

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NEW DIRECTION FOR ENERGY
INDEPENDENCE, NATIONAL SE-
CURITY, AND CONSUMER PRO-
TECTION ACT AND THE RENEW-
ABLE ENERGY AND ENERGY
CONSERVATION TAX ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Sanders modified amendment No. 4401 (to amendment No. 4387), to establish a maximum rate of interest for loans insured under title II of the National Housing Act.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time home buyer.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

Nelson (FL)/Coleman amendment No. 4423 (to amendment No. 4387), to provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences.

Lincoln amendment No. 4382 (to amendment No. 4387), to provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review.

Lincoln (for Snowe) amendment No. 4433 (to amendment No. 4387), to modify the increase in volume cap for housing bonds in 2008.

Landrieu amendment No. 4404 (to amendment No. 4387), to amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricanes Katrina, Rita, and Wilma.

Sanders amendment No. 4384 (to amendment No. 4387), to provide an increase in specially adapted housing benefits for disabled veterans.

Murray amendment No. 4478 (to amendment No. 4387), to increase funding for housing counseling with an offset.

Mikulski amendment No. 4494 (to amendment No. 4478), to make additional funds

available to the Neighborhood Reinvestment Corporation to increase legal assistance available to homeowners at risk of foreclosure and assistance to community organizations working to preserve home ownership and prevent foreclosure, with an offset.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONGRATULATING TENNESSEE VOLUNTEERS AND
THE UNIVERSITY OF MEMPHIS

Mr. CORKER. Madam President, I rise today, while business is slow in the Senate, to send my strong congratulations to the University of Tennessee Lady Vols who again excelled and set an example for our country in the way they conducted themselves.

Pat Summitt has a tremendous legacy in our State. She is someone who not only is an outstanding coach and has won eight national championships, but she also teaches players life examples and ways to be successful later in life. Our students who play on the Lady Vols team are steeped and focused on academics and being successful later in life. The way she has led the Vols and led our State by her actions and the way this team has excelled is something to be congratulated and certainly makes all of us in Tennessee and in our country proud.

I also extend my congratulations to the University of Memphis. Memphis has also done an outstanding job. Coach John Calapiari has been a great addition to our State. While they fell short earlier this week in reaching the national championship, they still raised our excitement level in Tennessee and our tremendous respect for the University of Memphis and what they have accomplished. I am sure at some point in the near future they will achieve the ultimate goal they have of winning the national championship. My hat is off to both of these outstanding coaches, to both of these teams and programs which focus on student excellence and making sure players are prepared for life. I join Tennesseans all across the State in congratulating them and telling them how proud we are of all of them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

THE ECONOMY

Mr. SANDERS. Madam President, last Saturday, I held two town meetings in Vermont on the collapse of the middle class, and both of them were very well attended. Our guest speaker was Elizabeth Warren, who is a professor of law at Harvard Law School and one of the leading writers in this county on economic matters.

In preparation for that meeting, I sent out an e-mail on my Web site just asking people in Vermont to tell me their personal experiences regarding what is happening to the middle class. We have done that in the past and, frankly, I expected we would get a couple dozen responses. What happened was really astounding to me and speaks about what is going on in the economy in this country today. Over a period of a few days, we have now had some 500 responses, mostly from Vermont, but also I do a national radio show, and we made a similar request nationally, and we have had some from out of State. They are mostly from Vermont, some from out of State, but a total of some 500 responses.

What was absolutely astounding was the nature of these responses. They were so powerful, so overwhelming, that, in fact, they were sometimes difficult to read. Person after person wrote with amazing honesty and with an articulateness which comes from telling the truth. They were not giving a great speech, as we often do here in the Senate, talking about everything under the Sun. They were talking from their own hearts. They were talking about what it means to be trying to raise kids, trying to send your kids to college, trying to pay your fuel bills, fill up your gas tank when you get to work—amazing stories. We are going to post many of them on our Web site.

What I want to do this morning, because I think it is terribly important that the Senate hears from ordinary people to get a sense of what is really going on in America, the struggles people are having—maybe it is a good idea we hear from the people rather than just campaign contributors, rather than just lobbyists. The language I heard that came to my Web site was extraordinary. So what I want to do this morning—I have the feeling I will be doing it more than once—is just have you listen to what people have to say, reading exactly the words they have written to me.

Let me begin by reading an e-mail that came from a small town in northern Vermont. I am going to do my best to disguise the identities of the writers. But this is from a small town near the Canadian border. This is what this writer says.:

My family has been squeezed for years now. My husband and I have two children. My husband works full time and has a degree. He works 60 miles away from home, and has tried to find a new job closer but has been unable to do so. I tried for 2 years to find a job, when I could not find a job I went back to school. I am hoping that my degree will help our family.

The price of gas and oil now consumes 30% of our disposable income. We have cut back on groceries, and recently was only able to get groceries because my parents were nice enough to give us money. We are going to buy a woodstove because we are afraid we will not be able to afford oil next year. We do not qualify for LIHEAP. My husband got a raise last year that disappeared on Jan. 1st when the cost of our health insurance increased. We have to have reduced cost lunch for our children, we cannot afford to put our children on his health insurance plan, and luckily they are on Dr. Dynasaur—

Which is the SCHIP program in Vermont—

but now we have to pay a premium where we didn't last year.

We have stopped doing any fun things. We have not been able to go out to eat in a long time, or to bring the kids to see a movie. There are no treats. I am praying that after I graduate I will be able to find a job to help my family out. Of course when I go back to work both my husband and I will have to start paying our student loans, and this payment will amount to about \$500 per month. But what other option do we have? I couldn't find work. He can't find a better job closer to home.

Both my husband and I have degrees, we did everything right, we are not doing better than our parents when they were our age.

If it wasn't for our parents we would be worse off. Our parents have helped us with oil. My parents gave us \$600 last year to pay for our oil, my husband's parents helped us with car repairs so we wouldn't go into debt. My parents have given us grocery money and bought our kids school clothes. I don't know what we would do without our parents.

This is demoralizing, my husband keeps asking when will we be able to actually afford to support our own family? I'm not sure what the answer is.

Thank you for listening.

That is a letter from a woman in northern Vermont.

This is a letter from a woman in north central Vermont whose job, it turns out, was outsourced. This is what she writes:

My husband and I are in our mid-fifties. At this time of our lives we should be at our peak earning power, putting money away for our retirement. Two years ago, we were, but now we are making about \$42,000 between us and struggling through this Vermont winter.

I was an international IT manager, making a nice salary then. I spent 14 years getting my AS, BS and then my Masters degree from Champlain College.

Which is a college in Burlington, VT.

We were comfortable, and able to go on a nice vacation every couple of years. Then the company I worked for for 18 years outsourced its entire IT operation to India. I received a layoff package, but at my age it took me a while to find a job for one third of my previous salary, and that job is not even in my field—I am an accounting technician now.

My husband was laid off from a job as an electrician's assistant and he is now working in a hardware store. He makes \$3 less per hour now.

Both of our moms are near 80 and live with us. We also help to take care of our next-door neighbor, who is 83. We are struggling to keep up with our bills. Fortunately when we refinanced our home several years ago, we took a fixed rate mortgage. Even so, our heating, gas and even grocery costs are rising so quickly and our salaries are not.

When I was younger, I found it easier to regroup from a loss like this, but then every-

one wanted to hire me when I was younger. I thought the government was "of the people, by the people and for the people," but it seems to me that it's mostly "of the people, by the lobbyists and for the rich." By the time we get to retirement, maybe when we're 70 at this rate, Social Security and Medicare will be gone and we'll be on our own. I feel as though our government has sold us out and even if we elect a new President who cares for the people, it will take too long to recover for us to reach a comfortable place again.

Thank you for listening Senator SANDERS.

This is a very brief e-mail that we received from a small town in central Vermont:

Between my retirement & SS [Social Security], I get a grand total of \$804 a month. My last oil delivery was over \$600 for the month of March.

That's my story—and I'm stuck with it.

Thank you, Senator, for trying to "make it better."

This is from the wife of a logger in northern Vermont. A lot of people in the State of Vermont earn their money in the woods. They go out and they cut trees.

This is the toughest time I have seen since I was a child. My husband is a self employed logger and has an excavation business. The way the economy is has really hit in both of his employment very hard. The price of logs have dropped drastically and no one is building.

He has extremely high blood pressure but some how we can't receive any help. We do have catamount blue health insurance that we pay \$250.00 a month for but that does not cover some of his medicine nor does it cover all hospital bills. We have exhausted any savings we had but still have a small IRA but cannot touch that with out being penalized. We have had to refinance our home of 34 years and I have just started a job but it requires me to travel 35 miles one way to work and with the price of gas it is almost a hopeless case.

I'm sure there are other people in worse shape than us, but I have to wonder why the government is not helping the working person? The only thing I guess a working person has is pride.

Is it worth it????? I'm really beginning to wonder!

This is from a 57-year-old working widow, again from the central Vermont area. This is what she says:

I have no—

Underline "no"—

disposable income. Like many Vermonters I drive a long way to my job and consider myself lucky to have one and like most jobs in Vermont it does not pay as well as the same job in other areas of the country. My roundtrip mileage is 60 miles per day. I invested in an America made hybrid in 2004 which gets between 25 to 30 mpg [miles per gallon]. Also, the organization I work for does not reimburse me at the federal rate for the miles charged to them. I have to have more and more money each week to pay for that week's gas and then wait to be reimbursed. It really is a tough squeeze and some of my co-workers are in tighter spots.

I was fortunate to have locked in fuel oil last Spring at \$2.46/gallon for 800 gallons. This is to supplement wood burning. However, I fell on the ice in December and hurt my shoulder which makes lifting wood difficult therefore I turned the thermostat back to 60 and live that way. Now the thermostat is back to 50 and the burner only comes on to

heat hot water. I stopped using hot water to wash my clothes over a year ago and just use cold water. I don't notice a difference.

I have not had a vacation except a long weekend in years. At 57 and a widow and a woman, I can look forward to living in poverty. I am thankful for the things I have and pray that I can hold onto them. I have first hand experience that there are many, many Vermonters that have much less and are falling through the cracks. They do not have enough food to eat and are "too rich" for fuel programs.

I have a friend who is legally blind and lives on less than \$800 per month. She lives in Senior housing so her rent is subsidized but she still has to pay for utilities and food. How does she buy food and clothing on this pathetic amount of money?

How can we be the richest nation in the world and allow this to happen?

I vote. I give to charities when I can albeit small amounts but how can I move mountains? I pray for peace and justice because I don't know what else to do and I am thankful for what I have and for what I am able to do.

I appreciate your keeping important issues before the public.

As I said, these are stories from Vermont. But we have received similar-type stories from all over America. Let me conclude with four stories from families in States other than Vermont.

This is from a young man in Tulsa, OK:

Thank you so much for allowing me to tell the story of how our family is being squeezed by the current economic conditions in our country. . . .

In December of 2000, I started work for my current company at the "bottom rung of the ladder." I was changing careers yet again and the old saying "you can't start at the top" certainly applied. I have since worked my way up from a starting position, part time at \$7.65 an hour, through 3 promotions and into a management position in the mid \$30k a year salary range. That used to be an ok salary here in Oklahoma. Not anymore.

The rising cost of fuel, food, utilities and other necessities has turned my "ok" salary into a near poverty-level experience for my family. In addition to the above mentioned costs, I experienced a \$102 per month increase in my portion of the premium for my "employer provided" family health coverage.

I don't get it. I work hard, every day. I show up on time every day, give it everything I have and never back off and somehow everything except my salary is going up at an alarming rate. My parents taught me that no matter what, if we worked hard enough and never gave up, we'd get somewhere. It seems these days, that doesn't hold true anymore.

Please encourage your colleagues in D.C. to do something, and hurry. I am doing all I can and it just isn't enough.

This one is from a young engineer in Gladstone, OR:

I am a 26-year-old college graduate with a master's degree in mechanical engineering. I have been working for two years as an engineer in the Portland, OR metropolitan area, and though I consider my compensation for my job to be appropriate for my level of education and expertise (about \$60,000 a year), I am still struggling to make ends meet in this economy.

Despite the fact that my home mortgage payment has remained stable, I am finding that the average price of energy and commodities has increased such that I can no longer afford to contribute to my 401(k) retirement plan, and I am living month-to-

month with only about \$200 in savings. I pay about \$300 for gasoline, \$200 for heat, \$100 for electricity, and about \$400 for food every month. This is fully twice as much as I was paying for the same expenses just 2 short years ago. Ouch!

My situation is ironic and a bit frustrating. Whereas I now make over four times what I made as a graduate student, I live with the same quality of life as I did in college. I cannot afford vacations or extravagant purchases, and I am burdened as so many people are these days with a persistent worry about getting sick or injured and stuck with a medical bill that I cannot afford.

I realize that I am nobody special in terms of how hard I work or how much I pay for food and gas or how "sad" my story is, and that is why I write to you. I am moved by the stories of how these middle-class families are surviving, and I can sympathize with them in terms of some of the financial worry they are experiencing. It is hard for me, it must be incredibly difficult for them.

Thank you for your time and thank you for your service as a U.S. Senator, and thank you for providing a forum like this.

This is from a 30-year-old man from the Pacific Northwest who feels the American dream has failed him. This is what he writes:

I was raised in extreme poverty. My mom had a 9th grade education and my father dropped out in 6th grade. My brother, 3 years my senior, dropped out of high school in 1996, the year I graduated. I never knew a house; we grew up in one and two bedroom apartments. I also never knew I was raised in poverty until adulthood—when I tried to transcend this state of economic marginalization.

I was the first of my family to graduate high school. Four years later I entered junior college; transferred to a private four-year institution and earned both an undergraduate and graduate degree. I also earned \$70,000 in student loan debt. At that point, I had never earned more than \$7,000 in my life.

Three years after college, I purchased my first home. You guessed it—my loan was predatory and was one of those ARMs. This was the first home ever purchased in the Ryan family. As you know, to truly gain a firm stance in the middle class, one must own property.

I earned \$50,000 in 1997, more money than I've ever known. Yet I still have to charge my groceries or medications. My ARM matured and my mortgage raised \$300 over night. The first home in my family is likely to go back to the bank and I'm falling short of the finish line in the race out of poverty.

I'm now in credit card debt just to buy the essentials and my student loan debt haunts me most days of my life. I feel disillusioned by the "American dream and the American middle class." If you graduate, if you go to college, if you . . . then you will rise above the poverty line. Let me tell you, Mr. SANDERS, I feel more impoverished today than I ever have. Why? Because when I was poor, I didn't have nearly \$100,000 of debt; essentially making me indentured to my country. That isn't freedom.

Finally, an e-mail from a woman in California in a city near San Francisco. This is the last letter:

Both my husband and I have faced significant pay cuts the last year. We feel grateful to still have jobs, however. Many of our friends our age have no jobs and have been out of work for many months with no prospects in sight.

We have 3 children and live in the high-cost San Francisco Bay Area, where we were

born. A combined income of \$100,000 to \$150,000 doesn't go very far at all here when a modest townhouse costs almost \$600,000 and everything else is proportionately more expensive. (The difference in the cost of living across the country is never taken into account by politicians planning tax breaks and should be . . .)

Our oldest daughter completed 2 years in Ameri-Corps after graduating from the University of Vermont where she got a Bachelor's degree in environmental science and conservation biology. Some of her student loans were forgiven by Ameri-Corps, but not many. Now she works for an environmental consulting firm in Boston but her wages are so low she can barely support herself and we are still paying \$350 per month on her student loans that remain. We will owe \$350 a month on those loans for the next 30 years—she has close to \$70,000 left to pay off.

My husband is almost 61 and I am 52. We have nothing saved for retirement. One small IRA we have will be cashed out this year to pay for a new roof on our townhouse. We can barely meet our mortgage payments, property taxes and pay our bills. We live month to month.

Over the past year we have cut out many of the extras we used to consider necessities. My husband felt extremely guilty running up a charge card to buy much needed clothes for himself for work. He had not bought clothes for himself in about 5 years.

Our home is now worth less than the loans we have on it. There is no money to replace our old rug, (or even have it professionally shampooed), no money to fix our broken clothes dryer, no money to repair our bathroom sink, no money to take even a modest vacation for a few days. The list goes on and on.

We no longer have what we once considered a middle-class standard of living. Now we are nearing retirement years realizing we will have to work (if we have jobs) until we die. How could we ever exist on Social Security alone in this area? It would be impossible since we will not have our home even close to paid off.

I have never felt so despondent about the state of our life and our family's prospects for the future. We have slid down the economic ladder one rung at a time. I used to believe if we worked hard enough we would be rewarded for our work—but no longer believe that. We are working harder than ever and now make far less money. I see no improvement in our financial well-being in the future whatsoever.

I am beyond anger. I have no more tears. I only have two questions that no one seems to be able to answer.

Mr. President, I think it is appropriate to end on this note, and this is what she says:

I have only two questions that no one seems to be able to answer. Is everyone in Washington so far removed from the plight of our country's middle class that they cannot see what we are going through? Or do they see and simply not care?

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

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

The legislative clerk proceeded to call the roll.

Mr. DEMINT. 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. DEMINT. Mr. President, I ask unanimous consent to set aside the

pending amendment and bring up the DeMint amendment No. 4474.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, if I may, I will mention a few things about the amendment. I am, obviously, disappointed that a germane amendment cannot even be brought up in this debate. A part of this housing package is a \$4 billion title III section that we are referring to as community development block grants. Many people here support those.

