is going to require us to borrow \$600 billion in this fiscal year, just that combination is \$1.3 trillion in red ink, 10 percent of our GDP in 1 year.

You know, the fact is, everyone in the world, including American citizens, look at that and understand that is so far off the track there is no way that works.

I support a stimulus package. I think it is fine to do for psychological purposes. But I am wondering if the Senator from Ohio wonders, as I do, why the President does not even seem to recognize the underlying causes of the economic difficulty in our country.

Mr. BROWN. I appreciate the comments from the Senator from North Dakota, who understands probably better than anybody in this body what this trade deficit means, what this trade policy means. And what is amazing is the President does not look at the \$800 billion trade deficit.

When I came to the Congress in 1992, it was \$38 billion. Now it is over \$800 billion.

The President's father once said \$1 billion in trade deficits translates into the loss of 13,000 jobs. Now it is \$800 billion, and the President did not address that. But what he did say is: Let's do more of this. He said: We need a trade agreement with Columbia, we need a trade agreement with Panama, we need a trade agreement with South Korea. And it just makes me incredulous that the President cannot look at what has happened and say: Wait a second, let's do a timeout. Let's do no further trade agreements. Let's go back, as the Senator from North Dakota, Mr. DORGAN, has suggested, and let's have benchmarks. Let's look at what NAFTA did to our country, look at what CAFTA has done to our country, look at what trade with China has done to the middle class.

The President totally missed that. At the same time, the President said: Let's do more tax cuts for the wealthiest 1 percent at the expense of the middle class and drive up these budget deficits. So we have trade deficits of \$800 billion, plus we have budget deficits of about \$1 billion a day. And that is fundamentally the biggest problem with our economy, as you suggest.

Mr. DORGAN. I agree with that analysis. I sat in that Chamber last evening. A joint session is always a wonderful privilege, to hear the President give the State of the Union Address. I was thinking, everyone is sitting here in dark suits and pretty well dressed up for a big occasion. Not one person in that Chamber is going to have their job lost because it was shipped overseas someplace in search of cheap labor. Nobody in this Chamber, nobody in the Senate has ever lost their job because somebody decided to outsource it to China for 30 cents an hour labor.

A lot of working people have to come home at the end of the day and say: Honey, I was given notice today. I lost my job because they found somebody halfway around the world who will do it for 20 cents an hour. They told me I can't compete with that. Our family can't live on that.

Just talking about the trade piece of this, the President completely ignores that. There ought to be a summit meeting at this point, if you have \$1.3 trillion of red ink in 1 year. They say

the budget deficit is only \$300 billion, \$275 billion. It is not. Take a look at the budget policy and find out how much we are going to increase the debt in this year. The debt is going to increase by \$600 billion on the budget side and \$700 to \$800 billion on the trade side. That is \$1.3 trillion off the track in one single year, 10 percent of our economic output. The fact is, that is unsustainable and is going to run this country's economy into a ditch. If we are going fix it, we have to diagnose it. This President hasn't come close to even acknowledging the difficulty on those two issues, fiscal policy and trade policy, let alone the issue of the scandal of the subprime loan which is regulators falling asleep or unbelievable hedge fund speculation outside of the view of regulators because they don't want to be regulated.

Would the Senator from Ohio agree that these are the underlying causes of concern about this economy?

Mr. BROWN. Absolutely. I remember back in the early 1990s, we were concerned about the twin deficits, the trade deficit and the budget deficit. We had a budget deficit then of about \$300 billion a year and a trade deficit, as the Presiding Officer knows—who joined me in voting against NAFTA a decade ago—of under \$100 billion. We considered that a serious problem. Today, President Bush doesn't recognize that this trade deficit means anything. To the contrary, he says, it seems to be working. Let's do more of it.

Again, I go back to what his father said, that a billion dollars in trade deficit translates into 13,000 lost jobs. You can see how it does. Because a billion dollars in trade deficit means we are buying a billion dollars, we are importing a billion dollars more than we are selling, and that means we are manufacturing less because we are not making it ourselves. If we manufacture less, it means thousands of Ohioans or North Dakotans or New Jerseyans are finding they are not working at \$12 or \$15 or \$20 an hour. If those plants lay off workers, communities get less tax dollars, police, firemen and teachers are laid off. It undercuts the economic vitality of the community and the public safety. It undercuts the ability of our schools to educate our children. It is clearly a downward spiral that is only accelerated when we pass a trade agreement with Colombia and with Peru and Panama and another trade agreement with South Korea.

Mr. DORGAN. The fact is, it is not something I enjoy doing, to talk about the difficulties. I would like to talk about the opportunities for this country. We will not get to the opportunities until we decide we are going to start taking care of some things here at home.

This President, in this past fiscal year, the one we are in right now, sent us a request for \$196 billion of emergency money and said: I want it put on top of the debt. Don't pay for it. Add it to the debt. That is \$16 billion a month,

\$4 billion a week for Iraq and Afghanistan, to replenish the military accounts for that purpose. Now we are told he is going to send another \$70 billion on top of that. That takes us to close to three-quarters of a trillion that will have been spent, none of it paid for, all of it requested by this President as an emergency so it didn't have to be paid for. You look at that and you say to yourself: We have so much that needs doing, including not just on the budget side getting our act together but on the trade side, standing up for our country's interests, demanding fair trade, and, on the investment side, investing in infrastructure, all these things.

Last night it was almost as if the President was oblivious to the fundamental causes of the economic difficulty. This is a great economic engine we have, but the fact is, it needs some work. It doesn't need somebody to polish it with a rag and hum a nice tune. It needs real work to get this engine going again. The American people are innovative, great workers. It is an inspired country in which we live. That is why we have progressed the way we have over 200 years. But the American people need something to work with. We need to invest in working people. We need to have faith in working people. Instead what we have done is pulled the rug out from under working families.

I have used so many examples in the Senate, and my friend from Ohio knows all of them because a good number of them come from the State of Ohio, Huffy bicycles and Etch A Sketch and so many examples, all those jobs now in China that used to be in Ohio.

One of my favorites is to talk about Fig Newton cookies. The National Biscuit Company, NABISCO, took Fig Newton cookies from New Jersey to Mexico. Why? They could find somebody who would shovel fig paste apparently at a much lower cost than it cost to pay somebody to shovel fig paste in New Jersey. If you want to buy some Mexican food, buy Fig Newton cookies, made in Mexico, still called the National Biscuit Company, except it isn't so national anymore. Now they are made in Mexico.

That is one example of a hundred, a thousand, a million we could give and have. It is the question of whether this country is going to stand up for its workers and whether we are going to have the courage not just to stand up for workers in fair trade agreements but whether we are also going to put on track fiscal policy, trade policy, regulatory authority in a way that gives people confidence about the future of this economy and jobs and opportunity.

Mr. BROWN. When I hear Senator DORGAN talk about this, I think about 20 years from now, 15 years from now. We are going to look back on this time, and we will think: What were they thinking when they changed the laws to allow so many cheap imports from

China, made by workers in unsafe conditions, sending products back, toxic toys to our children's bedrooms and contaminated food into our kitchens and pantries? We are going to look back 20 years from now and think: Why did we dismantle our industrial base, jeopardizing our national security, the security of our family farms in North Dakota and Ohio and small businesses and manufacturers in New Jersey and all over the country? We are going to look back and think: Why did we let corporations lobby this Congress so that they changed the rules so that it made sense for these companies, in terms of their bottom line, in terms of their profits, to go to China instead of manufacturing in Galion or Toledo or Youngstown, OH?

Imagine instead if we as a nation decided we were going to have a Marshall plan or go to the Moon kind of plan on alternative energy, that we changed our trade law and our tax law and we began through biomass, through production of wind turbines and solar panels. Imagine if we set out to remake our energy policy and our country's industrial base by changing trade law, by changing tax law. We clearly still do the best R&D in the world on all kinds of scientific research and medical research. But so often we do the R&D here, which is good for the economy and good for creating jobs, but then most of the production is shipped offshore. So what good is that for our country, when we develop the research, we do the research and development and then send it offshore?

The Senator mentioned the Ohio Art Company. That sort of tells the story. It is a company in northwest Ohio right in the corner where Indiana and Ohio intersect with Michigan. They make something that most of us knew as children called Etch A Sketch. About 7 or 8 years ago—I was in Bryan a couple months ago talking to an executive of Ohio Art Company. Seven or eight years ago a major U.S. retailer went to them and said: We want to sell your product in our stores for less money, for under \$10. The only option that Ohio Art Company had was to stop most of its production in Ohio and move its production overseas. Every job that was moved to China meant less money for the Bryan Police Department, less money for the Williams County government, less money for public schools, less money paid into Medicare, less money paid into Social Security. It made us poor as a nation. At the same time, those products moved to China. But it lifted the living standards there because wages are so low. The Chinese wink and nod at best at any kind of environmental rules or worker safety rules. We have done little to lift up.

Senator DORGAN and I want more trade but a different set of rules. Instead of lifting workers up so Mexican workers would be buying American products and we would be buying Mexican products back and forth the way

we should trade, and their living standards would go up, they would have good environmental and worker safety standards, their wages would rise. That is what happened with the 50 States in the United States. As companies moved around the United States to the South, eventually their wages went up and we began to enrich all sections of the country.

We are not doing that with China. We are not doing that with our trade policy. That is why I was so disappointed that last night the President said: We want a new trade agreement with Colombia. We want one with South Korea. We want one with Panama. Instead of going in the right direction, we are changing our trade policy and moving in a different direction.

Mr. DORGAN. Mr. President, the Senator and I are working on a piece of legislation we intend to introduce that would establish benchmarks for trade agreements. We had a \$1.5 billion trade surplus with Mexico. We did a trade agreement. Guess what. We turned that surplus into a huge deficit, a giant deficit, \$60 billion to \$70 billion a year. So we turned a surplus into a deficit, shipped a lot of U.S. jobs to Mexico. What we need is a trade agreement with benchmarks and accountability. Is this trade agreement meeting the objectives we developed for our country? After all, we are stewards of our country. We want our country to do well. Yes, we want to lift others. We want to it be a more prosperous world. But first we want this country to do well.

Wouldn't it be the height of irony, an unbelievable perversion, if we passed a "stimulus package," and we borrow the money from China to put money in the hands of American families who can take it to Wal-Mart and buy a Radio Flyer little red wagon made in China. We borrow the money from China, give to it an American consumer who goes to Wal-Mart to buy a Chinese wagon. I say Radio Flyer because that is one of those great American brands. Almost every child in this country has hooked a ride on a Radio Flyer, either theirs or their neighbor's. Do you know how Radio Flyer got its name? It was an immigrant who came to Chicago, IL, and decided to start trying to make some wagons. He made a few of them. Everybody liked them. He was a guy who came to our country and was so pleased with being able to come to our country. He liked two things. He loved airplanes and somehow he liked Marconi and the radio. So he decided he was going to put Radio Flyer on the side of the little red wagon, and it began. For 110 years, they built Radio Flyer little red wagons in America, the dream of this immigrant innovator. They don't make them here anymore. They are all made in China. They closed their doors, went in search of cheap labor.

It is interesting that when we talk about this, some will listen and say: The guy from Ohio, the fellow from

North Dakota, they don't get it. They are a bunch of xenophobic isolationist stooges who can't see over the horizon. It is a global economy. Get over it.

It is a global economy. But the rules have not kept pace with galloping globalization. The result is pushing down standards in the United States, moving jobs from the United States overseas, a hemorrhaging trade deficit that is dangerous for our country's interests, \$2 billion a day every day that we import more than we export. The largest export from the United States by volume is wastepaper to Asia. Think of that.

My point is simple. I appreciate the work the Senator from Ohio and others have done on this issue. We have to put this country on track. I am for trade and plenty of it. But I demand and insist that we stand up for this country's interests and demand fair trade. We have to bring this trade deficit down. That is putting dramatic amounts of money in the hands of the Chinese and Japanese and others. Don't be surprised when you open the paper to find out what they have purchased next, one of our major investment banking companies, you name it.