I wish to make clear to my colleagues this is not a normal block grant. What it is—in the name of helping homeowners who have lost their homes, this \$4 billion goes to selected areas of the country where there has been the highest concentration of foreclosures. What it actually does is use taxpayer dollars to buy homes from banks. The banks have taken these homes from former homeowners. This money doesn't help the people who have lost their homes. It takes taxpayer money from all over the country and bales out the banks that now hold this. What we are going to end up with is this money that goes through States down to local communities, through the block grant process, to local communities themselves or through an intermediary who is actually buying private property now owned by the banks, and we are spending money to fix those homes up and then to sell them, the local communities—we are helping to make them property owners.

The bill, as written, does not prevent them from keeping the property as rental property. This will not only spend \$4 billion, it will not necessarily do it in an equitable way around the country. It doesn't help homeowners who have lost their homes. In fact, it may hurt the homeowners who don't get the benefit of Government money to fix up their homes. They don't get bailed out if they cannot make their payments. What we are faced with is the Government fixing up a home. We are giving someone a tax credit to buy that home but not the one for sale next to it.

We know this process of how block grants work, and these have been deemed one of the least-effective programs by the General Accounting Office and other Government agencies that looked at this. We are going to funnel money from here to the States, to the local communities, to the banks, and the transactional costs to move these homes and to fix them up is going to probably be more than any value from it. We put responsible homeowners at a disadvantage in this package.

I encourage my colleagues to look at this whole bill. First of all, look at the process. If we cannot have a germane amendment postcloture—which was promised when this bill was brought

up—and we cannot strike a large provision such as this, which is clearly not in the interest of those who are hurting; it is obviously bailing out banks who have made bad loans, what this will ultimately do is encourage banks to foreclose on homes they might not have because they know they are going to get the Government to buy that home if they take it from the homeowner.

The perverse incentives built into this plan need to be thought through. There is no way this will work to help those who have been hurt. It is throwing the money into the wrong places and making homeowners out of local communities in an inequitable way in this country.

It is unfortunate we are not allowed to up bring this amendment and vote on it in a fair and open process. Nevertheless, I appreciate the opportunity to speak, and I appreciate the chairman's indulgence today.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me say to my colleague from South Carolina, I appreciate his generous comments. We have reached a point where, obviously, we are trying to complete this product. We have been at this for over a week. There are a lot of good ideas, while I disagree with his conclusion on his own amendment. What we are trying to do, at the behest of the leadership, is accomplish as much as we can, where we can, and move forward. I have said this so many times, but if I were writing this on my own, it would look different. We live and work in an institution where we have to deal with 99 colleagues, and 435 in the other body, and an administration down the road. We are trying to package these ideas in a way that would win a majority of support here and will be accommodated in the other body and to receive the ultimate approval of the White House. It is an arduous journey and complicated and an emotionally charged set of issues. It is no easy path. While I, for one, have a number of ideas that have been offered by people I support—in fact, my own idea was rejected. As a principal negotiator, I wasn't able to convince my colleagues on the other side to take an idea that I might point out the Wall Street Journal this morning said the administration is moving closer and closer to. It is a very valid point that the Senator raised, and I agree a lot of what we are talking about is dealing with the effects of foreclosure. Whether you like the idea, we are dealing with after the fact. I would prefer to deal with an effort—and there are some provisions that deal with this—to keep people out of foreclosure.

But with a major thrust we ought to be talking about—and the administration, through the FHA Secure program, which they are opening, will do a large part of that—we are heading in the right direction.

On the CDBG, there are legitimate criticisms about that money. This program is very differently designed. We keep it far more targeted, with more accountability required. One of the values is the following. We are oversupplied in housing. The marketplace is not doing as well in resolving this issue because supply and demand is not working as it normally does because of the abundance of housing out there and the unavailability of capital to move a lot of it.

Our concern was, of course, not only to clean up the properties but to clean up the properties and move them because you get a declining value in neighborhoods with foreclosed properties. So that hard working neighbor my friend talked about who is sitting there going, wait a minute, I have done everything right here and I read all the documents and I made a responsible loan and here you are taking care of the property next door and someone is getting a break with the Government's help and I am not getting much out of it. Why are my tax dollars being used for that purpose?

My answer to his constituents, and to mine, is I understand what you are saying, but I am concerned because if the value of your property, which you have maintained and done everything right with, is declining by 1 percent immediately when the next-door neighbor's property or one down the block is foreclosed on, to allow that to deteriorate affects you directly. We know crime rates go up 2 percent and values, by as much as \$2,000 to \$5,000, go down that day on that property, and it will continue to decline as that neighborhood further deteriorates. So there is a direct correlation between trying to help the property get back on its feet, to make it marketable and able to be sold because the neighborhood will be adversely affected if we don't do that.

The community block grant program of \$4 billion in this bill is targeted. It is right that it is after the fact. We ought to, ideally, figure out a way to keep a person out of foreclosure in the first place. In this bill, we don't do a lot about that. We do it with mortgage revenue bond proposals and with the counseling in the bill that does help.

Clearly, as the Presiding Officer and I heard at a hearing in his State in Philadelphia—we heard from people directly how counseling can make a difference. So there are some provisions which do minimize foreclosure.

In the absence of doing more, we need to ask ourselves: Can we do something when these properties do fall into that situation? That is why this Community Development Block Grant Program has value beyond putting tax money into a community, but making a difference possibly for those other homeowners who otherwise have watched everything they saved and worked for—their single source of wealth creation is in that house, and that equity they built up by being responsible over the years to protect themselves in retirement or

to assist their child get a college education, to take care of that unforeseen problem that can happen with a health care crisis, that equity can make all the difference in the world—and through no fault of their own, they watched almost instantaneously that hard-earned equity decline rapidly because of what happened here.

Part of the goal here—and I cannot admit it is going to work in every case—is to make sure that homeowner is getting some protection. They ought to get something back for their tax dollars, and this is an indirect way to help them get back on their feet.

My colleague raised a legitimate point. If it is a great idea, why can't we vote on it? We have reached a point where we want to move on and complete the legislation. There are a lot of ideas we want to bring up. The general thought was to see if we couldn't complete this work and move on to a conclusion. I appreciate my colleague's comments. I thank him for his indulgence and consideration as well.

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

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4400

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and call up amendment No. 4400.

THE PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

Mr. COBURN. I thank the chairman. I understand they desire no further votes on this amendment.

I ask to speak on the subject matter of my amendment, knowing that it will not get a vote—which is disturbing on such an issue as the one we have in front of us.

We are talking about housing. For years we have spent a tremendous amount of money on homelessness in this country. What this amendment would do, frankly, is help us know what to do on homelessness. It would cause us to take an in-depth look at our current state of homelessness in hopes of providing constructive solutions to that problem.

We have spent billions of dollars every year for Federal housing programs, but homelessness rates have remained constant for decades. In other words, it doesn't matter how much money we have spent, we have not seen a decline in homelessness. We ought to be about asking the question: What is wrong? We continue to spend more money. Yet we make no impact on the rate of homelessness.

A number of reviews have found Federal housing programs are ineffective and misspend too much money on non-housing assistance, are not sufficiently

allocated or distributed, and are subject to tens of millions of dollars of waste and fraud. The waste and fraud actually has been documented. HUD's ability to effectively carry out its mission is so impaired that these shortcomings should be addressed if we ever hope to eliminate homelessness in our country.

In the past year alone the inspector general of the department found nearly \$1 billion—let me restate that—one thousand million dollars in waste in HUD alone. That is their own inspector general. There is nothing in this bill that addresses this issue.

This amendment was designed for us to look at that. HUD also reported \$1.5 billion, of which over 80 percent were overpayments in terms of improper payments.

The charge on the Congress is to manage the programs effectively. We have a bill before us, and we have an amendment that will help us do that. To me, it is disconcerting in the fact that we are not going to even take up and look at \$2.25 billion worth of waste every year.

I have sympathies with the chairman and his ranking member in that they do not want other amendment votes. But this is an amendment we are going to see again. We are going to see it on an appropriations bill the next time we have one with anything to do with housing.

Here are the following criminal activities found at the Department of Housing and Urban Development: 2,684 arrests with the fraud, 1,338 indictments, and 1,055 convictions.

We are going to pass a housing bill, and we are not going to address these issues? We are not even going to vote on them, even though we have 1,055 convictions and 1,338 indictments on fraud and overpayment and corruption within the Department of Housing and Urban Development?

In efforts to remedy the housing problems, Congress has allocated \$4 billion to HUD's community development block grants. One of the vehicles HUD uses to combat homelessness is this CDBG program. An OMB analysis determined that the CDBG grants were ineffective in accomplishing what they intended to accomplish.

The conclusion stated that major problems, including the lack of a clear purpose and an annual and long-term outcome measure—in other words, there is no metric to see if the money we are spending is doing any good. There is no requirement on us, either through this bill or any other bill, that there be a measurement to say we will spend money to help homelessness but look to see if that is effective. None of that is available. It is not available. Also, it was noted they did not target funds to the areas of greatest need. They went to the areas of greatest political influence, not the areas of greatest homelessness. And the inability to produce transparent information.

The whole idea behind this amendment would help HUD and Congress ad-

dress those very issues. It also will help us know what to do about it, if we actually find them.

The average age of the world's democracies is 200 years. That is the average. They are not conquered. They die from within. They die over lose fiscal policy. Those are not my words. That is a paraphrase of the Scottish historian as he looked at the Athenian Empire and wrote about it about the time our country was being founded. I daresay I have great concerns for us as a free country when we will allow \$2.25 billion a year to be defrauded out of the Department of Housing and Urban Development, and then we will not allow an amendment that doesn't change it. It just says let's look at it and find out where it is and what we can do about it. We are not going to allow it on a housing bill.

It is interesting where we have come. We say we want to help the people who are in the midst of a housing emergency, in the midst of problems with their mortgages, in the midst of those who were either being gamed into a mortgage or stupidly going into a mortgage they couldn't afford, but at the same time we will not do the real work we are asked to do, which is to make sure the programs we do have, that are already authorized, already funded, are run efficiently. It is no wonder confidence in us is lacking.

Here is \$2.25 billion that we could address in this bill toward a solution—toward finding out how we at least eliminate 70 or 80 percent of that, and we will not even allow an amendment to address that.

That is not a reflection on the chairman. I understand what he and the ranking member are trying to do to get this bill through. But this is not an amendment to which anybody should have any opposition. This is an amendment that should be accepted; to say, yes, we need to study this. We need to find it. Yet when we have asked for that it has been denied.

My only thought is, either we do not want to look at the fraud and we do not want to look at the overpayments or we think it is just fine.

That is what I am left with and that is what the American people are left with. Mr. President, \$2.25 billion would do a lot to help a lot of people having trouble with their mortgages today. That \$2.25 billion could come back in and, if directed in the proper way, could significantly increase the effort of holding onto the homes of 100,000 people. Yet we are not going to look at it.

There is no question we need to do more. Unfortunately, I am not going to be able to vote for this bill because we are going to give tax credit to builders who don't need to have a tax credit. We are going to give \$4.5 billion more in CDBG block grant money that HUD already said hasn't been spent wisely to begin with. We already have \$1 billion worth of fraud in it. I will not support the bill.

I do support the right of the chairman in managing the bill in the way he is managing it at the present time, but I also will say this amendment will be back—as it should—not just for us, and not, as it should, just for the taxpayers but the real taxpayers who are going to pay back this \$2.25 billion, which is our kids.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I know the Senator from Vermont wants to be heard, but let me just say a few things to my friend from Oklahoma.

First of all, I appreciate his comments about the importance of monitoring and overseeing the programs, the homeless programs in the McKinney-Vento legislation that goes back some time.

He may not be aware of this, but I will raise it with him anyway.

Senator ALLARD of Colorado and Senator REED of Rhode Island have offered a piece of legislation to modernize and streamline the McKinney-Vento legislation. It passed out of the Banking Committee some months ago unanimously. I commend Senator ALLARD and Senator REED for working together in a bipartisan fashion to come forward with the proposals dealing with homelessness.

The bill—and it can be corrected—we brought up here to bring it up on the consent calendar with anyone who wanted to offer some amendments to it. It sounds as if my colleague from Oklahoma has an amendment that would be right on the subject matter of the Reed-Allard proposal. There has been a hold on the legislation to come forward with that bill, offered by our two colleagues from Colorado and Rhode Island, that specifically addresses the issues, although I am not suggesting exactly the amendment my colleague from Oklahoma has, but it would seem to me that would be an appropriate place to deal with homeless programs.

We may have exact numbers—I tried to inquire here whether it is 1.8 or 2.1. It is a lot of money, obviously, and I do not question that at all. But we do have a bill that is enjoying pretty board-based support here. Rarely, I might add, do we see that—it comes out of a committee of jurisdiction that authored and wrote this legislation, unanimously adopted by every Banking Committee member who had an opportunity to go through the hearings and watch all of it.

I am more than prepared—I do not want to speak for Senators ALLARD and REED—that bill could be done this evening, and possibly the amendment suggested by my friend from Oklahoma could be a part of that to go forward. He understands the situation Senator SHELBY and I are in, in trying to get this particular bill done. If that hold could come off the legislation and someone sit down and try to work on

this provision, we might very well accommodate the very issue that goes to the heart of the homeless programs.

So I raise that with him. It is S. 1518. It did come out I think several months ago.

Mr. COBURN. Mr. President, first of all, I am the individual who has a hold on that bill because I think we need to have real property reform, and there is a bill that is coming out of the Homeland Security Committee that is a bipartisan bill authored by Senator CARPER, with the cosponsorship of both Senator COLLINS and Senator LIEBERMAN, that has real property reform.

As the Senator knows, McKinney-Vento places a limitation on all Federal properties before they can ever be disposed of. So the real property reform needs to go through at the same time the McKinney-Vento bill goes through so that we reform both of those, so that we still protect the rights of the homeless in this country but at the same time enable the agencies of the Federal Government to dispose of them. We now have 22,000 pieces of property the Federal Government does not want but we can't get rid of. So the reason that is being held up is we are trying to get those to move together and in tandem so that we can fix both problems at the same time.

I would say this in response to the Senator. I understand how you have locked arms to move this bill, but what the American people are not going to understand is, if there is \$2 billion worth of waste—and there is; the IG of HUD said it, there is no question about it, a billion dollars worth of fraud, a thousand convictions, another \$1.2 billion in overpayments to supposed landlords. There is no reason not to fix that right now. It can be fixed with this bill. This bill is going to get passed, it is going to get signed. Move it and fix it.

I yield the floor.

Mr. DODD. Reclaiming my right on the floor, there is a vehicle moving including, possibly, the legislation that is coming from Senator CARPER here. It seems to me that making a case for exactly why probably allowing that bill to come up, the very bill that Senator ALLARD and Senator REED have drafted on homelessness that was unanimously adopted by the committee after significant work would be the right place—if people have ideas and suggestions on how to deal with Federal property or deal with allegations of fraud and the like, that is the vehicle.

As my colleague from Oklahoma points out, he is the only member with a hold on that bill, so we are not going to be able to get to it, and the suggestion somehow that we are denying him an opportunity is really not the case. I am more than willing to entertain ideas and thoughts, and I do not want to speak for Senator ALLARD and Senator REED—they are the authors of the legislation—but I am confident they would be more than willing to sit down and listen to the arguments and possibly include ideas in the legislation.

Ninety-nine Members of this body have decided that this bill is a pretty good bill, and one Member has not. I respect that. You have the right to do that here. But I think the right to do that should also suggest that when you stand up and suggest we are not welcoming enough of an idea here in this bill, we might properly put our attention at the focus where it deserves to be, and that is on bipartisan legislation specifically dealing with the issue of homelessness, which includes various other ideas, and we can get that done.

So I apologize to my colleague from Vermont, but I wanted to address that situation and the work of the committee, on which the Presiding Officer is a member, dealing with these issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont

Mr. SANDERS. Mr. President, I wanted to say a few words in support of the Clean Energy Tax Stimulus Act, an amendment to the housing bill offered by Senators CANTWELL and ENSIGN. Before I begin, let me thank Senator CANTWELL for her determined efforts to ensure that we don't stand by while our renewable energy industry and energy efficiency industry lose jobs due to expiring tax policy.

In these times of economic uncertainty, while we work to create new jobs in the green economy of the future, we must also make sure we do not lose existing jobs in the small green economy we already have, and Senator CANTWELL, along with many of my colleagues, has made that a priority. I thank her for that.

The clean energy tax stimulus amendment which the Senate is expected to vote on later today and which is based on a stand-alone bill introduced last week, which I am strongly cosponsoring, extends financial incentives for renewable energy and energy efficiency that would otherwise expire this year, and that is something we must make absolutely sure does not happen.

More specifically, the amendment would extend for 1 year the current production tax credit—commonly called the PTC—which supports the generation of electricity from renewable energy such as wind, biomass, and geothermal. Additionally, the amendment would extend for 8 years the business investment tax credit which provides financial help for larger scale fuel cell and solar investments and the residential investment tax credit that helps homeowners by giving them the tax credit for up to 30 percent of the cost of a solar PV unit and up to \$2,000 for the installation of solar hot water heaters.

Finally, in terms of energy efficiency, the amendment we will vote on today would extend for 1 year the current credits for energy efficiency improvements for heating and cooling systems, windows, and other qualified residential property, and it also extends the tax credit for building homes

that are energy efficient. In addition, the amendment extends tax credits for the purchase of energy-efficient appliances.

As you know, wind energy is the fastest growing source of energy throughout to entire world. Unfortunately, in our country today, the wind industry is seeing a dropoff in investment which will quickly lead to the loss of thousands of jobs. This is totally absurd. The American people want to move to sustainable energy. They want to move to wind energy.

There are businesses out there prepared to build and install wind turbines. Yet we are not providing them the help they need to help us deal with global warming and also to create many good-paying jobs. Every month that passes without a production tax credit extension diminishes the industry's capacity to create jobs, spur economic growth, and produce electricity that helps us reduce global warming. In fact, the American Wind Energy Association projects that the rate of growth in American wind power will decrease by more than 70 percent between this year and next in the absence of an extension of the production tax credit. This is totally absurd. All over the world, countries are growing good jobs in terms of wind, and we are on the verge of losing jobs despite the fact that the American people want to move us toward sustainable energy. What we are doing contrasts sharply with the current trend of dramatic wind power growth that could otherwise be expected to continue. People want sustainable energy, people want wind power, and here we are sitting back, not providing the help the people in the wind industry desperately need.

If we do not extend the PTC, we will waste a tremendous opportunity to preserve existing jobs, create many thousands of new good-paying jobs this year alone, and build, in addition, another 5,000 megawatts of new wind energy, which will spur another \$10 billion in economic activity.

Let me say a few words about the solar tax credit. The investment tax credit is responsible for an estimated 6,000 high-quality jobs that were created in the solar sector in 2007 alone, and another 9,000 to 12,000 are expected in 2008 if Congress sends the signal that this tax credit is here to stay. That is, of course, exactly what we must be doing.

Without an extension of the ITC, some have estimated that we would lose over \$8 billion in investments that would have been made, leading to a net loss of almost 40,000 jobs in the solar photovoltaic sector alone in 2009.

The ITC has real implications also for utility-scale solar projects. I have talked to people in the solar thermal plant business, talked to some of the major utility companies. We have a potential in this country to produce an enormous amount of clean, relatively inexpensive electricity through solar thermal plants which are now beginning to move in the Mojave Desert, in

Nevada, in New Mexico, and Arizona. It turns out that based on the geography of the Southeast, there is enormous potential for dozens of solar thermal units that could produce a significant amount of electricity that our country needs. That electricity could be produced at a reasonable cost, in an effective way, emitting virtually no greenhouse gas emissions. It is sitting there waiting to happen, and our job has to be to help those people in the utilities that want to move forward. Without an extension of the ITC, these types of projects will be in jeopardy or, in fact, face a significant delay.

Additionally, we are seeing a new solar powerplant located 70 miles southwest of Phoenix, AZ, and scheduled to go into operation by 2011 which would not go on line without the benefits of the ITC. The 280-megawatt facility is expected to generate revenue of over \$4 billion, bringing over \$1 billion in economic benefits to the State of Arizona and enough electricity to power 70,000 homes. The solar thermal unit being planned by Pacific Gas and Electric would provide electricity of 553 megawatts for over 400,000 homes.

All of this is sitting there waiting to happen, and all over the world people are wondering, What is the U.S. Congress doing to stimulate this type of activity? Today is our day.

Let's take a quick look at the importance of extending the PTC and the ITC, but let's not forget that extending these credits has a ripple effect on other sectors of the economy. For example, the American Council on Renewable Energy estimates that for every job created in renewable manufacturing, there are an additional three high-quality jobs created to design, install, operate, and maintain the renewable energy infrastructure.

So I think it is pretty clear that we must act today to, at the very least, extend some of the current renewable energy and energy-efficiency tax credits. I myself hope we are going to go a lot further than this, but what we have to do is an absolute necessity.

Let me conclude once again by thanking Senator CANTWELL for her leadership on this issue. This is enormously important. The rest of the world is moving in order to deal with global warming, in order to create good-paying jobs. We have to pass this legislation today, and we have to go beyond that in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I rise today to encourage our colleagues to support the passage, hopefully later today, of the Foreclosure Prevention Act of 2008, the legislation that has been on the Senate floor for the better part of a week now.

I like to think of this legislation not in isolation but as the third piece, if you will, of a series of steps that have been taken to try to stabilize our economy, to restore confidence in our econ-

omy, and to infuse liquidity into our financial system.

The first was really a series of steps taken by the Federal Reserve. The Federal Reserve has acted in an extraordinary way, not just in monetary policy and trying to lower the Fed funds rate but also in encouraging Federal banks to act and now investment banks to take advantage of the discount money, to borrow money when they need it, for the Federal Reserve to be willing to take and swap, if you will, highly liquid Treasury securities for very illiquid mortgage-backed securities that a lot of our banks are holding in their portfolios, allowing those swaps to take place to infuse liquidity into the banking system to encourage banks to begin lending money again.

The Federal Reserve is involved, as we all know, with JPMorgan Chase to engineer their takeover of Bear Stearns to prevent it from going into bankruptcy and probably creating a domino effect that would have brought down other financial entities and maybe made a bad situation even worse.

Those are some of the things the Federal Reserve has done. The Presiding Officer is different, he is not as old as me, but I have never seen the Federal Reserve take these kinds of steps as we enter into a period with this kind of uncertainty. But that is the first series of things that has been done, needed to be done, and is being done by the Federal Reserve. I applaud their action.

The second piece is the stimulus package we voted on and debated here a month or two ago and passed. Sometimes when stimulus packages are agreed to by Congress and the President, it takes so long to debate the package that by the time the effect actually takes place, we are coming out of the recession and it can have the overstimulative effect providing inflationary pressures. In this case, I think what has happened is the Congress and the President agreed in a timely way on our stimulus package, and it will have a modest effect on our economy, probably in the second half of this year. Some have said it will raise gross domestic product by as much as 1.5 percent by the second half of the year. I think the most important thing that came out of the adoption of the stimulus package was to send a clear signal to people, taxpayers and others, businesses, that around here, when the chips are down, Democrats and Republicans, Congress and the President can still agree on a series of actions to help boost the economy, to give the economy a little bit of a jump start.

The third piece in this process is the legislation before us this week and last. I call it a housing recovery package. There are a number of elements to it that are meritorious. I wouldn't oversell this package. This by itself is not going to save the day and prevent all foreclosures and bring the housing market back overnight or within a couple of weeks or months. But it is a

third of a series of steps that will be helpful. It is going to be followed within the next maybe 2 months with a handful of other steps that I will talk about in a few minutes. Let me talk about some of the elements I think are most beneficial in this housing recovery package that is before us today. The centerpiece is FHA modernization.

The Federal Housing Administration was created about 75 years ago. It was born during the Great Depression. Out of the FHA came the possibility for home ownership for a lot of people who otherwise would never have become home buyers. People wonder, where did we get the 30-year fixed rate mortgages. They were a creation of FHA, a legacy of FHA. As recently as 6, 7, 8 years ago, probably 15 to 20 percent of mortgages were guaranteed or insured by the FHA, 15 to 20 percent. Last year the number was about 5 percent. We dropped, in roughly half a dozen years, from 15 to 20 percent of home mortgages insured by FHA to last year about 5 percent.

Where did those mortgages go? Where did people go for financial help to buy a home? A lot of them went to places they should not have gone. A lot of them ended up being induced or seduced and convinced to use a different kind of a financing. They used exotic adjustable rate mortgages, some of them with no money down, no principal payments for an extended period of time. Some of these exotic adjustable rate mortgages called for very low interest, seductive teaser rates which may have been 2, 3, 4 percent at the beginning and would later go up by reset within a couple of years to be 7, 8, or 9 percent. A lot of folks ended up signing on to this deal and didn't realize there is a penalty for trying to refinance out of an adjustable rate mortgage, making it very difficult. I suppose the borrower and maybe the mortgage broker or the lending institution that was involved, everybody expected housing prices to continue to go up; they had for years. As long as housing prices continue to rise, everybody comes out of the hole. If somebody is unable to make payments, they sell the house, do it for profit and pay off their mortgage. Not many people thought about what happens if prices, instead of going up, all of a sudden come down. They have come down, and in some places they have come down a lot.

Part of our legislation is designed to encourage people to take a second look at FHA. For folks, especially first-time home buyers or people who have less than perfect credit, the FHA in the past has been their avenue to become homeowners. We wanted to make sure it is an option that is there for the 21st century.

Without getting into a whole lot of detail, let me say, of all the pieces that are part of this bill, the most important one is FHA modernization. I will mention a couple of those elements that I think are helpful. One of those takes the FHA loan limit starting at

the end of this year to \$550,000. Instead of being \$420,000, it takes it up to \$550,000. In Delaware, you can get a perfectly good house for \$420,000. In some places in New Jersey one can get a perfectly good house for \$420,000. In some places in New Jersey you probably can't. A lot of places in California, Florida, Connecticut, home values are such that for \$420,000, which is the FHA loan limit that will be in effect next January 1, you can buy a cottage, but if you want to think about buying a three-bedroom house with a garage and a bathroom, you can forget about buying anything close to that for \$420,000. What we want to do is address the needs in high-cost housing areas so that FHA will still be relevant in those States, as well as in States that have more modest housing costs.

The second element of this bill that is good is that the bill seeks to streamline the bureaucracy of FHA. We hear a good deal about that from banks and from realtors, that the bureaucracy is inappropriate for the 21st century. We have streamlined it. We do that in the context of this legislation.

Another element that I believe is helpful is, we are going to make more available counseling assistance to people who need it as they are looking for a place to buy and to consider their options. There is a new pilot credit scoring program that will be created. It is designed to increase access to credit for borrowers who may have a history of making required payments on time but haven't established a sufficient credit rating to enable them to be considered as serious home buyers.

Those are some of the pieces of the FHA modernization portion of this bill. It is maybe the most important thing we are going to do.

A second important element of this bill deals with community development block grants. We appropriated this year around the country, I want to say, roughly \$4 billion to communities, State and local governments, moneys they can use to help develop their communities. We want to make sure that some additional moneys—in this case, another roughly \$4 billion—might be made available to State and local governments to help communities that have been hit hard by foreclosures and delinquencies. The money could be put to use in many communities around the country.

A third element of this bill that I believe has merit deals with housing authorities. Housing authorities currently are able to issue tax-exempt revenue bonds. The proceeds of those tax-exempt revenue bonds are used in probably every State in the country to allow people to become first-time home buyers and to realize a low interest rate. They do this with moneys raised by tax-exempt revenue bonds. The proceeds of these same bonds can be used by housing authorities to build multi-family, affordable housing as well. The proceeds of these bonds cannot be used, though, to assist in refinancing of

subprime loans. With this legislation, we say you can do that, too. State and local housing authorities can use the proceeds of these tax-exempt revenue bonds. In fact, we allow them to issue another \$10 billion worth and a permissible use is to help folks to refinance out of these subprime loans that they have gotten themselves into.

Another element of this bill is actually one offered by our colleague Senator ISAKSON from Georgia. He has been good enough to let me advise some changes in his earlier proposal. Let's use the situation here. We have 100 desks here, and we will assume for this example that these are not desks but homes in a community. Maybe there are two or three of these homes where the families have run into trouble and cannot keep up with the mortgage payments. The homes have gone into foreclosure and they are decaying, the grass is growing, the shrubbery is not cut, trash not removed. Those homes are destroyed and beginning to decay, and they bring down the value of the other homes in the community. Senator ISAKSON suggested that we allow a tax credit to be used for someone who will come in and buy a home in foreclosure and live there. He proposed that that person be provided by the U.S. Treasury a \$5,000 tax credit. To buy a foreclosed home and to agree to live there, \$5,000 for year 1, \$5,000 for year 2, \$5,000 for year 3, is a pretty expensive proposition. That would certainly get people's attention and encourage them to buy homes in foreclosure, but it is a serious hit on the Treasury.

I urged him—I am sure others did as well—to make the proposal a little more modest. What he has done, I think prudently, is to say, in the same situation, a home in foreclosure, to encourage people to come in and buy homes in foreclosure so they don't bring down the values of other properties, that they will get a tax credit but year 1 is \$3,500 and year 2 is another \$3,500; \$7,000 in all as a tax credit from the Treasury to the person making that purchase. It is more modest. There is an impact on the Treasury, but it is not nearly as great as would otherwise have been the case. It is a good proposal.

Another idea in this legislation that makes a lot of sense deals with people who are in some distress—maybe they have lost their job, they have sickness in the family, they are finding it difficult to pay their bills, they are getting behind on their mortgage payments. They are not sure what to do, and sometimes they end up turning to people who take advantage of them, shysters who take advantage of them. And rather than helping them with their problems, to work their way through it, they take advantage of the distressed homeowner.

There are nonprofit entities. They work under a broad umbrella of something called the Neighborhood Reinvestment Corporation. The shorthand

title is NeighborWorks. And the idea there is to have these nonprofits provide counseling assistance. They are not trying to take advantage of home homeowners in distress. They want to help them find the best option for themselves and their family. We provided, I think through HUD's budget, about \$200 million initially. That money has been used. Under this legislation we provide about another \$100 million, maybe more. I think an amendment by Senator MURRAY would take that up a bit higher. The idea is to make sure that when people are in trouble and they turn to someone for help, they will turn to someone who is really going to help them. This is a good proposal as well.

Senator REED of Rhode Island has offered an amendment that has been made part of the package that seeks to address complex paper disclosure. When you buy a house, you have all these papers. You sit down with a realtor. It is pretty confusing stuff, even for people who are pretty smart. Senator REED has come up with some suggestions that would protect a person who is going through the forms, trying to understand what they are signing on to. Without going into a lot of detail, his ideas have a great deal of merit and are part of the package and ought to be.

As to another element of the package—I say this as a veteran who served in the Navy during the Vietnam war and came back; they had to protect us—to protect others who have served in our Armed Forces since, we have something called the Soldiers and Sailors Relief Act.

The idea is to try to make sure our soldiers and sailors—particularly when they are deployed overseas—and their families are not taken advantage of. We have given them, if you will, a break in making sure they are not taken advantage of by those who are, for example, lenders who loaned money to them.

Right now, the Soldiers and Sailors Relief Act—say I am deployed to Iraq or Afghanistan. I come back from my year or 15-month deployment. My home cannot have been foreclosed on. My family and I live in the home, and we had a hard time making our mortgage payment. Maybe I gave up my regular civilian job and took a much lower paying job, was called up for Active Duty in the military, and I have been unable to keep up with my mortgage payments.

Under the Soldiers and Sailors Relief Act, my home could not be foreclosed on for at least 3 months while I am away and for 3 months from when I come back from that deployment. This legislation would extend that by an additional 6 months. I would be protected for 9 months, my family would be protected for 9 months, after my return to, hopefully, get back on our feet to be able to meet our financial obligations.

Also, this provision provides returning soldiers, sailors, airmen, and marines with 1 year of relief from increases in mortgage interest rates. Where these adjustable rate mortgages are resetting, the military personnel get an extra year.

The final part of this provision is that the Department of Defense is required to establish a counseling program to ensure veterans and active servicemembers can access assistance if they have seen financial difficulties. Again, the idea is for folks who are in distress—in this case, military personnel—who are homeowners, that they could actually get access to advice from people who have the best interests of the veterans at heart.

Those are some of the provisions, not all of the provisions. There are other provisions dealing with standard property deductions and to allow folks who do not itemize to take a standard deduction—\$500 for single filers, \$1,000 for joint filers. It is in this legislation.

There is an extension of net operating loss carry-back that will help some of the homebuilders who are in trouble. There were concerns raised. I think Senator GREGG raised the concern yesterday—and there are other concerns about it as well—that the cost to the Treasury is considerable. The cost over 10 years, I am told, is about \$6 billion, so it is not inconsequential. But we also know among the companies that are undergoing real distress right now are those that build homes. This is designed to try to extend some relief to them.

Senator MIKE CRAPO of Idaho and I have offered an amendment which has been accepted by both Senator DODD and Senator SHELBY on behalf of the majority and minority sides that tries to help homeowners who are in distress in another way. A lot of people do not know in this country we have something called the Federal Home Loan Banks. There are 12 of them across the country. Together they make up the Federal Home Loan Bank system. A primary job they have is to raise money they then turn around and lend to smaller financial institutions, principally for home ownership, to make home ownership more affordable.

Delaware is in the Pittsburgh Federal Home Loan Bank region. A lot of financial institutions—banks, savings and loans—work with the Federal Home Loan Bank of Pittsburgh. They get loans, if you will, below market-rate loans, from the Federal Home Loan Bank of Pittsburgh.

But one of the requirements under Federal law is these Federal Home Loan Banks have to contribute 10 percent of their net income into an affordable housing fund. The affordable housing fund is used by local entities, local financial banks, local financial entities, banks, thrifts, in order to provide home ownership opportunities for, in a lot of cases, first-time home buyers or low-income home buyers. It is a good program. We use it a lot in my State.

It is used to leverage money from State and local governments. It is used to leverage money from nonprofits, from for-profits, from banks. It is a real good thing.

The problem with this affordable housing program fund is none of the moneys in this program can be used to help subsidize or refinance—somebody who is in one of these adjustable rate mortgages that is resetting. They need to refinance and get out of it and maybe get into a 30-year fixed rate mortgage. This is affordable housing money. It is compiled. It is built up. It is about a third of a billion dollars this year. It cannot be used to help folks refinance out of a mortgage they have no business being in. This amendment that has been accepted will allow that to take place.

My friend, Senator MCCASKILL of Missouri, along with Senator KOHL and myself, has offered an amendment. I understand it has been accepted, and we are grateful for that. That amendment seeks to protect folks who have taken advantage of reverse mortgages.