We to have fix this. I know the Senator from Ohio came here with a statement and I interrupted him, but what I wanted to do was to say, I was very surprised last night to sit in the State of the Union Address and hear talk about a stimulus and hear talk about the economy and not even hear one whisper about the real vulnerabilities of this economy—a trade deficit out of control, reckless fiscal policy, combined with adding \$1.3 trillion in debt, 10 percent of the GDP in 1 year, and then regulators asleep and apparently applauded for being asleep, while we have unregulated hedge funds, leveraged transactions, \$43 trillion of notional value, something most people can't understand, notional value, credit default swaps. Sounds like a foreign language. There is \$43 trillion of notional value out there in credit default swaps. There is a totally unregulated hedge fund industry with derivatives.

There are a lot of things we need to care about and we need to fix. The Senator from Ohio is absolutely right in talking about it on the floor of the Senate tonight. I deeply appreciate his willingness to let me interrupt him for a couple minutes because these are very important issues for our country.

Mr. BROWN. Mr. President, I thank the Senator from North Dakota. He told the story about the immigrant who settled in Chicago. That may have been a story from a different era, but we still in so many ways are a nation of tinkerers and inventors, entrepreneurs and scientists—a nation that still leads the world in brain power in terms of figuring out new products, new ways of doing things, new services. The problem is, there has been a disconnect between that and production and job growth and job creation.

That is why the President's speech last night, to me, was so disappointing,

that he has asked for more tax cuts for the wealthiest Americans, tax cuts that, frankly—usually, these tax cuts to the wealthiest Americans are at the expense of the middle class. He has asked for more trade agreements while our trade deficit explodes year after year after year.

As Senator DORGAN suggested, we know what we need to do as a nation. We know what we need to do with tax policy to serve the middle class. We know what we need to do with trade policy to serve the middle class.

Even though the President wants to stay the course, wants to continue the same direction, I think there is change afoot in this country. People want change. People want to strengthen again the middle class and strengthen our communities in New Jersey and Rhode Island—Senator WHITEHOUSE is in the Chamber, too—and in my State of Ohio, from Lima to Zanesville and from Dayton to Warren.

I thank you, Mr. President, for your time and again exhort Americans to look down the road for a new trade policy, a new tax policy that helps to build the middle class.

FISA

Mr. COBURN. Mr. President, at the end of this week, Americans may find themselves at greater risk of a terrorist attack when the Protect America Act expires on February 1. On that date, we will be forced to revert to the antiquated 1978 Foreign Intelligence Surveillance Act, or FISA, to monitor the communications of suspected terrorists, unless this Congress moves quickly to make permanent changes to that law. It is therefore critical for Congress to enact permanent modernizations to FISA so that our intelligence officials will have every tool they need to monitor the communications of terrorists who seek to destroy the United States.

The consequences of allowing the Protect America Act to lapse could be deadly. The PAA was passed last August to modernize FISA so that the statute could do in practice what it was always intended to do—govern certain foreign intelligence surveillance activities directed at persons in the United States, without inadvertently burdening those activities directed at persons overseas. FISA, however, has not kept up with technological advances that have been made since 1978. As a result, prior to the PAA, intelligence officers were often forced to obtain a court order before beginning surveillance against a terrorist or other foreign target located in another country. This unnecessary and burdensome requirement caused U.S. intelligence agencies to lose about two-thirds of their ability to collect communications intelligence against al-Qaida.

Thankfully, the Protect America Act helped to close the inexcusable gap that left this country blind to the plans our enemies were making against

us. As Director of National Intelligence Michael McConnell said, the PAA has “allowed us to obtain significant insight into terrorist planning.” To allow such a vital antiterror tool to lapse at this time would be the ultimate dereliction of duty.

The United States must remain vigilant against a terror threat that is real and constant. The National Intelligence Estimate on “The Terrorist Threat to the US Homeland,” released just 6 months ago, concluded that this country will face a “persistent and evolving” terrorist threat over the next 3 years, particularly from Islamic terrorist groups and cells like al-Qaida. No person in America is unfamiliar with the capabilities and determination of such terrorist groups, and Americans trust us to make the right decisions to protect them and their children. Without making permanent changes to FISA to ensure the fast and effective intercept of foreign intelligence information, little else we do will matter.

Retroactive immunity is in the best interest of this Nation's security and must be included in FISA modernization, as it was in the Intelligence Committee bill. Following the attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept international communications into and out of the United States of persons linked to al-Qaida or related terrorist organizations. The administration's obvious and stated purpose of this authorization was to “establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States.” Therefore, the administration made requests for telecom companies to cooperate with its intelligence activities. The companies complied with the government's request for help, relying on written assurance from the executive branch that their actions were both necessary and legal.

Now these companies face multibillion dollar lawsuits challenging their actions. Such lawsuits not only create potentially staggering liability for the companies, they also create the risk that sensitive details about our intelligence sources and methods will be revealed through discovery. Moreover, failing to protect those who cooperate with the Government to thwart terrorist activity will undermine the willingness of others to cooperate in the future. A powerful op-ed authored last October by former Attorneys General Benjamin Civiletti, Dick Thornburgh, and William Webster, said it best:

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

Recognizing the gravity of the situation, the bipartisan Senate Intelligence Committee voted 13 to 2 to include retroactive immunity in its bill. This overwhelming vote came after the committee reviewed the classified documents on which these companies relied. The committee ultimately concluded that the Government “cannot obtain the intelligence it needs without assistance from [telecommunications] companies.”

Protecting the corporate good citizens who answered the call to assist our intelligence community during a time of great danger to this country is the right thing to do. Anything short of full immunity for those companies that, at the Government's request, on the written assurance that such action had been authorized by the President and deemed lawful, would undermine the security of the United States is simply unacceptable.

The carefully crafted, bipartisan Senate Intelligence Committee bill protects privacy interests without undermining our intelligence community's ability to do its vitally important job. The bill was approved by a vote of 13 to 2 after careful consideration of complicated issues and classified documents. It will allow our intelligence professionals to continue collecting foreign intelligence against foreign targets located outside the United States without requiring prior court approval. This is consistent with the intent of the legislators who enacted FISA in 1978 and represents no change in the way that the NSA has always conducted foreign surveillance.

In so doing, the bill will also continue to protect the civil liberties of Americans in this country, surveillance of whom has always required prior court approval. Nothing we are considering in the Senate today would alter that. In the event that communication from a U.S. person is inadvertently intercepted, the intelligence community uses “minimization procedures” to suppress the data. The result is that the communication is never used or shared. These procedures have been used effectively for 30 years and will remain in place after permanent FISA changes are enacted.

Enacting permanent modernizations to FISA is one of the most important duties the Senate will undertake this year. We have known for 6 months that the Protect America Act would expire on February 1 and have no excuse for not getting this done correctly before that date. The stakes in this debate could not be higher. Although the details can be complicated, the basic issue is pretty simple. As Andy McCarthy said in a recent piece for the National Review Online, “Osama bin Laden doesn't need to apply to a sharia court before blowing up an American embassy; the president shouldn't need to apply to a federal court to try to stop him.”

Unfortunately, I was unable to make it back to town in time for the two cloture votes that were held yesterday.

Had I been here, I would have voted for cloture on Rockefeller amendment No. 3911, the Intelligence Committee's FISA bill, and against cloture on Reid amendment No. 3918, to temporarily extend the Protect America Act.

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

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

MORNING BUSINESS

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

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

ECONOMY AND FORECLOSURES

Mr. REID. Mr. President, last night, President Bush spoke of the bipartisan effort we've seen to put together an economic stimulus package.

I have joined this chorus of praise. It is important for us to remember that despite our differences, we can find common ground in pursuit of common good.

The stimulus package is in markup today in the Finance Committee. I am confident that Chairman BAUCUS and Senator GRASSLEY will send a bill to the floor that all 100 Senators can proudly support.

We all agree that with our economy ailing, homeowners struggling and energy prices rising, this short-term stimulus plan will help working Americans make ends meet.

But I think we also all agree that this is only the first step. A short-term solution will help, but we must create long-term solutions that will treat the cause rather than the symptoms.

President Bush suggested last night that this could be accomplished with more tax cuts for the wealthy.

We strongly disagree. No one wondering if they can make their next mortgage payment or whether they can afford to retire believes that more tax cuts for the rich will solve this problem.

This morning, the Reno Gazette Journal reported that home foreclosures in Washoe County—the Reno area of Nevada—skyrocketed 614 percent in 2007 from the year before.

This pain isn't just felt in one area or neighborhood. Foreclosures have risen in all parts of the Truckee Meadows.

One realtor said:

It's ridiculous. I'm up to 22 right now. A year ago, I had zero. I have potentially another 50 homes not foreclosed on yet but are on the brink. And that's just me.

Experts say this crisis in Reno, throughout Nevada, and all over America is going growing worse.

Nationally, foreclosures jumped 79 percent in 2007.

One of America's largest lenders, Countrywide, just reported that one out of every three subprime loans is now delinquent.

And this is affecting not just the families who may lose their homes—but their neighbors who are seeing property values drop, and all of us who are faced with the collateral damage of a badly damaged housing market.

We call on President Bush to work with us to solve this and other economic problems.

We need to provide tax incentives for companies to invest in renewable energy. This will create jobs, save consumers money, and protect our air.

America's infrastructure is crumbling. We saw it in the bridge collapse. Investing in our infrastructure will not only strengthen our communities, it will strengthen our economy by creating good-paying jobs.

For every \$10 billion we spend on infrastructure, we create 47,500 new jobs. And for every \$10 million capital investment in public transportation, we create \$30 million in sales for businesses.

Instead of cutting funding for community block grants and the Consumer Credit Council in his budget, the President should sit down with us to come up with real long-term solutions.

With less than a year to go in his term, we can still come together to solve these problems and get America's economy working again.

CITY OF HARTFORD, KENTUCKY, CELEBRATES 200 YEARS

Mr. MCCONNELL. Mr. President, I wish today to honor a long respected community in the great Commonwealth of Kentucky, the city of Hartford, which on February 3, 2008, will celebrate 200 years of establishment in the Commonwealth.

Since February 3, 1808, the great city of Hartford has been a part of my great State. After an act of the legislature of the Commonwealth of Kentucky, Hartford was formally established on 400 acres of land around Rough River, in the county of Ohio, occupying the land of the late Gabriel Madison. The city humbly began governing with a group of seven trustees overseeing the town and has since grown to a population of over 2,000 outstanding citizens and has developed into the administrative center for Ohio County, becoming the county seat. Now, great leadership comes from Mayor Earl Russell, who proudly carries on the tradition of his family of governing in Hartford.

As proclaimed in Hartford's town slogan, this honored town is home to "2,000 happy people and a few soreheads." These "soreheads and happy people" strenuously work to promote civic pride and generate the enthusiasm needed to accomplish future goals throughout their city.

Due to the enthusiasm from citizens like these and great leadership from

Mayor Earl Russell, Kentucky has grown to the honorable State it is today. Inhabiting the western coal field region of the State, Hartford has been contributing to the Commonwealth for 200 years and has planned a celebration in honor of this. Because of the continued contribution of the citizens of Hartford to the betterment of their town, county and the Commonwealth, I ask my colleagues to join me in celebrating with them today for 200 years of dedication.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 14, 2008, 63-year-old Baljeet Singh was parking his car outside a Sikh temple in Queens, NY, when David Wood, 36, approached him. Wood reportedly shouted: "Arab, go back to your country" before physically attacking Singh. Wood continued to hurl epithets as he beat Singh, allegedly without provocation. Singh, whose family has attended the temple—known as a gurdwara—for over 12 years, sustained a broken nose and jaw, both of which may require surgery. Wood, who lives near the temple and allegedly has a history of harassing its members, has been charged with second-degree assault as a hate crime, second and third degree assault, and second-degree aggravated harassment.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUSTICE

Mr. SMITH. Mr. President, I rise to speak about justice.