One of the nice things about being a homeowner with equity in your home, in a lot of cases when you reach an older age and maybe your home is paid off, you ought to be able to live off the equity of your home for the rest of your life. In some cases, people who are in that situation do not get very good advice, and they are duped into making investments with the equity of their home in ways that really do not help the homeowner trying to live off the equity of their home for the rest of their life. It helps them less than maybe someone who is a scoundrel trying to take advantage of them.

So Senator MCCASKILL's amendment, that Senator KOHL and I have joined in sponsoring, allows HUD to use a portion of the mortgage insurance premiums collected under this program to adequately fund counseling and disclosure activities. So the idea there is to make sure people have good advice. If you think about it, that is a theme of almost every element I have talked about in this bill. Many of the elements of this bill are designed to make sure that consumers, homeowners, purchasers have access to good advice, someone who is going to be there for them and not take advantage of them.

I said this housing recovery package is the third step so far of three steps we need to take. The first step is action by the Federal Reserve; the second step, our stimulus package; the third step is our housing recovery package; a fourth step, that I hope will follow in the next month or two—certainly before we get to the Memorial Day recess—is when the Senate Banking Committee takes up another measure that will consider a Hope proposal, one that Senator DODD and Congressman FRANK have been working on that has a lot of merit to help people, families whose mortgage is underwater; that is, they owe more than the value of their property, find a way to get out of that situation.

The lenders, the investors, the homeowners themselves will probably take a little bit of a financial haircut, but by doing that they would be able to stay in their homes and maybe end up with a little bit of equity in their homes in the end.

A number of us—Senator MARTINEZ and I and Senator SCHUMER and Senator JACK REED—have been very much interested, along with some of our colleagues, in trying to make sure we have a strong independent regulator for Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. That ought to be part of our next package. We need to license mortgage brokers to make sure they have the kind of training and the kind of regulatory structure under which to operate, to make sure the appraisals that are written on a lot of homes are actually worth the paper on which they are written.

So there is a lot that can be done and should be done, and my hope is we will have the opportunity to take those up, have hearings as appropriate in the Banking Committee, and mark them up before the Memorial Day recess and literally have them on the Senate floor to debate by the Fourth of July. That would be good for our country, and that would be the fourth step, if you will, to help stabilize our economy, to begin to restore some confidence in our economy, especially in the housing sector of our economy, and to make sure we put some liquidity back into our financial system and our banking system where it is needed.

But the last thing, and maybe the most helpful, it would do is to clearly demonstrate to folks around this country that this place still works, that Democrats and Republicans can find common ground, work with the administration, and do what is in the best interests of our country, our citizens, and our families.

None of what is done in the legislation that is before us today is designed to reward bad behavior. For people who have been borrowers and bought homes as a speculator, where they were interested in buying it to watch the price go up, to simply flip it, flip the house, and take advantage of these exotic adjustable rate mortgages to do that, to work the system, and to look for some short-term profit, we are not interested in helping.

With all due respect, we are not interested in borrowers who have misbehaved or mortgage brokers or investors who have misbehaved. That is not what this is about. This initiative is to restore confidence in the system, liquidity in the system, and to say to people: The system—our legislative system, our political system—still works, and it works for the interests of people who need our help.

That said, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to speak about an amendment I have

offered with Senator WICKER from Mississippi. Our amendment is pending. It is germane. We hope to have a vote sometime soon on this amendment, if we can move past this present standstill.

I want to just put up some numbers to try to explain our situation in Louisiana. I have used this chart before. This chart is the underlying reason for the bill that we are on because these are the top 10 districts in the country, according to the official data, where these foreclosures are taking place.

As you can see, there are about 40,000 distressed properties in and around Detroit; about 10,000 in Stockton, CA; 30,000 in Las Vegas; about 51,000 in San Bernardino, CA; about 23,000 in Sacramento; about 27,000 around the Cleveland area—and it goes on. These are the top 10.

Now, this data is readily available. I am sorry I do not have more than just the top 10. But I used this chart to make my point about our situation still in Louisiana and on the gulf coast.

You can see, the percentage of households in Detroit is about 5 percent; the same with Stockton, CA, and Las Vegas is 4 percent. That is a real crisis in those areas. It seems like a small percentage, but if you are in a neighborhood where there is a concentration of these kinds of homes, the problem is—and what we are trying to solve, those of us who are supporting this bill; and I am supporting this bill—to try to provide some additional community development block grant funding because not only are we trying to perhaps come up with State-based local solutions that might help these particular families, but the real tragedy, in my mind, is those families around these homes who did absolutely nothing wrong. They took out a 30-year mortgage. They have paid their mortgage every month. They did not enter into any flimflam kind of agreement.

But the problem is, as homes collapse around them and become vacant and are foreclosed on, these homeowners who did nothing wrong, who have most of their net worth tied up in the value of their home, are seeing, through no fault of their own, their property values plummeting.

Now, if you are a young person, and you are a homeowner in this situation, you might have time to ride it out. But if you are a senior getting ready to retire, or if you are getting ready, in middle age, to send your two children to college and were hoping to refinance your home to do that and had planned for 20 years—this was your plan to send your kids to college. You did not get to go to college, but you have saved and scrimped and worked hard, and you were going to refinance your house to send your children to college. Guess what. Your kids do not go to college because your neighbor took out a subprime loan, and it is causing your property value to plummet.

Now, I know the President does not understand why community develop-

ment block grant moneys are important. He does not understand a lot of things. But some of us do understand why we need to help people in these neighborhoods.

So I am just explaining that while the numbers are very high, and these percentages are startling, I want to show you what our numbers look like in Louisiana because if these look bad, ours are terrible.

It is not because we had foreclosure problems. It is not because we have subprime—in fact, our State does not really have the same problem that California and Nevada are facing. But we had our own sets of catastrophes, and that, of course, was in the storms of a few years ago, Katrina and Rita, that hit the gulf coast—both just historic in their devastation.

We are still having a housing crisis throughout the gulf coast, really from Alabama to the southern part of Texas, as people struggle with the impact of those storms. In New Orleans and Saint Bernard and in the southeastern portion of Louisiana, our situation was even further complicated when the Federal levees that should have held did not. They failed, and people who had never had an inch of water in their home had 14 feet and lost everything they had worked for their entire lives.

So in St. Bernard Parish we see not 5 percent, not 4 percent but 54 percent of the homes are empty or devastated. In Cameron, LA, not 4 percent or 5 percent but 46 percent of the homes; in Plaquemines Parish, 44 percent; in Orleans Parish, 78,000, almost 80,000, out of only 122,000. That is an extremely high percentage almost 42 percent of households that are still damaged or destroyed.

Now, what has been done to help these homeowners? Some have been able to collect their insurance, but very few people have collected all of what they thought they were due. Some have collected a modest grant we gave from this Congress of an average of \$60,000. Some have received—that is about the average for homeowners. But I would contend that a \$60,000 to \$75,000 to \$85,000 grant and some insurance proceeds they were able to receive does not, by any means, get these homeowners back to where they need to be.

So we have tried to pass additional legislation that might help and have been unable to move anything substantial through the Housing Committee. However, we now see an opportunity on this floor on a housing bill that is attempting to reach communities that are in distress—ours is in distress for a different reason, not, as I said, because of failure to pay or because of delinquency or foreclosure. We see an opportunity, by making a very modest change in the underlying bill, to help these homeowners. This would make it clear, with the amendment I offer with Senator WICKER—our amendment would simply say that in the community development block grant portion of this bill, that it be allowed to be

used not just for homes that were foreclosed but for homes that were conveyed to local land banks.

To deal with this situation, we have created in Louisiana—or are in the process of actually creating—parishwide authorities that are done at the local level; they are called land banks. They have other names for them, such as redevelopment authorities. They exist throughout the country. It is not anything new. But we are finding we may need to be supporting these kinds of land banks as properties are conveyed back to the Government—not in every case, but some people are making choices. They don't want to rebuild in that place; they would rather take their grant money and build somewhere else. That piece of property is then conveyed back to our State land bank, and our land bank is trying to move these properties back to local parish-based land banks so these neighborhoods can be redeveloped with some sort of rhyme and reason to them; so it is not hit or miss but that there is some sort of local planning. We are being required to build better and stronger and smarter. We are trying to actually live up to that challenge by being smart about the way we redevelop.

I see the ranking member of the committee on the floor, the Senator from Alabama, who is familiar, of course, with some of the devastation that occurred because some of it, unfortunately, happened in Mobile—not to the extent it happened in the southern part of Mississippi and Louisiana. But what I am saying to the Senator from Alabama is that with one modest change that actually is germane, according to the Chair, and does not cost anything, we would simply allow our portion of whatever comes to Louisiana and Mississippi—not a dime more than what is already in the bill—to be used for land banks associated with the redevelopment of these kinds of properties. I am afraid, if we don't make this change, it might put Mississippi and Louisiana and, frankly, Alabama and parts of Texas in the position of not being able to use their community development block grants for the problem they have.

So in this whole country, some States have problem A. In other States, we have problem B. I am trying to make sure our problem is met with this amendment. It is not adding anything; it is an allowable use of our community development block grant, and it will go a long way to help.

Now, we estimate—I don't know if the Senator from Alabama has these numbers—that for our State, based on the formula that is in the bill, Louisiana may get somewhere between \$90 million and \$100 million, but we don't know until that formula is promulgated by the Secretary of HUD, but we estimate that based on the formulas in the bill. So we want to make sure the \$90 million or \$100 million can actually

be used to help these homeowners because they are technically not in foreclosure. They are in various stages of legal status, but they are not necessarily in foreclosure.

So that is the purpose of our community development block grant amendment. I would most certainly appreciate it if the leadership would take a look at it. Again, it is amendment No. 4447. It doesn't cost anything. It is scored at zero. I have a great partner in offering this amendment, the Senator from Mississippi, Mr. WICKER. So that is the community development block grant amendment.

I wish to take a moment to also talk about the mortgage revenue bonds, which is part of the financing part of this bill. As my colleagues know, this bill is basically made up of two different sections. One is a housing section and then one is a tax section. In the tax section of this bill, one of the ways the Finance Committee wants to try to alleviate some of the problems around the country is to allow the issuance of some additional mortgage revenue bonds. We have done this for years and years and years. Before I was a Senator, I was the State treasurer. I used to issue these bonds in my State. They are a very good tool to promote home ownership, which we believe in at home in Louisiana, and I am sure everyone else does as well. It gives opportunities to build affordable, low-income housing where there is a real need throughout the country, particularly now in the gulf coast.

One of the things I am very concerned about—I don't know if the Senator from Alabama or the Senator from Utah, who is on the floor, experienced this in their States, but we have a real shortage of affordable housing for seniors, as more people want to live independently, but they don't necessarily want to live in a 2,000- or 3,000-square-foot home by themselves. They would like to move somewhere closer to maybe where their family is, and they would like an affordable rental unit. Some people would like to buy a condo, but to people of a certain age bracket, a condo is not something they grew up with, so an affordable rental is a more comfortable situation for them. We can't find a lot of senior housing down in the gulf coast right now. Most everything we had was literally washed away or flooded or destroyed.

So the great thing about this particular provision coming out of Finance is these revenue bonds could be used for this kind of building. Again, the other amendment I have, No. 4404, does not have a score. Actually, it has a minor score of \$3 million. It is very minor compared to the other costs of this bill. It is de minimis, a \$3 million cost. What it will do is it will allow us to be able to again use our bonding authority—not anything more, not anything additional, but to use our bonding authority to address the problem we have with these properties.

I wish to show some pictures. This is a neighborhood—I am sorry I can't

identify where this is, and it was some time ago. Most of this debris has been picked up throughout the gulf coast, but in many places, while the debris is gone, these structures remain as they are here: abandoned and destroyed until property owners figure out what they are going to do.

Here is another picture we have used. I am not sure, again, where this is, but houses such as this are still throughout the gulf coast area; a lot of it has been cleaned up. Maybe this home has been gutted, but it is basically down to its 2 by 4s, and it is basically sitting there in neighborhood after neighborhood. This is actually a home in St. Bernard Parish in a community called Chalmette.

I wish I had better pictures to show the blocks and blocks of devastation that still exist. When I say devastation—it is cleaned up, on many of the lots the grass is cut, but there are no homes there, there is no neighborhood there. The library is not yet back, the Post Office is not yet back, and people are still struggling to rebuild their neighborhoods.

So I am imploring the leadership handling this bill to please take a look at amendment No. 4404. Please take a look at amendment No. 4447. The cost in one case is nothing. The cost in the other is a de minimis \$3 million, but it will help tremendously to make this bill, we hope will pass, applicable to the situations in Alabama, Mississippi, Louisiana, and Texas, whose people are still struggling 2½ years after this devastation.

Basically, that is the gist of my remarks. We have another amendment pending relative to the tax credit, but I will hold my remarks on that. But these two amendments we are hoping we can get included in any kind of modified package. Again, I have bipartisan support. It does not increase the cost of the bill, and it would go a great way to make sure this bill, if it does get passed—I know there is opposition in the House and I know the President is opposed to this bill, so this bill may never see the light of day. I am very clear about that. But if it does, at least let the people of Louisiana and Mississippi use the money that is being allocated to us anyway for the problem we have—not the problem everybody else has—because we simply have a different problem. I hope my colleagues would recognize our situation.

I yield the floor.

Mr. SHELBY. Mr. President, this afternoon in the Senate, I wish to take a minute to commend the Senator from Louisiana for her work on these amendments and her concern for her people. Senator DODD and I have talked to the Senator from Louisiana and others about our package. The Presiding Officer is a member of the Banking, Housing, and Urban Affairs Committee who knows we have done the best we can to craft a bill which is focused on bringing relief to those areas affected most by the growing rate of fore-

closures. We realize this will not be a panacea, but it is a good first start. Because we were stalled, as the Presiding Officer knows, on the floor, and what we are trying to do is make a breakthrough. The success of this effort we have been working on for a second week now, I believe, will depend a great deal on whether the funds made available in this bill make it to their intended designation. We can help to ensure a degree of success by keeping it focused on the foreclosure market.

The Presiding Officer talked about that, as did the Senator from Louisiana. Chairman DODD and I worked closely with Senator REID and Senator MCCONNELL, our respected leaders, to draft a targeted bill designed to address the problems caused by the recent turmoil in the national housing markets. Our goal was to provide resources to deal with the recent foreclosures and try to prevent additional foreclosures. In other words, this bill was put together in the context of the current conditions of the national housing market.

I recognize, as I said a minute ago, Senator LANDRIEU's concern and others' concern regarding the housing issues, particularly hers in Louisiana. I believe we need to address those, some of them, outside this particular legislation. I know the Presiding Officer right now is very involved in the Banking and Housing Committee, and we are going to continue to address this problem. I think we have to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

TESTIMONY OF GENERAL PETRAEUS AND
AMBASSADOR CROCKER

Mr. HATCH. Mr. President, a little over a year ago, I stood before the Senate and recited the words of Thomas Paine—who in his essay titled "Chaos"—spoke about commitment and sacrifice to a noble cause when it appeared that all hope was lost. His words still resonate today:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now deserves the love and thanks of man and woman.

Paine wrote those words when it seemed the American Revolution was lost. However, their effect was to rally what remained of the Continental Army and ensure the success of Washington's raids on Trenton and Princeton.

When I recited Paine's words, our Nation faced a dilemma. Despite the great heroism and noble sacrifice of our servicemembers, large portions of Iraq were under the control of al-Qaida. The mainstream media had concluded that, at best, our forces were locked in a stalemate. Many advocated that the only recourse was to bring the troops home and allow Iraq to fall in the abyss of an implosion.

For some, including the senior Senator from Arizona and me, that was never an option. The knowledge, experience and, hopefully, wisdom that I have accumulated over the years in this august body allowed me to make only one conclusion: If we are not successful in this war the result will be catastrophic for our Nation, the Western world, and the Middle East. This enemy—and despite what some in the media would lead us to believe, our main adversary in Iraq is al-Qaida—will pursue us home. Imagine the horrors that will follow if al-Qaida, with reinvigorated resources provided by Iraq's oil wealth, were to defeat us in Iraq.

However, one of the great historical truths of our Nation is that in our most dire hours, our military has continually provided us with leaders of great resolve and strategic brilliance. General David Petraeus amply fits that mold.

The new strategy that General Petraeus proposed—in which he has so ably been assisted by Ambassador Crocker—is based on the classical counterinsurgency tenet of providing security to the population of a nation under attack.

Why is this critical? By providing security to the Iraqi people, that Nation's citizens will develop a vested interest in the creation of institutions that will ensure their security for the future. Simply put, only in a secure environment can the majority of Iraqis earn a living, put food on the table, and provide a better life for their families.

What once was theory is now becoming reality. The Iraqi people are seeing considerable results from General Petraeus's strategy and their actions and plans for the future increasingly reflect this new reality.

How do we know this? Since the beginning of 2007, well over 100,000 individuals have joined the Iraqi Army and security forces. This means that a total of 540,000 Iraqis now serve in that Nation's security forces. This includes the 91,641 individuals, who in little over a year, have joined the Sons of Iraq, the coalition of citizens that are tasked with providing security to their local communities. One should remember that 80 percent of the Sons of Iraq are Sunni Muslims. In addition, it should be noted that al-Qaida receives most of its support from the Sunni. Frankly, this alone is a major triumph.

The Iraqi people are also providing us intelligence. One of the methods by which we find weapons and explosive caches is through tips from the local population. In 2006, Coalition forces found and cleared 2,660 such weapons caches. In 2007, after the Petraeus strategy was implemented, that number increased to 6,963. What is even more impressive is that though we have just entered the fourth month of this year, Coalition forces have already seized more weapons caches than in all of 2006. Clearly, this increase in seizures would not be possible without

greater support from the Iraqi population.

In the area of ethno-sectarian violence, we have seen a dramatic reduction in deaths. When our new strategy was first implemented, there were more than 2,000 ethno-sectarian deaths a month in Iraq and over 1,500 in Baghdad alone. Today, there are fewer than 250 ethno-sectarian deaths a month in all of Iraq.

All of these events have occurred during the period of enhanced security brought about by General Petraeus's strategy. For example, shortly after the implementation of this strategy, there were greater than 1,400 weekly security incidents in Iraq. Today that number has dropped to less than half.

In addition, the number of high profile attacks, which include car bombs, suicide car bombs and suicide vests—the preferred means of murder by al-Qaida—has also decreased by more than half from March 2007 to the present day.

Enhanced security has strengthened the foundations of political institutions and economic ventures. This is evidenced by a poll conducted by the Center for International Private Enterprise which was summarized by Ambassador Crocker in his testimony. That poll, which was conducted last month, concluded that 78 percent of Iraq's business owners “expect the Iraqi economy to grow significantly in the next 2 years.”

Equally as impressive is the International Monetary Fund estimate that Iraq's gross domestic product will grow by 7 percent in real terms this year—7 percent. That rate of growth will only be matched by some Asian tiger economies and it is a level that I wish that the United States could enjoy.

This economic growth and strengthening of political institutions is also evidenced by the fact that the United States will no longer fund major infrastructure projects. Ambassador Crocker reports the reason for this fundamental shift is that Iraq's economy is now earning sufficient funds for the Iraqi Government to independently build their own infrastructure.

This does not mean that we should view this conflict through rose-colored glasses. As evidenced by the events in Basra last week, there remain many challenges ahead. The fact is that the Iraqi operations in Basra were not properly planned. However, as General Petraeus said: “. . . in the wake of recent operations, there were units and leaders found wanting in some cases . . . Nonetheless, the performance of many [Iraqi] units was solid, especially once they got their footing and gained a degree of confidence, and certain Iraqi elements proved quite capable . . .”

In addition, it should be noted that in previous years no one would have dreamed that the Iraqi Government would have launched such an operation. Remember, the Prime Minister gave an order to the security forces.

Those orders were executed. In Basra, the results were mixed. Some units did well; some did not. However, the fact that the Government thought they could execute this major operation independently is a positive development. As General Petraeus testified “operations in Basra highlight improvements in the ability of the Iraqi Security Forces to deploy substantial number of units, supplies and replacements on very short notice; they certainly could not have deployed a division's worth of Army and Police units a year ago.”

Further progress is also being made by Iraq's political institutions. When our new strategy was first being implemented, there seemed to be an inextricable stalemate in Iraq's parliament. During my trip to Iraq in May 2007, Senator SMITH and I spoke to senior members of the Iraqi Parliament and strongly urged them to pass legislation vital to the reconstruction and the establishment of effective political institutions. As with any democratic political process, it has been slow going. However, the Iraqi Parliament has recently passed important laws. These include a new pension law, de-Ba'athification reform, and a new Provincial Powers Law, that sets elections for this fall and defines the structure of power between the Iraqi Federal Government and its provinces. These are great strides forward, and all Americans should recognize our accomplishments in Iraq.

I believe that Ambassador Crocker summed up the situation best when he said yesterday:

Al-Qaida is in retreat in Iraq, but it is not yet defeated. Al-Qaida's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq “the perfect base,” and it reminds us that a fundamental aim of al-Qaida is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance . . .

. . . the world ultimately will judge us far more on the basis of what will happen than what has happened. In the end, how we leave and what we leave behind will be more important than how we came. Our current course is hard, but it is working. Progress is real, although still fragile. We need to stay with it.

Mr. President, the road has been long and hard. However, as I said 1 year ago, the words of Thomas Paine remind us that great causes require sacrifice, that in any conflict there will be dark days, but if our cause is just and our will is strong, there is nothing that we cannot accomplish as a people. I suggest very strongly that our cause is just and our will is stronger than some in this body believe it to be.

Mr. President, our forces have accomplished much. It is now our responsibility to sustain them until they achieve the victory which they deserve, and for which they are fighting.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes in support of the Ensign-Cantwell amendment that I understand is to be offered to the pending legislation.

I have long maintained that targeted tax incentives are an essential component of a new energy policy for our country. Accordingly, I look forward to voting for this amendment. Because of my longstanding commitment to fiscal responsibility, I want to also point out my disappointment that the amendment is not going to be paid for in this legislation.

There is no denying that these incentives play a vital role in promoting clean, renewable energy and energy efficiency and, in turn, reducing our dependence on conventional fuels, promoting a more secure energy supply, and combating global warming.

Secondarily, though also critically, these tax incentives create high-wage jobs and reduce consumer and business energy costs.

In the 110th Congress, we have already tried three times, unsuccessfully, to extend these tax provisions. We cannot afford to wait any longer. Business decisions are not made overnight, and companies that invest in these technologies need to plan with certainty. But because of congressional inaction, companies are already putting on hold or canceling plans to create and expand investments that currently benefit from these tax incentives.

It is because of this urgency that I plan to vote for the Cantwell-Ensign amendment. But because the extensions are not paid for, I will cast my vote with less than full enthusiasm. This amendment will add to our unsustainable budget deficits. Already we send 9 cents out of every dollar we collect to pay interest on our national debt. There is no justification, other than politics, not to offset the amendment.

My colleagues in the House have shown greater fiscal restraint than we have in the Senate. Because they are less willing to break from the pay-go rules that have been adopted in both Chambers, I doubt that the House will accept these extensions without some corresponding offsets. This leaves the administration with a key role to play in developing a compromise that will be acceptable to both Chambers and that will be signed by the President.

President Bush has previously committed to support these tax incentives which were enacted by the Energy Policy Act of 2005. I can recall when he visited my home State of New Mexico to sign that legislation. The President praised the bill for recognizing "that America is the world's leader in technology and that we've got to use tech-

nology to be the world's leader in energy conservation."

But while Congress has been working to ensure that America maintains this leadership role, the administration has been absent. They have rebuffed our requests to identify any acceptable offsets. Most recently, we were told by the Department of Treasury that the administration will not support the use of sufficient revenue raisers listed in its so-called blue book. Why? Because Treasury has reserved those offsets to pay for other priorities.

I call upon the President and this administration to work with Congress in good faith to find a way to pay for these incentives. The time is far overdue to send the President a package to extend these tax provisions—a package that can pass the Congress and can be signed into law.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. I ask I be allowed to speak in morning business.

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

HEALTH CARE

Mr. THUNE. Mr. President, I would like to take a few moments today to talk about an important topic affecting individuals and families from all across the country, and that is the rising cost of health care. It is an issue that affects every individual, every family's pocketbook. It is an issue that is affecting our small businesses across the country as they try to keep up with the rising cost of health care.

I thank my colleague from Louisiana, Senator VITTER, who last week spearheaded a discussion along with seven of my Senate colleagues on the conservative principles of health care reform. This is a discussion we plan to highlight over the next several weeks and which we will continue to focus on in the future.

I had the privilege of visiting a number of hospitals around South Dakota over the March work period, to hear from providers on issues of concern to them and to discuss health care reform. I was primarily focused on small hospitals, critical access hospitals, providers that deliver health care services in very rural and remote areas of this country.

My State of South Dakota has lots of land and not a big population base. Yet people's expectation out there is they will have access to high-quality health care. As I visited these hospitals and health care providers as I visited my State over the March work period, I heard lots of different messages, and

one of them was we have to figure out a way to keep up with these rising costs. Fortunately, for many of the smaller hospitals in the rural areas that are critical access hospitals, they are able to get cost-based reimbursement, and that is something I think has led to the survival of lots of health care providers that otherwise would have had to close their doors.

It is important the American people hear the message of choice and affordability championed by many Republicans in the health care debate. Unfortunately, we are up against an opposing message, which is one of a quick fix or universal plan that Washington will decide for everyone. This message too often sticks in the minds of the media, with health care trade associations, and with many of our constituents.

The goal of universal coverage, or allowing every person in America the opportunity to afford health care insurance, is an important goal. How we work toward this goal is where the debate lies. That is where a Clinton or Obama health care plan differs strikingly from that offered by our colleague from Arizona, Senator JOHN MCCAIN.

I would like to focus today on one of the most basic principles which should guide all our health care reform proposals we debate in the coming years and that is to reject this movement toward more Government-run health insurance. Instead, we ought to make long-lasting reforms to both our tax system and the insurance market to increase access to privately owned health care coverage. That is private insurance you, the individual, can choose and you can keep from job to job.

What we have today is already a mixture of Government-run insurance, including Medicare, which provides coverage to over 40 million seniors, and Medicaid, a program available to the poor and the disabled, and private insurance, usually offered through medium or large employers.

Only about 7 percent of the population in this country actually purchase their insurance on their own directly from an insurance company. In lots of ways, the way people access health insurance today is very limiting when you consider the Government or your employer does not choose other important services in your life, such as the food you eat or the car or the home you buy.

Rising health care costs are also a huge problem, not only for those who have private insurance but also for our Government programs. The Medicare trustees now report that into the future, the trust funds have over \$36 trillion in long-term unfunded obligations. By that I mean benefits that are promised but not paid for, which amounts—if you can believe this—to 2½ times the size of the entire U.S. economy. Let me repeat that, \$36 trillion in long-term unfunded liabilities or 2½ times the entire U.S. economy.

This is money somebody has to pay, and it is an added burden on future

generations and on our economy. Left unchecked, the Federal Government will be forced to cut benefits or substantially increase taxes. If there is one thing that should be obvious to all of us, it is that a system such as traditional Medicare or Medicaid is not sustainable financially. There are no natural incentives under these programs to control costs. It is not just the cost of these programs that presents a problem. While over 40 million seniors have Medicare coverage, most beneficiaries also have some form of supplemental coverage, or other insurance, that wraps around because traditional Medicare is not enough.

In 2004, only 9.3 percent of Medicare beneficiaries relied solely on the traditional fee-for-service program, and over 60 percent had some form of private supplemental coverage.

Also, for many providers in my State of South Dakota, Medicare's prices and regulations do not account for the challenges patients and providers face in rural areas. Once again, one size fits all, Government-run health insurance is neither financially sustainable nor is it even sufficient for those it is meant to help. For the next several weeks, the Senator from Louisiana, myself, and Senators DEMINT, BURR, COBURN, MARTINEZ, ISAKSON, and CORKER will be talking about the alternatives that are out there to our current rules and regulations and how we can achieve affordable coverage for all Americans through expanding access to private insurance.

While some of my colleagues in this body would like to expand Medicare to cover everyone to achieve the goal of universal coverage, or to expand Medicaid and SCHIP to cover many more Americans, I strongly oppose the expansion of Government insurance at the expense of choice, quality, and affordability.

Frankly, I want much more for my constituents back home in South Dakota and others across the country. I don't want the next President to push through a health care plan that will put more families on Government insurance, simply so we can say we have provided coverage.

As we were having the SCHIP debate last year, this point came up. Expanding SCHIP, which is essentially Medicaid in my State and in most other States, to families making as much as \$80,000 per year, would have made it harder to attract good physicians to South Dakota, something we struggle with constantly in rural States. At a time when as many as 50 percent of physicians nationwide are limiting or dropping Medicaid patients because it simply does not cover their costs, why would we want to expand this program even further?

There is a better way. In my State, most of the uninsured are employees of small businesses. These are individuals capable of owning their own insurance, but it is simply not affordable or is not offered through their place of employ-

ment. What Senator MCCAIN has proposed—and even one Senator from the other party, Senator WYDEN from Oregon—is to reform the tax incentives in place now that only benefit large employers, CEOs and their employees, in purchasing health insurance, and level the playing field for everyone else. This can be accomplished by eliminating the tax benefit employers receive when offering insurance to their employees, which equals more than \$200 billion over 1 year, and instead taking that money and offering it in the form of a tax credit or standard tax deduction to every American toward the purchase of health insurance.

With a tax credit proposal, we would be able to give every American a credit—\$2,000 for an individual or \$4,500 or \$5,000 for a family—which is advanceable and refundable toward the purchase of insurance.

You could still choose to get your insurance through your employer or keep it, if that is the best option for you. But for anyone else, they would also have a substantial tax benefit to be able to choose their own plan that fits their needs and which is not tied to their employer. This would allow individuals and families to keep their insurance when moving from job to job.

By giving all Americans the option of a tax credit, we would empower millions of families who normally could not afford to buy insurance on their own to do so on the individual market, putting millions of consumers in the driver's seat, demanding more personalized, convenient, and affordable insurance plans. Right now, it is simply not possible for families or individuals in most States to afford their own insurance plan. But by redirecting this tax incentive and creating a more vibrant market, quality insurance plans will become more affordable and more accessible. This will drive down the cost of insurance for everyone.

Finally, by giving individuals a tax credit toward the purchase of insurance, we allow people to choose their own health insurance and the type of plan they desire. They could choose the plan that fits their needs, rather than having their employer do it for them. In many cases, their employer is only going to offer a very limited number of options—perhaps doesn't know the health care needs from one person in the plan to the next. More people will know what they are purchasing and will know what their premiums are going toward each and every single month, making us all better consumers of health care services.

Now, more than ever, words and phases such as Washington bureaucracy, Government-run health care, wage garnishment, and mandates describe the direction many in this Congress wish to take. I believe that is the wrong direction, and I will continue to support health care reforms which expand choices and which give people more freedom to access the health care that is right for them.

This is a debate that needs to be joined in the days and weeks and months ahead. My hope is it will get underway this year. My expectation is anything done this year will probably be very incremental because I think the big, bold decisions that need to be made regarding America's health care system will probably, regrettably, get punted into next year, after the Presidential election. But the debate needs to begin.

What I and my colleagues I mentioned have decided is, we need to start that dialog now. We need to get the American people engaged in this debate in a way that allows them to see what the options are, what the alternatives are, what their choices are. I believe a majority of constituents in my State of South Dakota, and I would daresay across this country, will chose a system that is based in the market, that gives them more choices, more alternatives, that creates competition—a competitive model, and, yes, that covers more Americans who, today, do not have access to health insurance.

I believe that is a goal that is achievable. I believe the debate needs to start now. I also believe that whoever the next President of the United States is, needs to work together with this Congress, we need to work together as Democrats and Republicans on a health care plan that is based on these very simple principles.

It is the principles that have served this country and this American economy so well for so many years—freedom, choice, competition, quality—that ought to be the model for the health care of the future. I look forward to continuing this discussion throughout the coming months.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank my colleague from South Dakota, Senator THUNE, for his leadership this week and his remarks on this vital topic. As he said, a number of us have joined to forge and promote and advance this discussion; specifically, of course, Senator THUNE, Senator BURR of North Carolina, Senator DEMINT of South Carolina, Senator COBURN of Oklahoma, Senator ISAKSON of Georgia, Senator MARTINEZ of Florida, and myself.

As Senator THUNE said, what we want to do is advance this debate and lay out the conservative model for dramatic, bold health care reform so we advance this debate and move toward that sort of needed reform.

Senator THUNE is right. There is huge consensus in America that our health care delivery system is broken. It needs dramatic action, emergency care, if you will. But for so long here in Washington, that was only heard one way, that somehow we needed to react with a bigger government program and a big government response.

I think now the American people are more aware that we have a critical

choice, and Senator THUNE has helped lay out that choice today. Is it big Government and a government program or is it more of a system dominated by private insurance, individual choice, empowering the patient, doctor-patient relationship, and that mantra Senator THUNE mentioned?

Of course, I agree with him and thank him for advancing this debate. We are going to continue this debate over the next several weeks. I know in the very near future Senator ISAKSON will be taking the floor and going to other venues to begin talking about a closely related subject, which is the choice between forced enrollment in certain programs versus maximum individual choice.

I thank Senator THUNE for his remarks and leadership and look forward to those further remarks of Senator ISAKSON and others as we advance this critical debate toward dramatic, bold health care reform.

I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, it looks as if we are getting to the end of this debate on housing, and it has been a good one.

I come to the floor before we move to the final stages of this debate to thank my colleagues for their extraordinary help in putting into this bill, which is a major piece of legislation—attempting to help communities throughout the country deal with the added rate of foreclosures, the spiraling downward of so many neighborhoods due to a variety of different circumstances—and I think it is important that the Senate act today.

I particularly thank the chairman of this committee, Senator DODD, for his patience and his tenacity in getting us to this point and for putting in many good provisions into this bill that will be a help to homeowners, to communities, in some instances to lenders, who got themselves into difficulty because, again, our goal is to try to reinvigorate the housing markets, to stop the slide. Particularly, in the case of Louisiana, we still have a significant housing crisis that did not start with the foreclosure crisis but started when 250,000 homes were destroyed by Hurricanes Katrina and Rita.

This Congress has been generous at times in helping us to try to come up with ways to deal with this unprecedented situation. I am very grateful for the amendment that was adopted overwhelmingly last week by a vote of over 70 Members of this body to say that our Road Home grants, which is what they

are called in Louisiana—they are called Homeowner Assistance Grants in Mississippi—but those grants that have been provided by this Congress to help people rebuild homes that were destroyed when insurance proceeds were either not available or not enough. This is from small towns such as Waveland, MS, to very large cities such as New Orleans, LA; places such as Lake Charles, LA, to small little communities such as Creole, LA, on the southwest side.

So it is affecting urban and rural places in my State. That amendment we adopted last week will be a significant help to homeowners trying to use those grants to get back into their homes. Until that amendment passed, this grant, if you will, was taxable. With the amendment we placed on the floor of the Senate, those grants will be treated as nontaxable, basically.