Today, the Simon Wiesenthal Center, in coordination with the Targum Shlishi Foundation, is conducting Operation: Last Chance, a final effort to bring the most guilty Nazis to justice before they die. The perpetrators of the Holocaust must not be allowed to cheat their deserved fate.

The uniqueness of the Holocaust crime lies not wholly in its number of

victims, though that number was horrifyingly large. Its singularity is also the reality of a modern government's methodically executed plan to annihilate an entire race, an effort that is now one of the greatest crimes against humanity the world has ever seen. Even in a century where so much blood was shed—in China, Russia, Africa, and the Middle East—the Holocaust stands alone. For the victims of the Holocaust were chosen not based on any threat to the state, real or imaginary. Indeed, some victims had served with distinction in the German Army during the First World War, and many had then given their lives for their country. They were chosen instead simply for who they were, one of the most ancient peoples to grace this Earth, and one which has never before come so perilously close to utter oblivion.

Historians have argued for years about why and how the Holocaust occurred. But for the survivors, and even more for victims, that question is entirely secondary. There is only the reality of the crime and the ongoing quest for justice.

We can argue about which Nazi organizations are the most culpable and which were relatively ignorant. As the Nuremberg war crimes trials showed, all Germans are not guilty, and not all are innocent. In some cases, the line blurs slightly. But that does not mean the line does not exist because some—many, perhaps all—are certainly guilty. The Einsatzgruppen. The concentration camp guards. The SS. The bureaucrats who signed off on orders with little thought of the immense crime which they were committing. For these people, there can be no amnesty. There can be no looking away. There must be justice.

Unfortunately, after the war, many of the guilty scattered to the four corners of the earth. Some, like Klaus Barbie, fled to South America. Others remained in Germany, Austria, and the Balkans, where successor governments to the Axis gradually lost interest in prosecution. Many fled to the United States, which had only finished fighting the Nazi threat when it faced a resurgent Soviet threat. The Cold War diverted, partially, the Western governments from bringing Nazi killers to justice. Living in homes across the United States and Europe, working at normal jobs and raising families, the most culpable killers may have thought they escaped a reckoning. And, for a time, they did. The Government was certainly not looking for them. But one man was. One man had himself been a prisoner in those terrible camps and had seen firsthand the horrors perpetrated there.

Simon Wiesenthal began searching for Nazis and documenting the crimes of them after World War II, and continued for many years. The Simon Wiesenthal Center was founded in 1977 and has an impressive track record of combating modern bigotry and anti-

semitism, promoting human rights, and ensuring the safety of Jews worldwide. These efforts complement Simon Wiesenthal's life's work in hunting Nazi fugitives and trying to repair, in part, the damage of the Holocaust.

Today, however, the hour grows late. It is now almost 63 years since the end of World War II. Every week, Nazi criminals are passing away, 80 and 90-year-old men escaping the long arm of justice. Many of the host countries in which they reside are grateful for this quiet end, avoiding uncomfortable legal proceedings and revisiting old specters from the past.

But the easy way is almost never the right way. In these later days, it is incumbent on all of us to help finish the task Simon Wiesenthal began decades ago. In view of the dwindling time available, the center launched Operation Last Chance in 2002, which is aimed at finding Nazi fugitives in the Baltic states, Poland, Romania, Germany, Austria, Croatia, and Hungary. There is much work to do: the opening of the Soviet archives since 1991 offers a magnificent opportunity to identify some of the most guilty Nazis, previously hidden behind the Iron Curtain.

Operation Last Chance is fittingly named, after a final opportunity to bring those remaining Nazis to earthly justice before they meet eternal justice. To date Wiesenthal Center has identified nearly 500 war crimes suspects, 99 of whom have been turned over to prosecutors. Operation Last Chance primarily focuses on offering rewards for the location and arrest of such criminals as Dr. Sandor Kepiro, a Hungarian police official; Milivoj Asner, a police chief in fascist Croatia; Charles—Karoly—Zentai, a fascist Croatian city governor; Erna Wallisch, a German concentration camp guard; and many others; and Dr. Aribert Heim was nicknamed "Dr. Death" for the medical murders and torture he inflicted on hundreds of concentration camp inmates. He is at large, and his whereabouts unknown. Finding him, and prosecuting all of the wanted Nazi criminals, is a task of the utmost moral importance.

The roadblocks are many, and the shortcuts few. This late hour demands that the U.S. Government make every effort to help with Operation Last Chance. I call upon the President and Secretary Rice to make it clear to our European and South American allies that we will not tolerate footdragging on extradition orders, deportation, and criminal indictments. We will not tolerate the easy way. We demand that they commit the resources of the U.S. Government to this cause that our descendants will not look back on us and say: In the end, they did too little. In the end, they turned away.

JOHN SIDNEY 'SID' FLOWERS POST OFFICE BUILDING

Mr. ISAKSON. Mr. President, I rise before you today to pay tribute to Sid-

ney Flowers. Mr. Flowers was the respected Solicitor General for Liberty County, GA, a popular member of the community, a loving family man and a true Southern gentleman.

After high school, Sid Flowers gave 2 years of service to his country by enlisting in the Army. He then went on to study law at Mercer University law school in Macon, GA, before heading back to live and work in his hometown in Liberty County, GA.

The community was always at the center of Sid's life. He was chairman of the Liberty County Cancer Society, a member of the Lions Club, the Masonic Lodge and the American Legion, as well as an honorary member of the Georgia Sheriff's Association. He was also a committed elder at the First Presbyterian Church, to which he gave not only his time, but also his legal expertise.

The Senate has passed H.R. 3470, a bill naming the post office in Hinesville, GA, as the Sidney 'Sid' Flowers Post Office Building. It will stand as a reminder of one man's exceptional contribution to his community.

HONORING WILLIE HENSLEY

Ms. MURKOWSKI. Mr. President, I rise today to join in a colloquy with fellow Alaska Senator TED STEVENS to honor a giant of the Alaska Native rights and Native corporation movement, and an individual who has served his State and Nation for decades with great distinction, Mr. Willie "Iggiagruk" Hensley.

Mr. STEVENS. Mr. President, I too rise to join Senator MURKOWSKI in honoring a personal friend and long-time political colleague, Willie Hensley. He soon will be retiring after spending the last 10 years representing the Alyeska Pipeline Service Co. in Washington, DC, the pipeline that brings Alaska's North Slope oil to the rest of the Nation. Immediately prior to that job, he was Alaska's Commissioner of Commerce and Economic Development, under the administration of former Alaska Governor Tony Knowles. He also has served on important State commissions under both Democratic and Republican governors.

Besides leading Alaska's State department responsible for tourism and seafood marketing, international trade, insurance, banking and securities, and occupational licensing, he also was a director of the Alaska Permanent Fund Corporation, the Alaska Railroad Corporation, and the Alaska Industrial Development Authority under Democratic Governors, and chairman of the Capitol Site Selection Committee and the chairman of the Land Claims Task Force under Republican Governors Jay Hammond and Walter Hickel.

Ms. MURKOWSKI. And before then, as Senator STEVENS well knows, since he too served in the Alaska State Legislature at that time, Mr. Hensley

served as both a State Representative in Alaska for 4 years, as House majority leader, and as a State senator, for 4 years from 1971–75 and again for a term starting in 1987, representing his home region of northwest Alaska. Mr. Hensley was born, in Kotzebue, AK, a small village about 40 miles north of the Arctic Circle. He and his family lived in the Noatak River delta where they lived by subsistence hunting, fishing and trapping. While home schooled through the Harrison Chilbowee Academy, he studied for 2 years at the University of Alaska in Fairbanks before receiving his B.A. degree in political science with a minor in economics in 1966 from George Washington University. He then conducted postgraduate studies in law at the University of New Mexico.

It was in 1966 that he wrote a paper in a constitutional law course entitled, "What Rights to Land Have the Alaska Natives: The Primary Issue." The paper covered the background of public land issues in Alaska and forcefully made the case for Alaska Native claims to aboriginal lands, that coming 7 years after Alaska had won statehood. The paper, which laid out steps Alaska Natives should take to win their land claims, became an important underpinning of the Alaska Native rights movement that culminated in passage of the Alaska Native Claims Settlement Act in 1971. The Act provided Alaska Natives with 44 million acres of Alaska and nearly \$1 billion in funds and cemented Mr. Hensley's reputation as one of the most capable young Native leaders of Alaska.

Mr. STEVENS. As Senator MURKOWSKI knows, while Mr. Hensley entered the Alaska Legislature in 1967, he also was a founder of the NANA Regional Corporation, one of the 13 Alaska Native regional corporations formed by the 1971 Native Claims Act. He served as a director of the corporation for the first 20 years during its formative period, and ended his career at NANA as president. While at NANA, he directed its involvement in the oilfield service industry, most notably in environmental services and drilling ventures. He also was a guiding force in NANA's development of the Red Dog lead and zinc mine—the world's largest lead and zinc mine. While at NANA he also was a founder of the nonprofit Manillaq Corp., the regional nonprofit corporation that represented the tribes in northwest Alaska and that has been the leader in improving health care and social services for 11 villages in an area nearly the size of the State of West Virginia.

While at NANA, Mr. Hensley also served in the formation of the Alaska Federation of Natives, the umbrella organization that represents the hopes and aspirations of all Native Alaskans, and served as the AFN's executive director, president and cochairman. In 1979, partially for his pioneering work in Native rights, he was named as one of the young leaders of America by

Time Magazine in a cover story "50 Faces for America's Future." He was honored along with then Arkansas Governor and later President Bill Clinton, the Rev. Jesse Jackson, Congressman and later Federal Budget Director David Stockman and Ted Turner.

Ms. MURKOWSKI. I understand that Mr. Hensley has recently completed his first book, a memoir entitled, "50 Miles from tomorrow: A Memoir of Alaska and the Real People," which will be published later this year.

Mr. Hensley, who joined Alyeska Pipeline Corp. years after Alaska's Prince William Sound oil spill, has worked tirelessly for the past decade to guarantee that Alaska's oil has flowed south without serious incident and without environmental damage or harm to the wildlife that is so important to Alaskans' way of life. He has worked tirelessly for the benefit of Alaska and all Alaskans. While he clearly has earned his retirement, Alaskans know that Willie will stay involved in issues that are vital for the economic betterment of his native State. I and I am sure Senator STEVENS can't thank him enough for all of his efforts, his wisdom and wise counsel and his dedication to making Alaska a better place.

Mr. STEVENS. I too wish him well and know that all Members of the Senate join us and all Alaskans in wishing him the very best in all his future endeavors.

TRIBUTE TO FAYE MANGER

Mr. LIEBERMAN, Mr. President, I come to the floor today to celebrate the 85th birthday of a truly extraordinary woman, my Aunt Faye.

Throughout her life, Faye Manger has been committed to philanthropy and community service. She established deep roots in Stamford, CT, where she and her late husband; my Uncle Ben, a successful business entrepreneur, established the B.L. Manger Foundation. The foundation, which Faye has continued since Ben's untimely death in 1995, has supported numerous Jewish charitable, educational, and cultural causes. It has also donated money to advance medical research.

In addition to her work with the foundation, Faye is involved in synagogue and community activities in Stamford. She has received numerous awards and honors for her commitment to charities throughout the United States and Israel. During World War II, Faye served her country in the Women's Army Corps at Fort Monmouth, NJ.

Aside from all of her great works, Faye is a loving mother, grandmother and aunt. Faye's and Ben's humanitarian spirit can be seen in their four children—Joyce, Marc, Renee, and Steven. All four have taken an active role in charitable activities. In fact, on November 28, Faye and her children were honored by the American Committee for Shaare Zedek Medical Center in Je-

rusalem for funding the hospital's pediatric ophthalmology Clinic.