I wish we could get this bill to the President's desk before April 15. We are going to move it off the floor today. It has, of course, to go to the House for negotiations and eventually get to the President.

I am very hopeful this bill—generally in its current form, with, hopefully, some improvements, as it continues to move through the process—can get to the President's desk quickly because our people on the gulf coast—particularly in Louisiana, but on the gulf coast—who received help 2 years ago through community development block grants are feeling a real pinch right now because they are now paying \$5,000, \$10,000 or \$20,000 in taxes on those grants at a time when they can least afford it.

I cannot tell you how many people stop me when I go home and say: Senator, if you could do one thing for us, please tell them we cannot pay tax on these grants we have received—which have been minimal, helpful but minimal, in their efforts to rebuild hundreds of thousands of homes.

Let me say for the record—and I am very proud of Habitat for Humanity. I am the cochair of the Habitat for Humanity caucus here. I have been on many builds throughout the country. Habitat for Humanity, which has not stopped working since the rain stopped—and I see the Senator from Connecticut on the Senate floor—and which has had thousands of volunteers every day coming to their sites in Louisiana, has only completed 162 houses—162 houses—and they are the largest homebuilder in New Orleans. We lost about 250,000 dwelling places throughout the state of Louisiana. So I am here in an uphill battle.

I appreciate my colleagues bearing with this speech over and over again, but I can only say, if your cities or your communities were as devastated as the ones I am representing, you would be here, too, trying every way you could to bring every little bit of help and big help to them.

So I am grateful that finally we got a housing bill to the floor after 2½

years. Finally, we got a very significant addition to some tax relief. I will say that in further reading of this bill, I am encouraged—the Senator from Connecticut is here—that the \$140 million to \$150 million in extra mortgage revenue bonds that will come to our State will be a help. I think in further reading of the bill, the underlying bill actually will work for us. So I am very pleased.

I think we will continue to work on the \$95 million to \$100 million that will come to our State in the underlying bill to help land banks. We are establishing and have established NORA in New Orleans and other land banks, perhaps in St. Bernard, Cameron, Lake Charles, perhaps in Plaquemines, perhaps in St. Tammany and Jefferson Parishes, which are the hardest hit parishes. I think this bill allows for support of those land banks. So that is another \$95 million to \$100 million that may come for that purpose, and we have been looking for some help in that regard.

So, overall, this bill will address many issues in Louisiana with the additional help we have received through these amendments. I am very pleased that we have made progress.

Again, I wish to thank the Senator. He has been more than generous with his time. I know this has been difficult because there are 50 of us who are asking him for special help and attention. But he has been down to our State. I am hoping he will come back and walk through some of these neighborhoods.

Finally, I will say that this is quite an interesting and wonderful—if you can say that—experiment going on in the United States of America, because the question is, when a community of 60,000 people is wholly destroyed, which happened in St. Bernard Parish, the parish south of New Orleans, is it possible for the Government to rebuild it? If so, how and how quickly and how well? There are nonprofits and there are universities, from Harvard University to Stanford to LSU to some of the top social scientists in the country right there on the gulf coast, because in their minds, in this century, there has not been a devastation like this in modern times.

So there are some interesting questions: How does a neighborhood come back? Do you build the churches first or the schools or the libraries? How important is water and electricity relative to the scheme of things in terms of rebuilding neighborhoods? How do you do it with community planning in a democracy where every neighbor's voice has to be treated the same? So these are some exciting times. We are just making the best of a very desperate situation and trying to do the best we can to rebuild our communities.

I want to end with thanking all of the volunteers, all of the nonprofits, all of the businesses that have stepped up. I thank the Senate for acting on at least a very significant portion of this

tax relief for homeowners who are still putting the pieces of their lives and their fortunes back together—regardless of how modest some of those fortunes may be—neighborhood to neighborhood. But people are really trying to put their homes and their lives back together. So I thank the Senator from Connecticut.

I understand we are going to move now to the managers' package. Again, we have some significant portions taken care of in this bill. I am looking forward to being able to let the State know that another \$140 million, \$150 million worth of mortgage revenue bonds that I personally hope will go to affordable, low-income housing, workforce housing, and particularly for seniors who have been so devastated by the loss of their homes, and again, the support that may come out of this bill for our land banks as we think of new and innovative ways to get this property back on the private rolls, redeveloped in a way that creates excitement and vibrancy in neighborhoods from New Orleans East to Lakeview to the Lower Ninth Ward, all the way to lower Packwood Parish, which is about as far south as you can go in Louisiana.

I thank the Senator from Connecticut, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

IRAQ HEARINGS

Mr. SESSIONS. Mr. President, we had a hearing yesterday in the Armed Services Committee, of which I am a member, in which General Petraeus and Ambassador Crocker made their reports back to the Congress, as they promised. They also testified yesterday afternoon before the Senate Foreign Relations Committee, and today they are before the House committee. I think they had about a 30-minute break or less between the testimony here and their testimony in the Foreign Relations Committee. I thought General Petraeus and Ambassador Crocker did a marvelous job and were asked a lot of tough questions, which is the Congress's responsibility, I don't dispute.

What I wish to share with my colleagues today relates to the testimony of General Jack Keane, who testified this morning before the Armed Services Committee.

General Keane was former Vice Chief of Staff of the U.S. Army. He is a paratrooper, a combat veteran, a student of the military for 37 years, a four star

general who has made four trips to Iraq in the last year, and he has made a number of suggestions and continues to be, in my opinion, one of the most respected observers of the Iraqi military situation we have in our country today.

In fact, I happened to be on "The Charlie Rose Show" with him and Senator JACK REED last night. Reference was made that he was an adviser to Presidential candidate and Senate Member HILLARY CLINTON. He said that, in fact, he had provided advice to her, but he had provided advice to all three of the leading candidates still in the race and three of those who dropped out. His advice is widely sought. His criticism was real over a year ago when he felt the policies we were executing in Iraq were not good policies and not effective. He believed a change in policy was called for. To a significant degree, the surge, and even more importantly, the tactical changes that took place with the surge were suggestions that he had made. Of course, General Petraeus also executed them, and it represented General Petraeus's view, but General Keane did make a valuable contribution in the new policy we have undertaken.

Now, the American people are concerned about Iraq. They are rightly worried that we have a long-term commitment, and they wonder whether there is a good and decent government at the end of that commitment, whether it will be worth the effort we are putting forth, and whether we have a realistic chance of success in Iraq.

I have asked General Petraeus each and every time he has testified before me: Do you believe we have a realistic chance of success? He said that when he first went over there, when things were going badly and he knew he had to make some changes, he said: Yes, Senator. If I didn't believe I could be successful, I wouldn't go, I wouldn't take the job. Since then, he has twice reported based on his time there that he thinks we have a realistic chance of success.

What did General Keane say to us today? This very fine, highly respected professional military officer said this:

The character of my visits to Iraq is to spend considerable time with the Iraqi people, their Sheik and Tribal leaders, as well as time with our U.S. military, Iraqi military, and civilian leaders, and our troops.

That is a direct quote. I will continue to quote General Keane:

First and foremost, we have the most talented and capable leadership team in Iraq represented by General Petraeus and Ambassador Crocker. Nothing in my 40 plus years in national security compares to this extraordinary team who provide the very best of leadership to their marvelous teammates and troops.

He talks about the dramatic turnaround:

The security turnaround in Iraq from the hell of 2006 and 3 years of failed strategy is one of the most stunning achievements in the annals of counterinsurgency practice. It was achieved in a matter of months versus

the years it normally takes to turn around one of the most formidable insurgencies the West has ever faced. Fundamental to that success was the use of proven counterinsurgency practice to protect the people with sufficient amounts of Iraq and U.S. troops. This was a catalyst—

He says—

for the widespread Sunni awakening movement, which is truly underappreciated here in the U.S. What really happened is the Sheiks and Tribal leaders decided they could not achieve their political objectives with al-Qaida Iraq in fighting the United States and the government of Iraq. As such, the overwhelming majority of Sunni leaders made four strategic decisions to (1) stop the violence; (2) leverage the United States leaders to influence the government of Iraq; (3) reconcile with the government of Iraq; and (4) provide their "sons" to work with us and the Iraqis to help defeat the AQI—

al-Qaida Iraq—
and protect their own people.

Now, that is a remarkable development. It occurred in a matter of months, and I agree with him. I don't think even those of us in the Congress have fully understood the significance of what has happened. I don't say everything is perfect and is going to be perfect and there are not dangers and problems ahead, but we need to listen to the report from this objective, respected general very carefully.

He goes on to say:

These results are the very best one could expect in fighting an insurgency; your opponent not only surrenders, but comes to your side, to assist. The entire Arab Muslim world are aware of the Sunni rejection of AQI, the first major occurrence, ever, where the people have rejected the AQI and their barbaric hold on them. Additionally, in a recent poll over 90 percent of the Sunnis are expected to participate in the political process in the 2008 provisional elections and in the general election in 2009. What does that tell us about reconciliation? Clearly, the Sunnis are politically reconciling with the government of Iraq and the government of Iraq is assisting.

That is a good report.

People all over the Arab world know that al-Qaida has a Sunni heritage, and that al-Qaida fed on the Sunni unhappiness over being displaced from power as part of the Saddam Hussein regime. Many of the displaced Sunnis were military people with military training and capable in military conflicts and attacks. Now many Sunnis have partnered with the United States and the Government of Iraq and turned against al-Qaida and have basically driven them out of large portions of the country.

General Keane goes on to say this:

The implication of this is that the central region of Iraq is relatively secure and now the U.S. and Iraqi forces are focusing their efforts on the remaining presence of AQI in the north.

Now, I hope my colleagues will listen to this next sentence:

In my view, the AQI are already operationally defeated and the final campaign against AQI is underway as we speak. We will complete the defeat of AQI in the months ahead in 2008.

I say to my colleagues, without the slightest doubt, this is his professional

military opinion. It is not a political document, and it is consistent with what we have been reading. If you read through what the media saying that the people in Al Anbar, the Sunni region that had been the haven of al-Qaida, have turned against al-Qaida, they have joined with the U.S. military and the government of Iraq and have made Fallujah and Ramadi now cities of relative safety. Just a few months ago they were exceedingly dangerous and violent cities. It is not perfect, but huge progress was made.

General Keane went on to say this:

Make no mistake, this is genuine progress and has led to a significant conclusion. We cannot lose militarily in Iraq, as we were on the verge of doing in 2006. The AQI and remaining hardliner Sunni insurgents cannot mount an offensive that they could sustain, which would threaten the regime. Are we finished? No, but we and the Iraqis have the momentum, we are on the offense, and we can finally see that winning in Iraq is now a likely outcome.

He talks about the problem with the Iranians. He doesn't minimize that in any way. He goes on to talk about Prime Minister Maliki. We have had people continually criticize Prime Minister Maliki, but it appears to me, based on the testimony I have heard, that he is growing in personal confidence and stature and is beginning to show some of the leadership we would like for him to show in the sovereign nation of Iraq.

He talked about Maliki's decision to quickly send troops to the south, to Basra, where a militia group and special groups associated with the Shia community were causing trouble to the central government. Maliki is a Shia, his government is dominated by Shia, and the majority of the country is Shia. A lot of the people who criticize the war at every possible turn have said that the Shia government in Iraq is doing nothing to crack down on the Shia militia. Then when Maliki does it, they promptly rise up and start saying he didn't do it wisely; he should have done it differently.

Let's see what General Jack Keane said:

As impulsive as he was, and while the planning and coordination [of this action to Basra] was inadequate, this is the right course of action. We should not be quick to judge the success of a campaign by the first few days of action when we know this is the beginning of a campaign which will last for months.

He is talking about a campaign against extremist Shia militia, particularly in the south.

My view is, the campaign in the south will not be as difficult as the fight against AQI and the Sunni insurgents. Indeed, Maliki's political position has been considerably enhanced because all the major political parties are supporting Maliki against the Sadirists, who are now isolated. In fact, this weekend Maliki announced that you cannot participate in the upcoming elections if your political party has a militia. This had thrown the Sadirists into disarray.

So I think it is a noteworthy event that Maliki took the central army of

Iraq, supported as best we could, and sent them off to the south—almost a division—to confront these Shia militia and, as General Keane noted, they can be successful in the long run. It has thrown the Sadirists into disarray and it has been very popular with the Iraqi people, who would like to see him standing up to these groups, many of whom are associated with Iran. There is a nationalistic mood in the country of Iraq. They do not want to be dominated by Iran.

So General Keane goes on to say this: All that said, it is critical to succeed. It is in the U.S. national interests to defeat Iran in Iraq. To do so, we need a U.S. national and regional strategy. . . .

Many of our colleagues and commentators continue to say, well, yes, we have had some military progress, thank you, General Petraeus and people like you. We congratulate you on your work, but still the Government of Iraq has shown no political progress. Without political progress, ultimately, we cannot have peace and a progressive Iraq, so it is all doomed to failure. You have heard those arguments on television all the time, and they are on the floor of the Senate, and they were raised in committee. This is what General Keane said:

The surge or counter-offensive was always intended to buy time so that the Iraqis could make political and economic progress. This is happening and while there is much to be done, the progress is definable. How can anyone conclude there is no political progress when (1) the Sunnis are reconciling with a Shia dominated government, stopped the violence, and are providing 91,000 of their sons [Sons of Iraq] to assist us? This, after all, was the intent of the much-discussed national legislative benchmarks. (2) As to the benchmarks, we, the United States Government [he was somewhat critical of our Government] "brow-beated" the government of Iraq into submitting to a legislative agenda. After we achieved some basic security, the government of Iraq has made impressive political progress—passing 12 of 18 benchmarks and making progress on 5 others. Significantly, 4 out of 6 legislative benchmarks, including deBaathification, amnesty, semi-autonomous regions and provincial powers are passed. Why is it so difficult to acknowledge that both these points, Sunni reconciliation and major national legislation, represent significant political progress?

I ask my colleagues, why are we in this body not willing to acknowledge this is progress? Is it because we are so invested in predicting a defeat of our own military that we refuse to acknowledge that progress of unexpected depth and breadth has occurred? It is not over yet, I submit. This is a difficult, dangerous situation still. The violence is still about in Iraq; I don't deny that. But it is a 60-percent, or more, reduction in less than a year. And huge sections of the country have begun to reconcile, as we hoped and prayed would occur.

We had this talk through the last election. It was a good way to articulate it politically. Opponents of the war argued that the only thing they understand in the Iraqi Government and the only way they will reconcile

and work out their political differences is for us to tell them to do so, and if they don't do so, we threaten to pull out our troops, regardless of the consequences on the ground, and this will make them more likely to reconcile and be nice to one another. We basically rejected that and we signed on to a new strategy, a counterinsurgency strategy, which we called a surge. What did General Keane say about that?

It is a myth to suggest by withdrawing rapidly, somehow, that will force the Iraqis to make progress they would not make by our presence. Anyone who truly knows the situation in Iraq, and the Iraqi leaders, realizes that it is the American presence that has aided the Iraqis to make the progress they have made and will continue to make. Our encouragement, tough-mindedness, and genuine assistance are major factors in that success. To leave and abandon them forces them into isolation, not reconciliation. It brings out their worst fears, driven by their paranoia about the past, that the Shias are on their own and their enemies are all around. What is needed is our continued, but not open-ended, presence to further our mutual objectives.

He talked about our force, our military. This is important. This man has given his life to the service of his country. He said this:

One final point, about our ground forces; not only are they magnificent but are performing to a standard not seen in any previous conflict. They are not a broken force, or near broken. Their discipline, morale, competence, behavior, and courage is extraordinary, and it is so with the knowledge that many of the American people do not support the war, but do support them. Are they stressed, and their loved ones as well, by the repeated deployments? Of course they are. But this is a proud, resilient force that has no quit in it; they have a dogged determination to succeed. We are fighting two wars that are in our national interest [Iraq and Afghanistan] and I have known since 9/11, our force, which I was a part of it, was committed to protect the American people by staying on the offense against our enemies. They want to win, and they will; they do not want to be a party to choosing defeat, or to be part of an Army or Marine Corps that suffers a humiliating defeat. That stark reality will break the force. Fighting protracted wars in our history has always stressed our forces. Doing what we can to reduce the impact is critical, but choosing victory is, hands-down, the best answer.

It was a remarkable bit of testimony, I think, and it came from a man whose credentials are undisputed—a general who was prepared to criticize our tactics when he believes they were in error. He invested time by going there four times to visit this country. He has gone throughout the entire country, and he is in a position to evaluate and analyze whether our new tactics—the surge and counterinsurgency tactics General Petraeus has applied—were successful. He said it is one of the most dramatic turnarounds in the history of warfare, certainly in fighting against an insurgency.

We can all disagree about the war and whether we should have gone there, and how we should draw down our troops. But let's not deny that with

the courage and fidelity of our military men and women in uniform, they have made dramatic progress in recent months. That progress places us in a much better position to secure a very successful outcome in this effort.

As to those who have opinions about what we should do in Iraq, and they think perhaps the President's ideas or others are not worthy of respect, let me just say it this way: January, a year ago, General Petraeus went over to Iraq. Last summer, we funded by an overwhelming vote the surge giving General Petraeus additional troops and additional authorities to lead in Iraq. We basically gave General Petraeus a chance because things had not been going well and people were very worried, and I was one of them.