Looking back at all she has already done, it would be understandable why one might expect her to take it easy and relax. But, if I know my Aunt Faye, she has a lot of good works she will still do, and, with God's help, a lot of great times our family will share together.

Thank you, Aunt Faye, for all you have done to make Stamford, and the rest of the world, a better place, and for all you have meant to all of us who are blessed to be your family and friends.

ADDITIONAL STATEMENTS

CELEBRATING THE 75TH ANNIVERSARY OF THE PORT OF STOCKTON

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 75th anniversary of the Port of Stockton, the second busiest inland port on the west coast.

During the Gold Rush, the city of Stockton was an important seaport because it was the farthest point upriver ships could travel. In the early 20th century, Stockton became a vital hub for farm equipment that transformed the San Joaquin Valley from a primarily wheat-growing region to the Nation's most diverse and productive agricultural region.

When it became apparent that the San Joaquin River was too shallow to accommodate the increasingly large ships that supplied the region's growing demand for farm equipment, the first dredging contracts for the Stockton Deep Water Channel were awarded in 1930. The port of Stockton officially opened in 1933.

Today, the Port of Stockton processes more than 6 million tons of cargo annually. The port trades with more than 55 countries, from Canada to New Zealand, and from Thailand to Trinidad. It supports over 4,500 jobs in the region, accounting for more than \$170 million in annual income.

In recent years, the Port of Stockton has made a commitment to implement a program for environmentally friendly port operations. Through its Delta Environmental Enhancement Program, the port has planted the seeds for sustained, long-term changes that will help protect the air, water, soil, and wildlife that are part of the precious Delta waterways.

The success of the Port of Stockton is made possible by the dedication of scores of hard-working people who work together to make sure that its operations go smoothly. Every person who has lent a helping hand over the years can take great pride in knowing that their support and hard work has resulted in the continued growth and success of the Port of Stockton.

I congratulate the Port of Stockton on its 75th anniversary and wish its

staff and supporters a bright future and continued success.●

TRIBUTE TO ARTHUR PRATT

● Mr. LUGAR. Mr. President, today I honor the memory of Arthur Pratt, a friend and distinguished Hoosier who dedicated his life to helping the less fortunate among us. While I am saddened by Arthur passing, I continue to be inspired by his legacy of selfless service.

Among his many remarkable endeavors, Arthur will be remembered by many in the Indianapolis community for the work that he did counseling inmates as they worked to address addiction to alcohol and drugs. The program that Arthur created to facilitate these efforts, Life Effectiveness Training, has worked in the Marion County Jail for more than 35 years and has since expanded to other counties across Indiana.

On July 14, 2001, I joined Arthur at Christ Church Cathedral to celebrate his important leadership of the Life Effectiveness Training program. Joining Arthur were community leaders who had witnessed the success of Arthur's leadership, including members of the religious community and law enforcement and government officials.

It was my great honor to work closely with Arthur to pass the Jail Based Substance Abuse Treatment Act as part of the 21st Century Department of Justice Appropriations Authorization Act in 2002. This legislation makes available additional resources to programs like Life Effectiveness Training as they work with inmates to address their substance abuse issues. Not only has this approach reduced recidivism by up to 64 percent, but it has given countless Hoosiers a new opportunity to turn away from crime and commit themselves to becoming productive, law-abiding members of the community.

While I know that this is a difficult time for Arthur's family and many friends, my thoughts are with his wife Amal and their children and grandchildren as they remember and celebrate his life of service and leadership.●

IN RECOGNITION OF BO PELINI

● Mr. NELSON of Nebraska. Mr. President, with the Senate having reconvened after the recess, I start the new year by rising to recognize Bo Pelini, the new head coach of the University of Nebraska Cornhuskers' football team.

The University of Nebraska at Lincoln, my alma mater, has a proud and distinguished record in National Collegiate Athletic Association, NCAA, football, including 5 National Championships, 3 Heisman Trophies, 8 Outland Trophies, 93 Academic All-Americans, and other impressive records and awards.

Nebraskans statewide are united behind their Cornhuskers and will un-

doubtedly welcome Coach Pelini at Memorial Stadium with an NCAA-record 290th consecutive sellout for his first home game on August 30, 2008. Husker fans' optimism has been renewed with the hiring of Coach Pelini, who we hope will build our program back to its glory days, which were marked not only by athletic success on the field, but also academic success in the classroom.

I joined many of my fellow Cornhusker fans on January 7, 2008, in celebrating the 38-24 victory of Louisiana State University, LSU, over Ohio State University in the Bowl Championship Series National Championship Game. Our partisanship was directed more at LSU's then-defensive coordinator, Bo Pelini, than it was for the team itself. Although Coach Pelini had already been hired as Nebraska's new head coach, he honorably chose to finish his commitment at LSU.

Coach Pelini and the Tigers came through as champions, further encouraging Nebraska fans everywhere that the Big Red can return to national prominence under our new leader. We look forward enthusiastically to the annual Red/White Spring Game and the start of the fall collegiate football season. On behalf of my fellow Huskers, I welcome Coach Bo Pelini with a resounding, "Go Big Red!" or perhaps, even more appropriately, "Bo Big Red!"●

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

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

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

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

At 4:31 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 bill, in which it requests the concurrence of the Senate:

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

MEASURES REFERRED

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

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

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-4804. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Department's Annual Category Rating Report for calendar year 2006; to the Committee on Armed Services.

EC-4805. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Research and Development Contract Type Determination" (DFARS Case 2006-D053) received on January 24, 2008; to the Committee on Armed Services.

EC-4806. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the results of a public-private competition at the Fleet Readiness Center; to the Committee on Armed Services.

EC-4807. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the purchases made by the Department from foreign entities; to the Committee on Armed Services.

EC-4808. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to space-available transportation; to the Committee on Armed Services.

EC-4809. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Technical Corrections to the Export Administration Regulations and the Defense Priorities and Allocations System Regulation" (RIN0694-AE15) received on January

24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4810. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; Correction" (44 CFR Part 67) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4811. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 with respect to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-4812. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 73656) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4813. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 73653) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4814. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Shareholder Forums" (RIN3235-AJ92) received on January 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13396 with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-4816. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4817. A communication from the Deputy Assistant General Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on January 24, 2008; to the Committee on Commerce, Science, and Transportation.

EC-4818. A communication from the Liaison, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reliability Standards for Critical Infrastructure Protection" (Docket No. RM06-22-000) received on January 24, 2008; to the Committee on Energy and Natural Resources.

EC-4819. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries" (RIN2060-AM85)(FRL No. 8522-4) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4820. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8521-8) received

on January 24, 2008; to the Committee on Environment and Public Works.

EC-4821. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations" (FRL No. 8521-3) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4822. 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; Connecticut; State Implementation Plan Revision to Implement the Clean Air Interstate Rule" (FRL No. 8517-4) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4823. 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; Maine; Ozone Maintenance Plan" (FRL No. 8522-1) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4824. 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; Michigan; Oxides of Nitrogen Regulations, Phase II" (FRL No. 8519-4) received on January 24, 2008; to the Committee on Environment and Public Works.

EC-4825. 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 "Applicable Federal Rates—February 2008" (Rev. Rul. 2008-9) received on January 24, 2008; to the Committee on Finance.

EC-4826. 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 "Intermediary Transaction Tax Shelter" (Notice 2008-20) received on January 24, 2008; to the Committee on Finance.

EC-4827. 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 "Application of Section 338 to Insurance Companies" (RIN1545-BF02) (TD9377) received on January 24, 2008; to the Committee on Finance.

EC-4828. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Suspension of New Claims to the Federal Reviewing Official Level" (RIN0960-AG53) received on January 24, 2008; to the Committee on Finance.

EC-4829. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act" (22 CFR Par 41) received on January 24, 2008; to the Committee on Foreign Relations.

EC-4830. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to Colombia to support the manufacture of the SP2022 SigPro semi-automatic pistol; to the Committee on Foreign Relations.

EC-4831. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interstate Shipment of Etiologic Agents" (RIN0920-AA19) received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4832. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination and discontinuation of service in an acting role for the position of Director of the Indian Health Service, received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4833. A communication from the Director, National Science Foundation, transmitting, pursuant to law, a report relative to the Foundation's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-4834. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Workplace Substance Abuse Program at DOE Sites" (RIN1992-AA38) received on January 24, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4835. A communication from the Director of Regulations, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Incorporation of Miscellaneous Statutory Provisions" (RIN2900-AL28) received on January 24, 2008; to the Committee on Veterans' Affairs.

EC-4836. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination for the position of Deputy Director of National Drug Control Policy, received on January 24, 2008; to the Committee on the Judiciary.

EC-4837. A communication from the Acting Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4838. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4839. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the annual report of the Chief Human Capital Officers Council for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4840. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-4841. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4842. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the

Commission's annual report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4843. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a Semiannual Report relative to the Board's activities and accomplishments during the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4844. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report; to the Committee on Homeland Security and Governmental Affairs.

EC-4845. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4846. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, an annual report relative to the Gallery's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4847. A communication from the Acting Secretary, Smithsonian Institution, transmitting, pursuant to law, an annual report relative to the Institution's competitive sourcing efforts during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LUGAR:

S. 2562. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Mr. LUGAR:

S. 2563. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Azerbaijan; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 2564. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BIDEN (for himself, Mr. SUNUNU, and Mr. SPECTER):

S. 2565. A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. GREGG, Mr. ALLARD, Mr. CHAMBLISS, and Mr. CRAIG):

S. 2566. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Finance.

By Mr. BURR:

S. 2567. A bill to provide Federal reimbursement to State and local governments for a limited sales, use, and retailers' occupation tax holiday; to the Committee on Finance.

By Mr. KERRY:

S. 2568. A bill to amend the Outer Continental Shelf Lands Act to prohibit

preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mrs. DOLE, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, Ms. CANTWELL, Ms. STABENOW, and Mr. OBAMA):

S. 2569. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2570. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 2571. A bill to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 433. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and selfless service to the United States have led to more than 1 million lives saved over the course of its long and storied 217-year history; considered and agreed to.

By Mr. BIDEN (for himself, Mr. BAUCUS, Mr. KERRY, Mr. MENENDEZ, Mr. GRASSLEY, Mr. SPECTER, Mr. CORNYN, Mr. DOMENICI, Mr. ROBERTS, Mr. SALAZAR, Mr. CASEY, and Mr. LAUTENBERG):

S. Res. 434. A resolution designating the week of February 10-16, 2008, as "National Drug Prevention and Education Week"; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 435. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Mrs. MURRAY (for herself and Mr. SMITH):

S. Res. 436. A resolution designating the week of February 4 through February 8, 2008, as "National School Counseling Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 582

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 911

At the request of Mr. REED, the names of the Senator from Nebraska (Mr. NELSON), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1177

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1794

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2063

At the request of Mr. GREGG, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2115

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2115, a bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program.

S. 2146

At the request of Mr. CARPER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2146, a bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 2366

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2366, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical verification program.

S. 2396

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

S. 2405

At the request of Mr. SANDERS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2405, a bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

S. RES. 429

At the request of Mrs. DOLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 429, a resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007.

S. RES. 431

At the request of Mr. FEINGOLD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 431, a resolution calling for a peaceful resolution to the current electoral crisis in Kenya.

S. RES. 432

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 432, a resolution urging the international community to provide the United Nations-African Union Mission in Sudan with essential tactical and utility helicopters.

AMENDMENT NO. 3900

At the request of Mr. SANDERS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 3900 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

AMENDMENT NO. 3919

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3919 intended to be proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2562. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Kazakhstan. Kazakhstan is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Kazakhstan.

In the post-Cold-War era, Kazakhstan has demonstrated a commitment to meet these requirements, and in addition, has expressed a strong desire to abide by free market principles and good governance. Since 1992, Kazakhstan has been certified annually as meeting the Jackson-Vanik requirements. This legislation would make this trade relationship permanent and, in so doing, stimulate further market reforms and encourage a commitment to safeguarding individual liberties.