General Petraeus was No. 1 in his class at Command and General Staff College, received a Ph.D. from Princeton University, commanded the 101st Airborne Division in Mosul when the war began, and spent a year there. I visited with him there. He came home for a period of time, I think less than a year. He was asked to go back and train the Iraqi military. I visited him in Baghdad when he was doing that. Following that tour, he came home and he wrote the Defense Department manual on how to confront and defeat an insurgency, and before the ink was dry on that manual we asked him to go back and lead that effort.

I would say we have never had a better prepared general for the complex military and political situation such as we face in Iraq. There has been a dramatic improvement under his leadership. That is indisputable.

General Petraeus testified yesterday, and this is basically what he said: I have drawn down the surge numbers. We will have those numbers completely drawn down by this summer. So our troop levels will be back to where they were before the surge occurred. I think, it is my best military judgment—my best military judgment—that we ought to pause for a while, and not immediately continue to draw down—and not for a year, just for a matter of months—and make sure we don't go so fast in our withdrawal that we destabilize the progress we have made because much of the progress is fragile. It could fall back if we don't conduct ourselves properly. That is what he asked us to do.

We have political generals, we have commentators on television who like to talk, and on the radio, but I will tell you who has earned my respect. General Petraeus. If he says, after all this effort and all the commitment of this Nation, that he needs a few months of pause before we begin to draw down again, then I think we ought to give it to him. Who is prepared to dispute that? If we don't support that, what we are saying is we think we know better than General Petraeus. General Keane says it is the finest military team he has ever seen assembled in his 40 years in the military.

I made the mistake of saying that General Petraeus—because I visited him over there, I knew this was his third tour in Iraq—that he had served 3 years in the war on terror. A little later it came up again. He said: Since 2001, I have been deployed 4½ years.

I remember when he went this time. He was asked to go. He believed he could make a difference. He believed he owed it to his country to give it his best shot. I am sure he felt a burden—people said he was the best person we had to lead our troops—to try to fulfill the request of his country. He left his family again to place his life at risk and to serve our country in Iraq.

I think his advice has been proven correct repeatedly, and I believe we ought to give him this chance to succeed. I agree with General Keane that nothing would be more corrosive of a fabulous military than to have all their sacrifice, all their efforts, the loss of life, the injuries sustained among the brotherhood of the military, to have all that thrown away by a precipitous political pullback. What will the military think the next time we ask them to go somewhere?

I have to tell you, Mr. President, I think we were far too optimistic about creating a government in a country that has never had a legitimate government, that has no experience, and no history with it. We thought it was far easier than it turned out to be. We thought and did not fully comprehend, as General Keane indicated, the depth of the opposition that rose up after the initial successful invasion. Our military was smaller than we needed. Now we know, and perhaps we should have known earlier.

We have made some mistakes. It has not been a perfect operation, that is for sure. I respect people who disagree with what I have said. Good people can disagree. I am not questioning their patriotism. However, logic, common sense, and a commitment to the men and women who have gone out and served us so well, to me, makes it pretty easy to say we should support General Petraeus's reasonable request that the continued drawdown pause for a while before resuming, and we should support it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4429

Mr. SALAZAR. Mr. President, I come to the floor today to speak against amendment No. 4429, which has been offered by my good friend, Senator ALEXANDER from Tennessee. Senator ALEXANDER's amendment would slash the wind tax credit in half and would curtail the wind energy development for

the State of Colorado and for the Nation.

All across America, what we see today is great enthusiasm for the possibility of renewable energy. It is driven, in my view, in a very different way, with a robust look at renewable energy as a way forward. In the 1970s, Richard Nixon coined the term "energy independence" after OPEC was formed. Then Jimmy Carter talked to the Nation about the importance of energy independence that we needed to embrace with the moral imperative of a war. Yet through the eighties, through the nineties, through the beginning of this century, we did not, frankly, live up to their vision or to that promise of energy independence. In fact, we went the other way. And in going the other way, what has happened is we have compromised our national security with our addiction to oil that we import from other countries to where in March of 2007 we imported 67 percent of our oil from foreign countries.

We compromise our environmental security as we see what is happening around our planet with the danger of global warming and the consequences it will bring to this planet and to this generation and to generations to come. And we have lost our way forward in terms of creating economic opportunities in America because what has happened is the technology we developed in America, such as the technology from the National Renewable Lab in Golden, CO, has, in fact, been taken by other countries—Spain, Germany, and other countries—and they have developed a very strong energy renewable economy.

When we talk about renewable energy, I agree very much with my colleagues on both the Democratic and Republican sides who have said we need to embrace the renewable energy future of America with an ethic that is a sustainable ethic, with the sense that we are here to do everything we possibly can, and we cannot do this by fits and starts. When we look at wind energy, it seems to me we need to come together to support the future of wind energy in America.

In my State of Colorado, we are seeing a virtual revolution occurring in terms of what is happening with wind energy. In 2004, there was hardly any wind generation taking place in my State of Colorado. I remember going across the eastern plains during my campaign for the Senate and then following that time, my visit to all 64 counties in the State and talking about how renewable energy would open a whole new chapter in rural America, would help us in so many ways to address the fundamental issues of our time.

Since 2004, my State of Colorado has moved to the point where we are about to produce 1,000 megawatts of electrical power a year in the State of Colorado—1,000 megawatts of electrical power—by harnessing the power of the wind. It would take much longer than 3

years to permit a coal-fired powerplant, and 1,000 megawatts represent the energy that would be generated from three coal-fired powerplants.

I don't have anything against coal, as my friend from Pennsylvania knows. We need to have coal some way as part of our portfolio of energies as we move forward, but we need to embrace the renewable energies we know are now on the market and make these initiatives of renewable energy sustainable over a long period of time.

Many projects are depending on our extension of the production tax credit and the investment tax credit. These tax credits are very important. I will be supporting Senator CANTWELL's and Senator ENSIGN's amendment later on in the vote we will be having.

A recent study by Navigant Consulting indicates that failing to extend the investment tax credit could result in the withdrawal of nearly \$19 billion in capital investment in solar and wind. That would result in a loss of 116,000 jobs in 2009, including 10,600 jobs in the State of Colorado.

Over the last several weeks, the last 2 months on the floor of the Senate, we have talked about the economic situation in which we find ourselves. We said what we have to do is stimulate the economy and do some things that make sure the economy doesn't go further in the ditch. There are some who say we are already in the ditch. Alan Greenspan said yesterday he thought we were already in a recession. We need to do what we can to make sure that ditch is not too deep so we cannot find our way out.

One of those ways is making sure we are stimulating the economy in ways that work. When we talk about production tax credits and investment tax credits, that essentially will make sure we have these 116,000 jobs created in America. It is something we should very much support.

Congress has looked at the PTC and the ITC in fits and starts. It was first created to expire at the end of 1999, again in 2001, and again in 2003. We need to stop those fits and starts, and we need to be more persistent than consistent with respect to these investments.

Currently, the wind production tax credit has a value of 2 cents per kilowatt hour. The credit is scheduled to expire in 2008. Senator ALEXANDER's amendment would cut the credit for wind to just 1 cent per kilowatt hour. That, in my view, is headed in the wrong direction. Senator ALEXANDER argues that the wind energy receives special treatment and argues fossil energy has received some credit but that we should back down on the credits we are giving to wind energy.

What this chart will show is that what we are doing in terms of tax incentives, as well as in research and development expenditures out of the Federal Government, is not at all skewed toward renewable energies. In fact, it is skewed to fossil fuels. You will see that

in tax expenditures, in the year 2007 in billions of dollars, fossil fuel received \$13.7 billion of the expenditures that we were making through the incentives we are creating for oil, gas, coal, and other fossil fuels. But we were putting \$13.7 billion into fossil fuels to help us with our energy independence, where we were only putting \$2.8 billion into renewables. That is a stark contrast as to where we should be going if we are to get to energy independence for national security and environmental reasons.

When you look at research and development, these are the figures from the Department of Energy out of a General Accounting study which was requested by Senator ALEXANDER in 2007. We see that, in billions of dollars, the Department of Energy spent only \$1.4 billion on renewables, but at the same time the Department of Energy spent \$3.1 billion, three times as much, on fossil fuels, and \$6.2 billion on nuclear.

So when we talk about harnessing the power of the wind, the power of the Sun, the power of biofuels as we grow our way to energy independence, in my view, we need to have some more balance. We need to put more into the renewable energy future of our country.

We have, as a Nation, starting over a century ago, made major investments in helping the fossil fuels industry. What this chart will show is, beginning in 1916, we created this laundry list of tax incentives for exploration of oil and gas and for the production of oil and gas and coal. Also, beginning in 1957, we made major incentives for nuclear. Yet we see the very few incentives we have instituted with respect to wind, which did not start until 1992. So this chart reflects there is a lot of catching up to do if we are to do everything we can as a Nation to harness the energy of the wind.

I am hopeful, therefore, my colleagues will vote no on the Alexander amendment because the wind energy future of our Nation is very dependent on our continuing to sustain a policy over a longer period of time so we get the wind energy industry up and running in America. It is also, in my view, important we support the amendment of Senators CANTWELL and ENSIGN, with respect to energy tax credits, because we need to make sure those do not expire, and right now they are on the verge of expiring.

I would hope, as we move forward in dealing with tax incentives and other issues in the Congress, we will be able to find a way to extend them beyond the end of 2008.

I urge my colleagues to vote no on the Alexander amendment, and I urge my colleagues to vote yes on the Cantwell-Ensign amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 4501.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Well, I am shocked, shocked to hear an objection from the Senator on this very reasonable request to call up an amendment so this bill, which is a fairly significant bill, could be voted on by the Senate in parts, because there are some parts of this bill which aren't that good, and this amendment addresses one of those parts. Specifically, this amendment says the net operating loss carry-forward provisions, which cost \$17 billion over the first 3 years of this bill, would be eliminated. There are already in law net operating loss provisions. What this bill does, however, regrettably, is expand those provisions dramatically and benefits one small segment of our commercial society, to the disadvantage of other segments of our commercial society and to the distinct disadvantage of our children and our children's children who have to pay for all the money that is going to be spent in the area of a tax credit or deduction.

This \$17 billion will go to benefit the same industry, or part of the industry, which created the problem which this stimulus package is trying to address. It is a lot like that story of the fellow who shot both his parents and then threw himself on the court and asked for mercy because he was an orphan. What we have is the housing industry requesting a \$17 billion tax break specifically for them because they created an economic meltdown by speculatively building thousands of houses—thousands more than we needed—and then selling those houses to people through the subprime mortgage process, which turned out to be a very poor idea for many people who bought houses with a subprime mortgage.

At the time these housing construction industry companies did this, they made a lot of money—a lot of money. Now they are losing money. And they are saying, with a straight face, in this bill: We need a \$17 billion tax break, which allows us to go back and eliminate the taxes we paid on the profit we made during the good days of the housing bubble and get a tax rebate to reflect the fact that we are losing money today, which recovers the taxes we paid 3 and 4 years ago. How outrageous is that?

In addition, of course, housing contractors who were responsible—and who during this period of the bubble did not overbill or did not overly utilize subprime mortgages but, rather, built in a reasonable manner and are still doing well and are still making money—are going to find that their competitor down the street—who was potentially excessive, building a lot of inventory that was not necessary, selling it through subprime mortgages and then finding they are stuck with it today and thus losing money today—is going to get a tax benefit representing

\$17 billion. So the contractor who actually has been responsible and has run their business in probably a conservative and constructive way is going to have to compete with the profligate contractor, potentially, who is losing money but is suddenly going to get a huge windfall as a result of this bill in the way of a tax rebate. Where is the fairness in that?

In addition, of course, it undermines the whole concept of the free marketplace. I mean, the marketplace says: If you take a risk and you make an investment and you make a lot of money—which is what happened here—and then that risk turns out to turn on you and you start to lose money, the Government shouldn't come in and say: Oh, that is okay, we are going to insure your losses with a tax break—which is essentially what is happening. We are going to insure them to the extent of \$17 billion over the next 2 years.

That is not a capitalist system. That is a French system. That is sort of modified socialism. It essentially says: You can't lose. You can go out and make money, and if you start to lose money, we will give you a tax credit. So the American taxpayers get to pay so you don't lose money.

Then who pays for all this? Who pays for this \$17 billion? Well, these folks sitting right down here—the pages—will pay for this. We are not going to pay for it this year. We are not offsetting this cost. This goes on the national debt. Interest will accrue on it. When these young pages graduate from high school and then move on to college—and I know they are all going to go to college—and then they move out of college and start to get a job, you know what they will have to do? They will have to pay taxes, and part of the taxes they are going to be paying 8, 9, 10 years from now is going to go to pay for this tax deduction which we are passing today to benefit an industry which created the bubble, which created a recession. We are giving them this type of insurance through this type of tax break. That is not fair.

It is not fair to the next generation to pass this bill on to them. It is not fair to competitors who were conservative and managed their businesses well, that we are going to give this tax break to people who were not so successful or were successful but today aren't doing well. It doesn't make any sense. It is almost a bill of attainder. It should be unconstitutional—the idea we are going to pass a tax that benefits this one segment of the industry.

By the way, it is not going to stimulate the economy because most of this benefit is going to probably come to fruition after the recession is pretty much over. Probably not before the third or fourth quarter of this year and into next year will these dollars start to reflow into these industries. So as a practical matter, most economists are saying that to the extent we have a recession—and I happen to believe we have one—it is going to be shallow and

short, which means it will probably be over. With all the Fed is doing, I think it will definitely be over by the end of this year, at the latest. So this makes no sense.

At the minimum, the Senate should at least have the right to vote on this policy. I mean, why not at least have a vote on this policy? It is a huge piece of policy, by the way. It seems to me we should have the right to have a vote on this policy. So all I have asked for is not that we accept the ideas I have put on the table, which is that this tax benefit makes no sense economically, that it makes no sense from the standpoint of a capitalist system, it makes no sense from the standpoint of the debt to pass on to our children, and it makes no sense from the standpoint that the people who are benefitting from this tax benefit were the biggest beneficiaries from the runup of the speculative market. I am not saying people have to accept those arguments, although I find them logical, reasonable, and I hope most people would accept them. I am saying let's vote on them. Let us have a vote on whether those arguments make more sense or the idea of putting this tax benefit in this bill makes more sense.

So that is why I have asked, on a number of occasions, for a vote on this item. I regret that there has been an objection, on occasion, to my request for this amendment to be brought up. I am tempted to renew that request at this time, but I sense somebody else might object—this time probably from the audience, as the last objection came from staff. But in any event, I can appreciate the fact that there would be an objection, so I will not raise it again. I will simply reflect the fact that I have made this point, and hopefully at some point there will be a relenting on the other side of the aisle to having a vote on this item.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I may speak as in morning business.

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

2008 OLYMPIC GAMES

Mr. MENENDEZ. Mr. President, I rise to express my concern about the Chinese Government's continued human rights violations and to urge President Bush not to attend the opening ceremonies at the Olympic Games in Beijing this summer.

The Chinese Government's unwillingness to acknowledge or address their record of human rights violations is in direct conflict to the spirit of the

Olympic Games, and the United States should not accede to the Chinese Government with our attendance.

The recent developments in Tibet, in which Buddhist monks and other ethnic Tibetans were violently punished, and in some cases killed, for participating in protests, are disturbing and should be unacceptable to anyone who believes in basic human freedoms. Furthermore, these developments also seem to confirm that the Chinese Government, which has long disrespected the rights of its citizens, under the Universal Declaration of Human Rights, has failed to sufficiently improve its conduct when confronted with citizens who happen to voice a difference in opinion.

We believe—I think many of us believe—that the President's attendance at the opening ceremonies, rightly or not, would send the implicit message to the world that the United States condones the intolerance that has been demonstrated by these actions of the Chinese Government.

The Chinese Government was awarded the Olympic Games on the understanding that it would work to significantly improve its human rights record. Clearly—clearly—it has not. In fact, its actions are completely contradictory to the Olympic spirit.

Let me highlight two specific points in the Olympic Charter's Fundamental Principles of Olympism. It says:

The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity.

The other principle that is on point here:

Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.

“Incompatible with belonging to the Olympic Movement.”

The Chinese Government blatantly violates both of these points.

Some have made the argument that the President's attendance at the opening ceremonies is more about support for the Games themselves than for the host country. I believe it is all to the contrary. It would show tremendous support and respect for the Games and the spirit they embody, and these principles that are part of the Olympic Charter, to take a stand against a host nation that flagrantly disrespects that spirit.

We remind the President that the recent developments in Tibet are only the latest chapter in a long history of Chinese human rights concerns. Even in the midst of the latest atrocities against Tibetans, we should not forget the Chinese Government's continued unwillingness to use all of its unique leverage—unique leverage—with the Sudanese regime to assist the international effort to bring an end to the genocide in Darfur. This issue remains

of serious concern to us and many others who have not seen the improvements in Darfur that we had hoped would have happened long ago.

If we were languishing in the camps in Darfur, as the world watches genocide, if we see human rights violations in China against the Tibetans, if we see prison camp labor, child labor, forced abortions, the exiling of the Dalai Lama, and so, so much more, who among us, if we were in their position, would be content with the counsels of patience and delay? Who among us would be content with the silence that exists in this respect? And who among us would not want to see a world leader, a leader of the free world, make a very powerful statement to ensure that we move in a different direction?

If the Chinese Government is ever to treat its people with basic human rights, it must be sent a bold and clear message that its record of violence and suppression is completely unacceptable.

Few actions can speak louder than if the President of the United States were to condemn the Chinese human rights record with the entire world watching. It is at the moment of the opening ceremonies where the world's attention is riveted on the Olympic Games—it is at the opening ceremonies where the world's attention is riveted on the Olympic Games—and not attending, refusing to attend, the opening ceremonies would accomplish exactly that: a clear condemnation of China's human rights record.