The U.S. has a long record of cooperation with Kazakhstan through the Nunn-Lugar Cooperative Threat Reduction. Kazakhstan inherited the fourth largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program the United States has assisted Kazakhstan in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a nonnuclear state.

Earlier this month, a team of American scientists working under the Nunn-Lugar Program quietly entered Kazakhstan in sub-zero temperatures to begin the careful packaging of bubonic and pneumonic plague samples in accordance with international safety standards for the transport of dangerous biological materials. I am pleased to inform my Senate colleagues that the samples have been safely transported on a U.S. Air Force C-17 cargo plane to the U.S. Centers for Disease Control and Prevention in Fort Collins, Colorado. It marked the successful completion of a 5-year negotiation to secure, transport and develop a research program for the pathogens.

Cooperative research by American and Kazakhstani scientists will develop prevention and cure possibilities for this deadly plague. It provides new hope for places where the disease is naturally occurring and helps deter the plague's use as a bio-terror weapon. As many may know, Plague is a highly lethal disease spread from rodents to humans by fleas. It caused the Black Death which swept across Europe in the 14th century. It is estimated that 20-30 million Europeans died—perhaps as much as half of the continent's population at the time. An estimated 75 million people worldwide died from the Black Plague.

Kazakhstani and American plague experts will conduct joint research on the samples at Federal labs in Fort Collins, CO. They will develop advanced diagnostics and treatments for plague. This cooperative public health research funded through the U.S. Department Health and Human Services Biotechnology Engagement Program will yield valuable scientific insights into a potentially devastating disease, which is endemic throughout Central Asia. The aim of such cooperation is to improve the protection of Kazakhstani and global populations against a naturally occurring disease that could also be exploited by terrorists.

U.S. strategic and economic interests intersect in Central Asia. With Russia to the north and Iran and Afghanistan to the south, energy-rich Central Asia is at the frontline of American national security priorities. We have tremendous opportunities in the region, but it will take time and consistent high-level effort to build constructive relationships. This region needs to have a much higher priority on America's foreign policy agenda. In Kazakhstan, we have a record of 15 years of collaboration on weapons destruction through the Nunn-Lugar program. This is a solid foundation on which to continue building our relationship.

I recently traveled to Kazakhstan and met with senior government officials and discussed opportunities for expanding cooperation with the United States, including energy security. In my conversations with Kazakh leaders I encouraged the government to pursue trans-Caspian transportation options for oil and gas. At the current time, Kazakhstan relies almost exclusively upon Russia to transport oil and gas to world markets. In turn, Russia has occasionally demonstrated willingness to use its control over these supplies for political gain at the expense of our European allies. Opening trans-Caspian export routes will dilute Russia's control over energy supplies. Likewise, having multiple export options will reinforce the political independence of Kazakhstan. I was pleased that Kazakh officials indicated a willingness to work with the U.S. and their neighbors on these issues.

There are areas in which Kazakhstan needs to continue to improve. These include market access, democratic and human rights reforms. The U.S. must remain committed to assisting Kazakhstan in pursuing these reforms. The government in Astana still has important work to do in these critical areas. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this burgeoning democracy and promote stability and in this region.

By Mr. LUGAR:

S. 2563. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Azerbaijan; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce legislation designed to extend permanent normal trade relations to Azerbaijan. Azerbaijan is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. This bill would repeal permanently the application of Jackson-Vanik to Azerbaijan.

In the post-Cold-War era, Azerbaijan allows its citizens the right and opportunity to emigrate and has demonstrated a commitment to meet these requirements. In addition, Azerbaijan has expressed a strong desire to abide by free market principles and good governance. Since 1992, Azerbaijan has been certified annually as meeting the Jackson-Vanik requirements. This legislation would make this trade relationship permanent and, in doing so, stimulate further market reforms and encourage its continued commitment to safeguarding individual liberties.

The U.S. has a long record of cooperation with Azerbaijan through the Nunn-Lugar Cooperative Threat Reduction. Through the Nunn-Lugar Program the U.S. has assisted Azerbaijan in safely securing dangerous stockpiles of deadly pathogens and infectious diseases and improving its ability to interdict weapons and materials of mass destruction. In 2005 the Nunn-Lugar Program in close coordination with Government of Azerbaijan transported 124 samples of 62 unique strains of plague, anthrax, cholera, and other dangerous diseases from Baku to the U.S. Armed Forces Institute of Pathology in Washington, DC. These strains were collected over many years from environmental, human, and animal sources in Azerbaijan. The strains will be studied in joint research programs with the U.S. Department of Defense and Azerbaijan medical researchers.

Earlier this month I traveled to Azerbaijan and met with President Aliyev and the First Lady of Azerbaijan. We had an interesting discussion on the important role Azerbaijan is playing in energy recovery and transportation. It is a tribute to Azerbaijan that they are using their energy resources to the benefit of global security. Building pipelines and opening energy production to foreign markets requires difficult foreign policy decisionmaking. Azerbaijan is located in a tough neighborhood, and countries there are under tremendous pressure to keep their distance from the U.S. I thanked President Aliyev for taking concrete steps to affirm his country's strategic partnership with the U.S.

I discussed at length with the President and members of his Government the possibility of connecting Azer-

baijan's energy infrastructure with Kazakhstan and Turkmenistan. I encouraged continued progress on rapprochement between Governments in Baku and Ashgabat. I heard encouraging statements toward improved relations and cooperation on energy in both Ashgabat and Baku. It is clear that there is willingness for progress.

Integrating some oil and gas production in Kazakhstan and Turkmenistan would diversify export routes for those countries and import sources for European nations. Successful integration of such trans-Caspian transport routes is a vital contribution to international peace and security. In some countries oil and gas revenues are a curse, leading to corruption and conflict. Two years ago President Aliyev pledged to me that Azerbaijan would follow the Norway model in managing its oil and gas revenues. As reflected by the State Oil Fund of Azerbaijan's receipt in 2007 of the United Nations Public Service Award, it is now on a path of transparency and is investing for development today and for future generations. I am hopeful that progress in Azerbaijan will continue and other emerging countries learn from Azerbaijan's example.

One of the areas where we can deepen U.S.-Azerbaijan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and unwavering cooperation in the production and delivery of energy supplies, the products of Azerbaijan should not be subject to the sanctions of Jackson-Vanik. The U.S. must remain committed and engaged in assisting Azerbaijan in pursuing democratic and human rights reforms. The Government in Baku still has important work to do in these critical areas, including in the area of media freedom and freedom of assembly. I discussed the ongoing democratic reforms with President Aliyev during my visit and was assured that they are proceeding. Azerbaijan faces an important Presidential election this October. The support and encouragement of the U.S. and the international community will be key to encouraging the Government of Azerbaijan to hold free and fair elections. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic and energy partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this important relationship and promote stability in this region.

By Mr. BIDEN (for himself, Mr. SUNUNU, and Mr. SPECTER):

S. 2565. A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, the Federal Law Enforcement Congressional Badge of Bravery Act of 2007 establishes an award to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers. This bipartisan bill is cosponsored by Senators ARLEN SPECTER and JOHN SUNUNU and it is supported by the Federal Law Enforcement Officers Association along with other law enforcement groups.

An "ABC Nightly News" series last November reported that 2007 may turn out to be one of the deadliest years in history for law enforcement officers. That sour prediction has come to pass. The National Law Enforcement Officers Memorial Fund—which commemorates the service and sacrifice of law enforcement officers and helps promote law enforcement safety—found that officer deaths were up sharply nationwide last year. There were 194 fatalities—34 percent more than the year before.

Unfortunately, with crime on the rise around the country the increase in fallen officers should be no surprise. The FBI's Uniform Crime Report for 2006—the gold standard of crime reports in our country—must be taken seriously. Murders were up 1.9 percent on top of the previous year's increases—these were the largest increases in 15 years. What's more, violent crime rose 1.9 percent.

Clearly, our Federal law enforcement officers are doing their jobs in an environment more fraught with danger than ever. Police departments around the country are scrambling in an arms race to match the firepower of the bad guys. In my view, we should give special recognition to those Federal law enforcement officers who are going above and beyond to protect us in this kind of environment.

With this bill Congress can continue its support of the brave men and women law enforcement officers who risk their lives every day making sure our communities are safe. I hope this bill will be accepted by the full Senate.

By Mrs. BOXER (for herself, Mrs. DOLE, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, Ms. CANTWELL, Ms. STABENOW, and Mr. OBAMA):

S. 2569. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am joined by my colleagues Senators DOLE, TESTER, MURRAY, WYDEN, CANTWELL, STABENOW, and OBAMA to introduce the Ovarian Cancer Biomarker Research Act of 2008—legislation that supports the research of early detection and screening of ovarian cancer.

For many years, ovarian cancer has been called the "silent killer" because

the list of symptoms women are warned to look out for are merely whispers about the dangers of this deadly disease.

There is currently no effective screening test available for ovarian cancer and the disease is difficult to identify because symptoms are easily misdiagnosed. Without an effective screening test most women who have ovarian cancer are diagnosed too late to be saved.

A woman's chance of surviving ovarian cancer is considerably greater if she is diagnosed early. When ovarian cancer is diagnosed early, more than 93 percent of women survive longer than 5 years. Unfortunately, 4 out of 5 ovarian cancer cases in the U.S. are diagnosed in the later stages, when a woman's chance of surviving that long drops to about 30 percent.

Though only one in 69 women will face ovarian cancer, this disease ranks fifth in cancer deaths among women and causes more deaths than any other cancer of the female reproductive system. In the last year alone, the National Cancer Institute, (NCI), estimated there were 15,280 deaths from ovarian cancer in the U.S.

Developing the tools to detect ovarian cancer early is critical to improving the rate of survival for women struck by this disease—that is why this legislation is so necessary.

Specifically, the Ovarian Cancer Biomarker Research Act would authorize NCI to make grants for public or non-profit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that can be used to measure the progress of a disease and predict the effects of treatment. This legislation also authorizes funding for a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

I urge my colleagues to join me as well as the Society of Gynecologic Oncologists, the American College of Obstetricians and Gynecologists, the Ovarian Cancer National Alliance, and the American College of Surgeons in supporting the Ovarian Cancer Biomarker Research Act of 2008.

This legislation is of vital importance to the health of thousands of women across our Nation. I look forward to working with my colleagues to pass this critical investment in the fight against ovarian cancer.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2570. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Finance.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I rise this afternoon to discuss legislation that I have introduced that will fix an inequity in the Social Security disability insurance system. This inequity rises from Federal law that places an arbitrary 5-month waiting period on when an individual who has been diagnosed with a terminal illness is eligible for disability compensation provided through Social Security benefits.

Currently, under title II of the Social Security Act, Federal law requires a 5-month waiting period from when the patient is diagnosed until the disability benefits begin. Monthly cash benefits, about \$980 on average, will be provided to the disabled individual to help offset medical or any other expenses and will also help diminish the financial hardships that are faced by those workers.

The monthly cash benefits that are available to the individuals can help not only offset the medical or other expenses, but they can really help to diminish financial hardships that are faced by the workers, by the families, who really may have very little or oftentimes no resources to fall back upon during the early months of a disability.

This legislation came about as a result of a telephone call received in my Anchorage office to the head of my constituent services. She received a call from a constituent in Alaska by the name of Robert James. He indicated he had been diagnosed in November with stage 4 lung cancer, and he was given, at that time, 3 to 6 months to live. He called my office asking for help.

He wanted to know how, as someone who had just been diagnosed with a terminal illness, he might be eligible for disability compensation provided through Social Security benefits.

And so my constituent service director, after listening to his story, went through everything to try to figure out a way to help this individual, only to learn that the process, the law as it sets out now, provides for a 5-month waiting period.

Although Mr. James has insurance coverage through his employer, he is unable to work because of his disability. He is going to incur thousands of dollars, probably hundreds of thousands of dollars in medical bills because of this arbitrary 5-month waiting period.

If he had only been given the opportunity to demonstrate his case for financial hardship to the Social Security Commissioner, he and his family may have qualified for this cash benefit offset. What my legislation would do is give the Social Security Commissioner the ability to waive the 5-month waiting period on a case-by-case basis for terminally ill individuals who would have to demonstrate the financial hardship.

In Mr. James's case, as I indicated, he is employed, works for the cargo department of a major airline in Alaska, but he would have to demonstrate there is financial hardship as a consequence of this terminal diagnosis.

It makes you wonder why this 5-month period. The capriciousness of a 5-month waiting period is evidenced by looking at the legislative history. In 1972, the House Ways and Means Committee report sought to reduce the waiting period from at that time 6 months to 5 months. At the time the Senate Finance Committee was pushing for a shorter period. They were pushing for a 4-month period.

So back in 1972, you had a 6-month period. Some wanted it to go to 4 months. Eventually they agreed upon a 5-month waiting period. But it begs the question: Should it be 4 months, 5 months? Should it only be 1 month?

My legislation would give the Social Security Commissioner the discretion to waive the waiting period if the terminally ill individual can demonstrate a financial hardship. This will alleviate the financial burden or help to offset the financial burden of a terminal illness on the disabled individuals and their families and will also provide for a financial offset for paying medical bills after he or she is deceased.

I would ask that in honor of my constituent, Mr. JONES, my colleagues support this bill because there are people who become disabled. We know they are unable to work. They need that monthly support to help offset the costs of their terminal illness.

For this reason, it is imperative that the Social Security Commissioner have that ability on a case-by-case basis to make a determination for disability benefits. Mr. James's chemotherapy costs, we understand, are about between \$10,000 and \$15,000 per monthly session, and this does not include the other medical bills he is facing.

I ask my colleagues to join me in supporting this legislation so that Robert James and Americans like Mr. James have the ability to qualify for disability benefits to offset these costly expenses without having to complete an arbitrary 5-month waiting period.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 433—HONORING THE BRAVE MEN AND WOMEN OF THE UNITED STATES COAST GUARD WHOSE TIRELESS WORK, DEDICATION, AND SELFLESS SERVICE TO THE UNITED STATES HAVE LED TO MORE THAN 1 MILLION LIVES SAVED OVER THE COURSE OF ITS LONG AND STORIED 217-YEAR HISTORY

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas, since 1867 the United States Coast Guard has been a vital piece of Alaska

history, providing lifesaving medical treatment to native villages along its coasts, protecting its fisheries resources, and courageously rescuing those who face peril on the seas;

Whereas, in 2007 the men and women of the United States Coast Guard stationed in Alaska valiantly responded to 696 calls for assistance and saved the lives of 463 mariners in distress;

Whereas, the actions of Petty Officer Willard L. Milam personify the proud history of courage and public service of the United States Coast Guard on the 10th of February, 2007, when, on a pitch-black winter morning, Petty Officer Milam launched aboard a Coast Guard HH-65 helicopter in near-zero visibility to locate the source of a distress signal approximately 50 miles southwest in Makushin Bay, Alaska;

Whereas, Petty Officer Milam bravely deployed into storm tossed, 40-degree seas and swam to a life raft to find four survivors hypothermic and soaked in unprotected clothing;

Whereas, Petty Officer Milam heroically overcame exhaustion and hypothermia to pull each survivor from a life raft and assist them through the raging seas, placing them into a rescue basket to be hoisted into the rescue helicopter;

Whereas, Petty Officer Milam's courageous rescue off the coast of Alaska has earned him the 2007 Coast Guard Foundation Award for Heroism and the 2007 Captain Frank Erickson Aviation Rescue Award;

Whereas, through extraordinary teamwork, airmanship, and courage, the crew of the Coast Guard rescue helicopter saved four lives from the treacherous Bearing Sea: Now, therefore, be it

Resolved, That the Senate—

(1) honors the heroic accomplishments of Petty Officer Willard Milam, who represented the finest traditions of the United States Coast Guard during the dramatic rescue of four survivors from the treacherous Bering Sea; and

(2) honors the United States Coast Guard, America's lifesavers and guardians of the sea, for its unflinching determination and proud 217-year history of maritime search and rescue resulting in over 1 million lives saved; and

(3) recognizes the tireless work, dedication, and commitment of Coast Guard men and women, many of them stationed in Alaska, far away from family and friends, who commit themselves every day to executing this noble mission hundreds of miles from our shores with honor, respect, and devotion to duty.

SENATE RESOLUTION 434—DESIGNATING THE WEEK OF FEBRUARY 10-16, 2008, AS "NATIONAL DRUG PREVENTION AND EDUCATION WEEK"

Mr. BIDEN (for himself, Mr. BAUCUS, Mr. KERRY, Mr. MENENDEZ, Mr. GRASSLEY, Mr. SPECTER, Mr. CORNYN, Mr. DOMENICI, Mr. ROBERTS, Mr. SALAZAR, Mr. CASEY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 434

Whereas recent survey data suggests that illegal drug use among youth has declined by 24 percent since 2001;

Whereas, despite the reduction in drug use among youth, the number of 8th, 10th, and 12th graders who use drugs remains too high and the rates of prescription and over-the-counter drug abuse are alarming;

Whereas the overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002;

Whereas ecstasy (methylenedioxymethamphetamine, or MDMA) use among high school age youth has been rising since 2004;

Whereas, while methamphetamine use is down among 8th, 10th, and 12th graders, many counties across the country still report that methamphetamine is a serious drug problem;

Whereas 25 percent of youth in the 10th grade reported the use of marijuana during the past year;

Whereas youth who first smoke marijuana under the age of 14 are more than 5 times as likely to abuse drugs in adulthood;

Whereas nearly 6 percent of 12th graders have used over-the-counter cough and cold medications in the past year for the purpose of getting high;

Whereas Vicodin remains one of the most commonly abused drugs among 12th graders, with 1 in 10 reporting nonmedical use within the past year;

Whereas teenagers' and parents' lack of understanding of the potential harms of these powerful medicines makes it even more critical to raise public awareness about the dangers associated with their non-medical use;

Whereas the rates of use for any illegal drug are directly related to the perception of harm and social disapproval;

Whereas more than 20 years of research has demonstrated that prevention interventions, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood;

Whereas prevention efforts should be flexible enough to address and prevent local problems before they become national trends;

Whereas research has demonstrated that there are 4 major targets of prevention: youth, parents, schools (including colleges and universities), and communities and social environments that must be reinforced by each other to have the greatest effect in deterring the consequences of drug use;

Whereas a comprehensive blend of individually and environmentally focused efforts must be adopted and a variety of strategies must be implemented across multiple sectors of a community to reduce drug use;

Whereas community anti-drug coalitions are an essential component of any drug prevention and education campaign because they are data driven, know their community epidemiology, and are capable of understanding and implementing the multi-sector interventions required to reduce the availability and use of drugs;

Whereas community anti-drug coalitions help to change community norms, laws, policies, regulations, and procedures to create an environment that discourages the use of drugs;

Whereas school-based prevention programs should be part of a comprehensive community wide approach to deal with drug use;

Whereas the more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use;

Whereas the total economic cost of drug, alcohol, and tobacco abuse in the United States is more than \$500,000,000,000;

Whereas the savings per dollar spent on substance abuse prevention rather than on substance abuse treatment are substantial, and can range from \$2.00 to \$20.00;

Whereas there will always be new and emerging drug trends that require additional prevention and education efforts;

Whereas preventing drug use before it begins and educating the public about the dangers of drug use is a critical component of what must be a consistent and comprehensive effort to stunt and decrease drug use rates throughout the country; and

Whereas thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists come to Washington, D.C. to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum in February: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 10-16, 2008, as "National Drug Prevention and Education Week"; and

(2) urges communities, schools, parents, and youth to engage in, and carry out, appropriate prevention and education activities and programs to reduce and stop drug use before it starts.

Mr. BIDEN. Mr. President. Today I rise to introduce an important resolution designating the week of February 10-16, 2008 as National Drug Prevention and Education Week. While we have made progress in curbing the rate of illegal drug use among teens in this country, there remains a great deal of work to be done. Key components of staying on top of emerging drug threats and lowering the overall rate of drug use in this country are prevention and education. These efforts start at the local level and this resolution encourages communities, schools, parents, and youth to engage in and carry out community-based prevention and education activities and programs to reduce and stop drug use before it starts.

We have come a long way in combating drug use in this country, in large part because of the good work of so many talented professionals in the prevention and treatment fields. However, the rates of illegal drug use among teens and adults remains too high. The overall rate of current illegal drug use among persons aged 12 or older is 8.3 percent, which has remained stable since 2002. Moreover, the well-known Monitoring the Future survey found "a clear pattern of gradually rising use [of ecstasy] in the upper grades" over the past couple of years. Thus, as the data shows, clearly we have got a lot of work left to do.

The threat of illegal drugs is not our only concern. Newly released data shows that abuse of prescription and over-the-counter medicines is a huge problem that has not declined in recent years. One in ten 12th graders has reported non-medical use of the powerful painkiller Vicodin within the past year and abuse rates of other powerful narcotics are similarly troubling.

Abuse of over-the-counter drugs has also become concerning, with nearly 6 percent of 12th graders having used over-the-counter cough and cold medications in the past year for the purpose of getting high. These problems don't simply pose serious health risks, but they are also closely linked to low edu-

cational achievement and increased risk of illegal activity and crime.

One critical component of stemming drug use is prevention. Over 20 years of research has demonstrated that prevention intervention, designed and tested to reduce risk and enhance protective factors, can help children at every step along their developmental path, from early childhood into young adulthood. The more successful we are at general prevention of drug use in younger adolescents, the less we will have to deal with the concomitant economic and societal consequences of their use—including the more than \$500 billion in societal costs associated with drug and alcohol use. Community anti-drug coalitions provide the flexibility needed to effectively address the local needs of their communities.

Coalitions of local leaders, including parents, teachers, religious leaders, local law enforcement officials, youth, and business leaders have the power to reduce the demand for drugs, and we must support their efforts and applaud them for their outstanding work on these issues.

During the week of February 10-16, thousands of community anti-drug coalition leaders and community based substance abuse prevention, treatment, and education specialists will come to Washington, DC to receive state-of-the-art technical assistance, training, and education on drug prevention at the Community Anti-Drug Coalition of America's Annual National Leadership Forum. I applaud these community leaders—and prevention and treatment professionals around the Nation—for their tireless efforts to curb drug use in our country and, in recognition of these efforts I have introduced this resolution to designate the week of February 10-16, 2008 as National Drug Prevention and Education Week.

NATIONAL DRUG PREVENTION AND EDUCATION WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator BIDEN, in cosponsoring a resolution to designate the week of February 10-16, 2008, as National Drug Prevention and Education Month. Although recent survey data compiled by the Substance Abuse and Mental Health Services Administration shows illegal drug use among youth has declined by 24 percent since 2001, the number of teens abusing prescription and over-the-counter medicines has rapidly increased. Kids are turning to these dangerous drugs because they are easily accessible and widely used. Many of us do not realize that our left-over prescriptions and cold medicines are just as addictive and dangerous as meth or heroin when not properly used. This is why we must continue our efforts to inform the public about the dangers of these and other drugs. We must continue to do all we can to prevent our kids from falling into a vicious cycle of drug abuse and dependence.

Research has shown that if you can keep a child drug free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. This is why it is essential to maintain a coherent antidrug message that begins early in adolescence and continues throughout the growing years. Such an effort must engage professionals, parents, communities, and young people. While the Federal Government has a role to play in supporting these activities, local, community-based initiatives are better able to target specific concerns and respond to them flexibly.

Local community antidrug coalitions are our first line of defense against the scourge of drug abuse. Each community is different from the other, and each community antidrug coalition is tailored to meet the specific antidrug needs of its community. For example, I formed the Face It Together, FIT, Coalition in an effort to combat drug use in Iowa. My goal with FIT is to bring to the same table parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and members of the media to promote new ways of thinking about how to reach and educate Iowans about the dangers of drug abuse. With everyone working together, we will make a difference in our communities. Moreover, together we can build healthy children, healthy families, healthy communities, and a healthy future for society at large.

Community antidrug coalitions would not be able to succeed in fighting drug abuse without the support of the Community Anti-Drug Coalitions of America, CADCA. CADCA works to strengthen the ability of new and existing community coalitions to build safe, healthy, and drug-free communities and helps provide vital funding to local coalitions through the Drug Free Communities grant program.

Since the inception of the Drug Free Communities grant program over 1,300 community coalitions have received grants nationwide. There have been 43 coalitions in my State of Iowa that have received grants to provide crucial assistance to combat the abuse of alcohol, tobacco, and illegal drugs. These coalitions have been successful in tracking the use of illegal drugs in their communities, starting after-school and summer programs for kids, holding community events and town-hall meetings, and uniting all sectors of the community to fight drug abuse.

I believe that we have a moral obligation to ensure that our young people have a chance to grow up without being accosted by drug dealers at every turn, whether on TV, in the movies, or on the way to school. We need, as a country, to create a strong moral context to help our kids know how to make the right choices. They need to know how to say "no." They need to know that saying "no" is OK. They need to know that saying "no" to drugs is the right thing to do, not just the safe thing or the healthier thing

but the right thing. I urge my colleagues to join us in passing this resolution to show our ongoing support for community antidrug coalitions that work to eliminate drug abuse throughout the Nation.

SENATE RESOLUTION 435—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 436—DESIGNATING THE WEEK OF FEBRUARY 4 THROUGH FEBRUARY 8, 2008, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 436

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3960. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3961. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table.

SA 3962. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3963. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3964. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3965. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3966. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3967. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3968. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, supra; which was ordered to lie on the table.

SA 3969. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table.

SA 3970. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, supra; which was ordered to lie on the table.

SA 3971. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2556, to extend the provisions of the Protect America Act of 2007 for an additional 30 days; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3960. Mr. KENNEDY (for himself, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 13, strike "and" and all that follows through page 10, line 5, and insert the following:

"(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

"(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

"(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

"(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

"(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

"(d) TARGETING PROCEDURES.—

"(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

"(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt, consistent with the requirements of section 101(h) or section 301(4), minimization procedures for acquisitions authorized under subsection (a).

“(2) PERSONS IN THE UNITED STATES.—The minimization procedures required by this subsection shall require the destruction, upon recognition, of any communication as to which the sender and all intended recipients are known to be located in the United States, a person has a reasonable expectation of privacy, and a warrant would be required for law enforcement purposes, unless the Attorney General determines that the communication indicates a threat of death or serious bodily harm to any person.

“(3) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

“(f) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 168 hours after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

“(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(v) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

“(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

“(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

“(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

SA 3961. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 3962. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. WRITTEN CONSENT REQUIREMENT.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the owner of the parcel of land voluntarily provides to the appropriate Federal agency written consent to sell, exchange, or otherwise convey to the Federal agency the parcel of land.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of an exchange between a private landowner and the Federal Government of a parcel of land.

SA 3963. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of an exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a portion of the parcel of land is located terminates on the date that is 10 years after the date on which the citizens of each political subdivision approve the control of the parcel of land by the Department of the Interior, the Department of Energy, or the Forest Service under that subsection.

(2) RENEWAL OF APPROVAL.—With respect to a parcel of land described in subsection (a), the Department of the Interior, the Department of Energy, or the Forest Service, as applicable, may renew, by referendum, the approval of the citizens of each political subdivision in which a portion of the parcel of land is located.

SA 3964. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 16 and 17, insert the following:

Subtitle G—Notification and Consent Requirements Relating to National Heritage Areas

SEC. 491. NOTIFICATION REQUIREMENT.

The Secretary of the Interior shall not approve a management plan for a National Heritage Area designated by this title unless the local coordinating entity of the proposed National Heritage Area provides written notification through the United States mail of the designation to each individual who resides, or owns property that is located, in the proposed National Heritage Area.

SEC. 492. WRITTEN CONSENT REQUIREMENT.

With respect to each National Heritage Area designated by this title, no employee of the National Park Service or member of the local coordinating entity of the National Heritage Area (including any designee of the National Park Service or the local coordinating entity) may enter a parcel of private property located in the proposed National Heritage Area without the written consent of the owner of the parcel of property.

SA 3965. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 16 and 17, insert the following:

Subtitle G—Condition for Effective Date of Certain Sections Relating to Designation of Certain National Heritage Areas

SEC. 491 CERTIFICATION BY PRESIDENT.

Each designation made by sections 403, 423, and 443 shall not take effect until the date on which the President certifies that—

(1) the designation of each proposed National Heritage Area by this title will not cause an adverse impact on—

(A) agricultural or livestock production within the proposed National Heritage Area;

(B) energy exploration and production within the proposed National Heritage Area;

(C) critical infrastructure located within the proposed National Heritage Area, including the placement and maintenance of—

(i) electric transmission and distribution lines (including related infrastructure); and

(ii) natural gas pipelines (including related infrastructure); and

(D) the affordability of housing; and

(2) with respect to each State in which there is located a proposed National Heritage Area that is designated by this title, the total deferred maintenance backlog of the State is an amount not greater than \$50,000,000, as reported by the Director of the National Park Service to the Federal Accounting Standards Advisory Board.

SA 3966. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—DISPOSITION OF CERTAIN FUNDS

SEC. 901 CANDIDATE ASSET DISPOSITION LIST.

For fiscal year 2008, and each fiscal year thereafter, amounts made available to be used by the Director of the National Park Service to dispose of assets described in the candidate asset disposition list of the National Park Service shall be equal to 1 percent of, and derived by transfer from, all amounts made available to carry out Titles I, II, III and IV of this Act for each such fiscal year.

SA 3967. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. USE OF FIREARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) FINDINGS.—Congress finds that—

(1) the second amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”; (2) section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”;

(3) section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service;

(4) the regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System;

(5) the existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entraps law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System; and

(6) the Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 3968. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, between lines 18 and 19, insert the following:

Subtitle I—Miscellaneous

SEC. 381. REQUIREMENTS RELATING TO STUDIES AND COMMISSIONS.

(a) RECOMMENDATIONS.—

(1) DEFINITION OF COST-NEUTRAL.—In this subsection, the term “cost-neutral” means an outcome that does not require an increase or decrease in spending by the Federal Government.

(2) COST-NEUTRAL REQUIREMENT.—Each recommendation contained in a study carried out in accordance with subtitle C, or made by a commission established under, or amended by, subtitle D, shall result in an outcome that will—

(A) be cost-neutral; or

(B) result in a net reduction of costs to the Federal Government.

(b) CONFLICTS OF INTEREST.—An individual who is selected to contribute to a study carried out in accordance with subtitle C, or to serve as a member of a commission established under, or amended by, subtitle D, shall not have a financial conflict of interest with respect to the subject matter of the commission or the study.

(c) PUBLIC ACCESS.—

(1) IN GENERAL.—The proceedings relating to each study carried out in accordance with subtitle C, and of each commission established under, or amended by, subtitle D, shall be open to the public.

(2) MINUTES OF PROCEEDINGS.—The minutes of each proceeding described in paragraph (1) shall be made available on the public website of an appropriate Federal agency in a searchable, electronic format.

(d) TERMINATION.—Each study carried out in accordance with subtitle C, and each commission established under, or amended by, subtitle D, shall terminate not later than 5 years after the date of enactment of this Act.

SA 3969. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3911 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 3. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the

Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3970. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3918 proposed by Mr. REID to the bill S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. ____ . LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 3971. Mr. SANDERS (for himself, Ms. SNOWE, Mr. LEAHY, Mr. SMITH, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, Mr. KERRY, Ms. CANTWELL, Mrs. MURRAY, Mrs. LINCOLN, Mr. OBAMA, Mrs. CLINTON, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2556, to extend the provisions of the Protect America Act of 2007 for an additional 30 days; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ____ . LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy

Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, January 29, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony regarding the nomination of Douglas H. Shulman to be Commissioner of Internal Revenue.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 29, 2008, at 4 p.m. in order to hold a working coffee with Stephen Smith, Foreign Minister of Australia.

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Colin Jones, a fellow with my office, for the duration of my speech today.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that David Walker, a fellow, be given the privilege of the floor for this legislative day.

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

VITIATION OF ORDER—H.R. 5140

Mr. REID. I ask unanimous consent that the adoption of the motion to proceed to H.R. 5140, the economic stimulus package, not displace any pending measures.

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

Mr. REID. Mr. President, the unanimous consent I just asked for, I would ask that that be withdrawn.

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

MAKING TECHNICAL CORRECTIONS

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. 2571.

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

The legislative clerk read as follows:

A bill (S. 2571) to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

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

Mr. REID. I ask unanimous consent the bill be read three times and passed; the motion to reconsider be laid upon the table; that there be no intervening action or debate; that any statements be printed in the RECORD.

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

The bill (S. 2571) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 2571

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

SECTION 1. TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(a) PESTICIDE REGISTRATION SERVICE FEES.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (D)—

(i) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—The Administrator may exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide.”; and

(ii) in clause (ii), by inserting “or exemption” after “waiver”; and

(B) in subparagraph (E)—

(i) in the paragraph heading, by striking “WAIVER” and inserting “EXEMPTION”;

(ii) by striking “waive the registration service fee for an application” and inserting “exempt an application from the registration service fee”; and

(iii) in clause (ii), by striking “waiver” and inserting “exemption”; and

(2) in subsection (m)(2), by striking “2008” each place it appears and inserting “2012”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

HONORING THE MEN AND WOMEN OF THE U.S. COAST GUARD

Mr. REID. I ask unanimous consent we now proceed to S. Res. 433.

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

The legislative clerk read as follows:

A resolution (S. Res. 433) honoring the brave men and women of the U.S. Coast Guard whose tireless work, dedication, and selfless service to the United States have led to more than 1 million lives saved over the course of its long and storied 217-year history.

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

Mr. STEVENS. Mr. President, I have come to the floor to speak to the Senate about the heroic actions of PO Willard Milam, a U.S. Coast Guard rescue swimmer who serves our Nation in Kodiak, AK.

I hope many Senators have seen the film “The Guardian.” Really, I do believe it was Willard Milam who inspired the preparation of that movie, and I want to tell the Senate about his actions.

Shortly after midnight on February 10, 2007, the U.S. Coast Guard Rescue

Coordination Center in Juneau, AK, received an emergency beacon from a fishing vessel. The vessel was the *Illusion*.

Like so many of our brave Coast Guard men and women, Petty Officer Milam and his crew of four launched in a Coast Guard rescue helicopter to investigate the source of the distress signal they had received, undaunted by a howling 50-mile-an-hour wind and heavy rain and near zero visibility.

When the aircrew arrived on the scene, they realized that the crew of the fishing vessel had abandoned their ship and climbed into a life raft, which was being tossed, at that time, in the treacherous Bering Sea. Petty Officer Milam readied himself to be hoisted down into the 40-degree temperature seas below.

As soon as Petty Officer Milam entered the water, he swam to the life raft and found four survivors. They were hypothermic and in shock and unprotected from the elements. They did not have any survival equipment on. One by one, Petty Officer Milam pulled the survivors out of the life raft and took them and swam with them over to a rescue basket that had been lowered through the darkness from the helicopter that was hovering above them.

After loading the first two survivors into the rescue basket, Petty Officer Milam could begin to feel the frigid water flowing into his own suit. He told me it had, unfortunately, hung up on the edge of the life raft and partially unzipped and that water was filling into his survival suit. But he had to fight the debilitating effects of the cold and struggle against exhaustion in order to continue to swim the third survivor from the life raft to the rescue basket.

While the third survivor was being lifted toward the spotlights of the rescue helicopter, Petty Officer Milam—his legs now numb with cold—realized that the life raft, with one survivor still onboard, had drifted too far for him to reach under its current condition. So he signaled for an emergency pickup, and he was hoisted back into the helicopter.

Once inside the helicopter, he became aware of the fact that the crew had only enough fuel to remain on the scene for 15 minutes more. But Petty Officer Milam courageously asked to be lowered back into the sea, now over the top of this survivor, to try and save that last remaining survivor.

Upon entering the water, Petty Officer Milam pulled the last survivor, who was now very combative because of the fear of the circumstances—he was nearly drowning—he was forced to drag this person from the life raft through the storm back into this rescue basket.

With the last survivor in the rescue helicopter, Petty Officer Milam drifted into a stage of unconsciousness as the aircrew lowered the rescue basket directly back to him. He was still in the water. Miraculously, Petty Officer Milam was able to climb inside that basket and was hoisted to safety.

He told me personally that the next time he awoke he was in the clinic at Dutch Harbor, AK, wrapped in blankets and surrounded by heat lamps. As a matter of fact, he told me he was in bed for a period of hours, and they told him his boat was leaving, so he just got himself up and went back to the dock and went onboard the boat. This man is one of the most courageous men I have ever met in my life.

When we consider the Coast Guard as the guardian of our last frontier, I am proud to tell the Senate that fellow Alaskans recognize him as a man who has dedicated his life to public service. Petty Officer Milam's heroic actions personify the selfless public service representative of U.S. Coast Guard men and women who are stationed around the globe and represent us so well.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 433

Whereas, since 1867 the United States Coast Guard has been a vital piece of Alaskan history, providing lifesaving medical treatment to native villages along its coasts, protecting its fisheries resources, and courageously rescuing those who face peril on the seas;

Whereas, in 2007 the men and women of the United States Coast Guard stationed in Alaska valiantly responded to 696 calls for assistance and saved the lives of 463 mariners in distress;

Whereas, the actions of Petty Officer Willard L. Milam personify the proud history of courage and public service of the United States Coast Guard on the 10th of February, 2007, when, on a pitch-black winter morning, Petty Officer Milam launched aboard a Coast Guard HH-65 helicopter in near-zero visibility to locate the source of a distress signal approximately 50 miles southwest in Makushin Bay, Alaska;

Whereas, Petty Officer Milam bravely deployed into storm tossed, 40-degree seas and swam to a life raft to find four survivors hypothermic and soaked in unprotected clothing;

Whereas, Petty Officer Milam heroically overcame exhaustion and hypothermia to pull each survivor from a life raft and assist them through the raging seas, placing them into a rescue basket to be hoisted into the rescue helicopter;

Whereas, Petty Officer Milam's courageous rescue off the coast of Alaska has earned him the 2007 Coast Guard Foundation Award for Heroism and the 2007 Captain Frank Erickson Aviation Rescue Award;

Whereas, through extraordinary teamwork, airmanship, and courage, the crew of the Coast Guard rescue helicopter saved four lives from the treacherous Bearing Sea: Now, therefore, be it

Resolved, That the Senate—

(1) honors the heroic accomplishments of Petty Officer Willard Milam, who represented the finest traditions of the United States Coast Guard during the dramatic rescue of four survivors from the treacherous Bering Sea; and

(2) honors the United States Coast Guard, America's lifesavers and guardians of the sea, for its unflinching determination and proud 217-year history of maritime search and rescue resulting in over 1 million lives saved; and

(3) recognizes the tireless work, dedication, and commitment of Coast Guard men and women, many of them stationed in Alaska, far away from family and friends, who commit themselves every day to executing this noble mission hundreds of miles from our shores with honor, respect, and devotion to duty.

CATHOLIC SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to the consideration of S. Res. 435.

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

The legislative clerk read as follows:

A resolution (S. Res. 435) recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic Schools in the United States.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 435) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 435

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing, students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,363,220 students and maintain a student-to-teacher ratio of 15 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 95 percent;

Whereas 83 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important, not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

Resolved. That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 436.

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

The legislative clerk read as follows:

A resolution (S. Res. 436) designating the week of February 4 through February 8, 2008, as “National School Counseling Week.”

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

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD with no intervening action or debate.

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

The resolution (S. Res. 436) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 436

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008, as “National School Counseling Week”;

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood,

and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 4 through February 8, 2008, as “National School Counseling Week”; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

HONORING THE UNITED STATES COAST GUARD

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 429. The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007.

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

Mr. REID. Mr. President, I watch The Weather Channel sometimes, and they have these pieces on what the Coast Guard does in violent seas. The Chair, being from Rhode Island, probably doesn't appreciate it as much as I do, being from the desert, but the Coast Guard rides some rough seas. So they are entitled to this resolution tonight.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 429) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 429

Whereas the estimated import value of the 350,000 pounds of cocaine confiscated by the United States Coast Guard in 2007 is more than \$4,700,000,000, or nearly ½ of the Coast Guard's annual budget;

Whereas the Coast Guard's at-sea drug interdictions are making a difference in the lives of United States citizens, as evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;

Whereas keeping illegal drugs from reaching our shores, where they undermine American values and threaten families, schools, and communities, continues to be an important national priority;

Whereas, through robust interagency teamwork, collaboration with international partners, and ever more effective tools and tactics, the Coast Guard has removed more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and

Whereas the men and women of the Coast Guard who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without need of public recognition, continue to display selfless service in protecting the Nation and the American people: Now, therefore, be it

Resolved, That the Senate—

(1) honors the United States Coast Guard, with its proud 217-year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensure the parents of the United States can sleep soundly knowing the Coast Guard is on patrol; and

(2) recognizes the tireless work, dedication, and commitment that have allowed the Coast Guard to confiscate over 350,000 pounds of cocaine at sea in 2007.

PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

Mr. REID. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 431 and the Senate proceed to that matter.

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. 431) calling for a peaceful resolution to the current electoral crisis in Kenya.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas on December 27, 2007, Kenyan citizens went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers, and in some instances waiting in long lines to vote;

Whereas election observers reported serious irregularities and a lack of transparency that, combined with the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate Mwai Kibaki with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media broadcasts that day, and shortly after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket

ban on public assembly and gave police the authority to use lethal force;

Whereas subsequent to declaring Mr. Kibaki the winner, the head of the Election Commission of Kenya (ECK) stated that he did not know who won the presidential election;

Whereas in the aftermath of the election announcement, significant violence began and continues to flare;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called for a judicial review and tallying of the vote;

Whereas the head of the European Union Election Observation Mission stated that “[l]ack of transparency, as well as a number of verified irregularities . . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK” and called for an international audit of the results;

Whereas the Attorney General of Kenya has called for an independent investigation of the tallying of votes and for the votes to be retallied;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas some estimates indicate that at least 700 people have died and as many as 250,000 have been displaced as a result of this violence, which continues;

Whereas the economic cost to Kenya of the violence and civil unrest in the wake of the disputed polls is estimated at \$1,000,000,000;

Whereas the Assistant Secretary of State for African Affairs traveled to Nairobi in an attempt to mediate between the 2 leading presidential candidates and has stated that “serious flaws in the vote tallying process damaged the credibility of the process” and that the United States should not “conduct business as usual” in Kenya; and

Whereas Kenya has been a valuable strategic, political, diplomatic, and economic partner to those in the subregion, region, and to the United States and has been 1 of the major recipients of United States foreign assistance in sub-Saharan Africa for decades: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process, as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the violence in Kenya;

(3) urges all politicians and political parties to immediately desist from the reactivation, support, and use of militia organizations that are ethnic-based or otherwise constituted;

(4) calls on the 2 leading presidential candidates to—

(A) engage in an internationally brokered dialogue, which results in a new political dispensation that is supported by Kenyan civil society; and

(B) respect the will of the Kenyan people;

(5) simultaneously—

(A) supports a call for electoral justice in Kenya, including a thorough and credible independent audit of election results with the possibility, depending on what is discovered, of a recount or retallying of votes, or a rerun of the presidential elections within a specified time period; and

(B) encourages any political settlement to take into account these recommendations;

(6) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(7) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(8) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(9) condemns threats to civil society leaders and human rights activists who are working towards a peaceful, just, and equitable political solution to the current electoral crisis;

(10) holds all political actors in Kenya responsible for the safety and security of civil society leaders and human rights advocates;

(11) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to Kenyan refugees who have fled in search of greater security;

(12) encourages others in the international community to work together and use all diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(13) urges the President of the United States to—

(A) support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors;

(B) consider the imposition of personal sanctions, including a travel ban and asset freeze on leaders in the Party of National Unity, the Orange Democratic Movement, and other relevant actors who refuse to engage in meaningful dialogue to end the current crisis; and

(C) conduct a review of current United States aid to Kenya for the purpose of restricting all nonessential assistance to Kenya, unless all parties are able to establish a peaceful, political resolution to the current crisis, which is credible with the Kenyan people.

EXTENSION OF THE PROTECT AMERICA ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5104, a 15-day FISA extension, received from the House earlier today; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 5104) was ordered to be read a third time, was read the third time, and passed.

Mr. REID. Mr. President, I appreciate the cooperation of my colleagues, especially Senator McCONNELL. We are going to do our very best to have an agreement shortly so we can move to finish Senate action on this. There has been a lot of time spent on this by a lot of people—people in the Intelligence Committee, Democrats and Republicans; members of the Judiciary Committee, Democrats and Republicans.

There is an effort to try to resolve this. We have had a number of good meetings today. This will allow us to do that. Our goal is to get it done quickly so we can get it to the House and complete a conference prior to the 15 days being extended.

UNANIMOUS CONSENT AGREEMENT—H.R. 5140

Mr. REID. Mr. President, I now ask unanimous consent that the adoption of a motion to proceed to H.R. 5140, the economic stimulus package, not displace any pending measures.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, let me say that we are going to work real hard tomorrow and the next day to get a lot of work done. We have so much to do. This is a relatively short work period. We have the stimulus package. We have foreign intelligence that we have to do. We have a lands bill from the Energy Committee. We have an agreement to move forward on that. We would like to finish the Indian health bill, if we can. We have a lot to do.

That being the case, we are going to have to have a vote this coming Monday. We are going to do it later rather than earlier, but we are going to have to work on Tuesday. Tuesday is Super Tuesday. I had talked to the Republican leader earlier hoping we could work something out, that we would not have to be in. Certainly, it is no one's fault, even though there is a lot of finger pointing going on. But we were not able to get much work done yesterday and today. So losing those 2 days, I do not see any alternative.

I know a number of people would like to go home on Super Tuesday, but they can vote absentee, and I think the country will survive without Senators being there on election day. I hope everyone here understands we have a limited amount of time to do a lot of work.

MEASURE READ THE FIRST TIME—H.R. 5140

Mr. REID. Mr. President, I understand that H.R. 5140 is now here and at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask for its first reading.

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

The legislative clerk read as follows:

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

Mr. REID. I ask, Mr. President, that further work on this matter be terminated now, so I object to its second reading.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, JANUARY 30, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

adjourned until 10 a.m. tomorrow, Wednesday, January 30; that after the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, the Finance Committee is meeting tomorrow at 2:30. Senator BAUCUS and his respective Democratic and Republican members are going to attempt to come up with a bipartisan stimulus package. I hope that can be done. That being the case, what we would do is go to the House bill. We would attempt to amend that with the matter that would come from the Finance Committee.

I will work very hard with my Republican colleague and all the Democrats and Republicans to try to come up with a procedure whereby we would have an

extremely limited number of amendments on both sides so we can complete this legislation as rapidly as we can.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Wednesday, January 30, 2008, at 10 a.m.