We hope the President will agree with us, that the Chinese Government's actions are unacceptable, and that we must send a bold message now while the world—while the world—is focused on China.

China wanted the Olympic Games. It got it with the understanding that, in fact, it would dramatically improve its human rights record. It has not. The world has seen its repressive nature. If we go on as if nothing had happened, we will send a message that impunity is, in fact, something that is tolerated by the rest of the world.

I do not believe Americans want to see that happen. I believe the principle of the Olympic Charter that clearly says, "Any form of discrimination with regard to a country or a person on grounds of [their] race, religion, politics, gender . . . is incompatible with belonging to the Olympic Movement" is something worthy of sustaining, and this is an opportunity in time and history to make that principle ring loudly and clearly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4419

Mr. ENSIGN. Mr. President, I wish to speak for a few minutes on an amendment I have offered with Senator CANTWELL regarding renewable energy. It is amendment No. 4419. I don't know whether it is going to be voted on tonight or tomorrow. Either way, I wish to spend a few minutes on this particular amendment.

I ask unanimous consent to have printed in the RECORD some letters of support from various industries.

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

APRIL 3, 2008.

DEAR SENATOR: As a coalition of businesses, environmental organizations, investors, labor, nongovernmental organizations, public health organizations, religious organizations, states, trade associations and utilities, we urge you to pass bipartisan legislation as soon as possible that extends federal tax incentives for energy efficiency and renewable energy technologies and consumer purchases of energy efficient products. These critically important incentives have expired or will expire at the end of this year and must be extended immediately to avoid significant harm to the developing clean energy industries in the United States.

We urge extension of the renewable energy production tax credit, clean renewable energy bonds, efficient commercial buildings tax deduction, investment tax credit for solar electric and fuel cell systems, tax credit for energy efficiency upgrades to existing homes, tax credits for the production of efficient home appliances, and tax credit for construction of efficient new homes. These incentives play a vital role in reducing global warming pollution, creating new high-wage American jobs, spurring economic growth, promoting consumer purchases of energy efficient products, and saving consumers and businesses money on their energy bills.

It is essential for the development of clean technology industries that extensions of the efficiency and renewable energy tax incentives remain effective for multiple years. Congress has historically extended the clean energy incentives in one or two-year increments, which creates a boom-bust cycle for the technologies covered by the incentives. This cycle undermines the efficient development of the clean energy technology industries into mature industries.

It is critical for the sustained development of the clean energy technology industries that efficiency and renewable energy tax incentives be promptly extended. The delay in extending these provisions is already discouraging investment decisions today for clean energy projects that will be completed in 2009 or later. According to a recent study by Navigant Consulting, failure to promptly extend renewable energy tax incentives places at risk 116,000 jobs in the wind and solar industries and more than \$19 billion in clean energy investment. Similarly, more than 800 megawatts of renewable biomass electrical generation in development has been placed on hold because the renewable production tax credit has not been extended according to biomass industry estimates.

America is on the cusp of a new, clean energy economy. Extending efficiency and renewable energy tax incentives is critical to promoting the transition to this economy. They will help get us started on solving the global warming problem, reduce energy prices for consumers, and create new high-wage jobs. We urge you to do everything you

can to ensure prompt passage of legislation with significant bipartisan support that adopts long-term extensions of the efficiency and renewable energy tax incentives and can be enacted into law this spring.

Sincerely,

American Council on Renewable Energy (ACORE).

AES Wind Generation.
Airevolution Wind Energy Systems, LLC.
Akeena Solar.
Alaska Wind Power, LLC.
Alliance to Save Energy.
Alliant Energy Corporation.
Alternative Fuels Renewable Energies Council.

Ameren Corporation.
The American Agriculture Movement, Inc.
American Council for an Energy Efficient Economy (ACEEE).

The American Institute of Architects (AIA).

American Solar Energy Society.
American Wind Energy Association (AWEA).

Applied Materials.
Apricus Inc.
Arizona Public Service.
Association of Home Appliance Manufacturers (AHAM).

Audubon.
Ausra, Inc.
AWS Truewind, LLC.
Babcock & Brown.
Ballard Power Systems.

Best Buy Co., Inc.
Bio-A.I.R.E., LLC.
BioEconomy Development Corporation.
BioEnergy Development, LLC.
Bloom Energy.

BOSCH.
BrightSource Energy, Inc.
Broadwind Energy, Inc.
Business Council for Sustainable Energy.
California Energy Commission.
Cardinal Fastener & Specialty.
CCIM Institute.

Center for Energy and Environmental Sustainability at James Madison University.
Central Vermont Public Service.

CH Energy.
Chirag Bator.
Clipper Windpower, Inc.
Clyde Industrial, LLC.
Coalition on the Environment and Jewish

Life (COEJL).
Competitive Power Ventures, Inc.
Conergy.
Constellation Energy.
Converteam Inc.

Dakota Resource Council.
Dakota Rural Action.
D.H. Blattner.
Dominion.

The Dow Chemical Company.
Dow Corning Corporation.
Duke Energy.
The Dyson Corporation.
Earthjustice.

Edison Electric Institute (EEI).
Edison International.
Empire District Electric Company.
Energize Now Initiative.
Energy Innovations, Inc.
Energy Systems Group.
Energy Unlimited, Inc.

Enertech.
Environmental and Energy Study Institute (EESI).

Environment America.
Environmental Defense Fund (EDF).
enXco.
Eurus Energy America Corporation.

Evergreen Solar, Inc.
Exelon Corporation.
Fagen, Inc. Construction.
Federal Performance Contracting Coalition.

FPL Group.
 Friends Committee on National Legisla-
 tion.
 Gamesa Technology Corporation.
 GE Energy.
 Geothermal Energy Association (GEA).
 Global Energy Concepts.
 Global Resource Options, Inc.
 GPCO USA.
 Green Mountain Power Corporation.
 Greenpeace.
 Green Volts.
 Great Plains Energy.
 Hansen Transmissions Inc.
 Hawaiian Electric Company, Inc.
 Heartland Power and Light LLC.
 Hexcel Corporation.
 HICO America.
 The Home Depot, Inc.
 Honeywell.
 Horizon Wind Energy.
 Hydrogenics.
 Iberdola Energias Renovables.
 Idaho Rural Council.
 IdaTech.
 Infinia Corporation.
 Intermountain Wind, LLC.
 International Council of Shopping Centers.
 Interstate Power and Light.
 Institute of Real Estate Management
 (IREM).
 Invenergy LLP.
 John Deere Renewables, LLC.
 Johnson Matthey.
 JP Morgan Chase.
 JW Great Lakes Wind LLC.
 JW Prairie Wind Power LLC.
 Knight & Craver.
 Kyocera.
 Lake Superior Warehousing Co., Inc.
 League of Conservation Voters.
 LM Glasfiber, Inc.
 LOGANEnergy.
 Lowe's Companies, Inc.
 Macy's.
 Mendel Biotechnology, Inc.
 Mesa Power, Inc.
 Michigan Alliance of Cooperatives.
 Millennium Cell, Inc.
 Missionary Oblates of Mary.
 Immaculate, Justice Peace/Integrity of
 Creation Office.
 MJH Power Consulting LLC.
 Mortenson Construction.
 MMA Renewable Ventures, LLC.
 Mortenson Construction.
 MOU Citrus Partnership, LLC.
 National Association of Home Builders
 (NAHB).
 National Association of Industrial and Of-
 fice Properties (NAIOP).
 National Association of State Energy Offi-
 cials (NASEO).
 National Electrical Manufacturers Asso-
 ciation (NEMA).
 National Farmers Union (NFU).
 National Grid.
 National Multi Housing Council.
 National Rural Electric Cooperative Asso-
 ciation (NRECA).
 National Small Business Association.
 National Tribal Environmental Council.
 National Venture Capital Association
 (NVCA).
 National Wildlife Federation.
 National Wind LLC.
 Natural Resources Defense Council
 (NRDC).
 Noble Environmental Power.
 Northeast Public Power Association
 (NEPPA).
 North American Equipment Dealers Asso-
 ciation.
 North American Insulation.
 Manufacturers Association (NAIMA).
 Nuerva.
 Oerlikon Solar.
 Ohio Environmental Council.

OptiSolar.
 Oregon Rural Action.
 Owens Corning.
 Peloton Energy, LLC.
 PG&E Corporation.
 Pacific Winds LLC.
 Physicians for Social Responsibility.
 Pinnacle West.
 Plug Power Inc.
 PNM Resources.
 Polyisocyanurate Insulation.
 Manufacturers Association (PIMA).
 Portland General Electric.
 Powder River Basin Resource Council.
 Power Works LLC.
 PPM Energy.
 Progress Energy.
 Public Citizen.
 Public Service Enterprise Group, Inc.
 Public Works LLC.
 The Real Estate Roundtable.
 Rebirth Capital, LLC.
 REC Silicon.
 Redefining Progress.
 Regeneration Project/Interfaith Power and
 Light.
 Reinforcing Services.
 Renewable Energy Systems Americas.
 Retail Industry Leaders Association.
 Rocket Wind Energy LLC.
 Rosendin Electric, Inc.
 Rural Minnesota Energy Board.
 Sacramento Municipal Utility District
 (SMUD).
 SANYO Energy Corporation.
 SCHOTT Solar, Inc.
 Sempra Energy.
 SGR Site Associates LLC.
 Shell Wind Energy.
 Siemens Windpower A/S.
 Sierra Club.
 Signal Wind Energy, LLC.
 SkyFuel, Inc.
 Smart Growth Advocates.
 Solar Energy, Inc.
 Solar Energy Industries Association.
 Solar Integrated Technologies, Inc.
 Solar Power Partners.
 SolarReserve.
 SolarWorld California Inc.
 Southern Alliance for Clean Energy
 (SACE).
 Southern California Public Power Author-
 ity (SCPPA).
 SPI Industries.
 Spire Solar, Inc.
 Sriya Innovations, Inc.
 SunEdison.
 SunPower Corporation.
 Susitna Energy Systems.
 Suntech America, Inc.
 Target Corporation.
 Third Planet Power LLC.
 TPI Composites.
 Trade Wind Energy.
 Trane.
 TRI Composites, Inc.
 TRICO TCWIND, Inc.
 Trinity Industries, Inc.
 TSS Consultants.
 25x'25 Steering Committee.
 United Biofuels Development.
 Union of Concerned Scientists.
 The Union for Reform Judaism.
 The United Steelworkers.
 3M.
 United Technologies Corporation.
 UPC Wind Management, LLC.
 U.S. Fuel Cell Council.
 USA Biomass.
 US Wind Force, LLC.
 Ventura Energy Corp.
 Vestas Americas.
 Vote Solar.
 Waste to Energy, LLC.
 Westar Trade Resources.
 Western Colorado Congress.
 Western Organization of Resource Councils
 (WORC).

Western Renewables Group.
 Westwood Professional Services.
 Whirlpool.
 The Wilderness Society.
 Wind Capital Group.
 WindLogics Inc.
 Windsmith, LLC.
 Wind Turbine Industries Inc.
 Wisconsin Power and Light.
 Xcel Energy Company.

KEEP OUR ECONOMIC ENGINES TURNING ON A
 CLEAN ENERGY FUTURE

America is on the cusp of a new, clean en-
 ergy economy. Extending the efficiency and
 renewable energy tax incentives is critical to
 promoting the transition to this clean en-
 ergy future. But these important incentives
 have expired or will expire at the end of this
 year and must be extended immediately to
 avoid significant harm to the developing
 clean energy industries in the United States.
 These incentives play a vital role in reducing
 global warming pollution, creating new high-
 wage American jobs, spurring economic
 growth, promoting consumer purchases of
 energy efficient products, and saving con-
 sumers and businesses money on their en-
 ergy bills.

We, the undersigned, representing a broad
 coalition of organizations and businesses,
 urge you to pass with significant bi-partisan
 support the Clean Energy Tax Stimulus Act
 introduced by Senators Cantwell and Ensign.

PLEASE SUPPORT S. 2821, THE CLEAN ENERGY
 STIMULUS ACT OF 2008

MEMBERS OF THE UNITED STATES SENATE,
 Washington, DC, April 4, 2008.

DEAR SENATOR: We are writing to urge you
 to cosponsor and support passage of S. 2821,
 the Clean Energy Stimulus Act of 2008. This
 legislation extends vitally important federal
 tax incentives for wind, geothermal, bio-
 mass, solar power, qualified hydropower, and
 other renewable energy technologies that ex-
 pire this year. An immediate extension of re-
 newable energy tax incentives is critical for
 sustaining one of the most rapidly expanding
 areas of the American economy.

The delay in extending renewable tax in-
 centives is already discouraging investment
 decisions today for clean energy projects
 that will be completed in 2009 or later. Ac-
 cording to a recent study by Navigant Con-
 sulting, failure to promptly extend renew-
 able energy tax incentives places at risk
 116,000 jobs in the wind and solar industries
 and more than \$19 billion in clean energy in-
 vestment.

Prompt action to extend renewable tax in-
 centives is critical to continuing the eco-
 nomic growth and high-wage jobs associated
 with the rapid growth of wind and solar
 power, and to helping reduce global warming
 pollution even as we meet increasing elec-
 tricity demand.

Please do all you can to support S. 2821.

Sincerely,

Alliant Energy.
 American Wind Energy Association.
 Alyra Renewable Energy Finance, LLC.
 Babcock & Brown.
 Bluewater Wind.
 Broadwind.
 CAB Inc.
 Catamount Energy Corporation.
 Clipper Windpower Development Company,
 Inc.
 Columbia Energy Partners LLC.
 Competitive Power Ventures, Inc.
 D.H. Blattner & Sons.
 DH Blattner.
 Distributed Generation Systems, Inc.
 DMI Industries, Inc.
 Emerging Energies Of Wisconsin, LLC.
 Energy Unlimited, Inc.

Ernetech.
 Eurus Energy America Corporation.
 Global Energy Concepts.
 Green Wing Pacific Energy.
 HICO America.
 Hilliard Energy.
 Honeywell.
 Horizon Wind Energy.
 Iberdrola Renewable Energies U.S.A.
 Interstate Power and Light.
 Interwest Energy Alliance.
 John Wade Wind Consultant, LLC.
 JP Morgan.
 JPW RIGGERS, INC.
 JW Prairie Wind Power, LLC.
 Knight & Carver Wind Group.
 Lecco Steel.
 LM Glasfiber.
 Mackinaw Power, LLC.
 Mecal Applied Mechanics.
 Mesa Power LP.
 Midwest Wind Energy, LLC.
 Molded Fiberglass.
 Motion Industries.
 NextEnergy.
 Noble Environmental Power.
 Oregon Trail Wind Farm.
 Owens Corning Company.
 Pacific Winds, LLC.
 Pike and Scott County Farm Bureaus.
 POWER Engineers, Inc.
 PPM Energy.
 Renewable Energy Systems Americas.
 Second Wind Inc.
 Sharp Executive Associates, Inc.
 Shell Wind Energy.
 Siemens.
 SIPCO Mechanical Linkage Solutions.
 Skyward Energy.
 Solar Energy Industries Association.
 Southwest Windpower.
 Suzlon Wind Energy Corporation's Torch Renewable Energy.
 Torch Renewable Energy.
 Tower Foundations.
 TPI Composites.
 Trinity Industries, Inc.
 Two Rivers Farm Bureau Foundation.
 UPC Wind.

CHAMBER OF COMMERCE OF THE
 UNITED STATES OF AMERICA,
 Washington, DC, April 8, 2008.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports an amendment based on S. 2821, the "Clean Energy Tax Stimulus Act of 2008," which is expected to be offered by Sen. Ensign to H.R. 3221, the "Foreclosure Prevention Act of 2008."

The Chamber believes it is in the national interest to promote the responsible use of all energy sources. To reach this goal, government and business should support investment in new technologies that expand alternative energy and enable traditional sources of energy to be used more cleanly and efficiently. Extension of the incentives in S. 2821 will go a long way toward the development of the renewable and alternative energy technologies essential to our nation's energy future.

Congress must be mindful, however, not to merely stop at renewables. Many of the incentives extended by S. 2821 were included in the Energy Policy Act of 2005 (EPAAct), a comprehensive energy policy bill largely overlooked scarcely more than two years after its enactment. EPAAct contains nearly 70 provisions that require federal agencies to undertake research, development and demonstration of new technologies, to engage in public/private partnerships, or to make available financial incentives to the private sector for the development of these new

technologies. Presently, a significant number of the nearly 70 new energy technology and efficiency directives are unfunded, under-funded, or simply not implemented at all.

The Chamber supports Sen. Ensign's amendment, and urges Congress not only to extend the incentives specified in that bill, but to fully fund and implement all of the energy technology and efficiency directives enacted by EPAAct.

Sincerely,

R. BRUCE JOSTEN,
 Executive Vice President,
 Government Affairs.

RETAIL INDUSTRY
 LEADERS ASSOCIATION,
 Arlington, VA, April 3, 2008.

Hon. MARIA CANTWELL,
 Dirksen Senate Office Building,
 Washington, DC.

Hon. JOHN ENSIGN,
 Russell Senate Office Building,
 Washington, DC.

DEAR SENATORS CANTWELL AND ENSIGN: I write to thank you for introducing the Clean Energy Tax Stimulus Act of 2008. This bipartisan legislation seeks to extend federal tax incentives for energy efficiency and renewable energy technologies and consumer purchases of energy efficient products. These critically important incentives have expired or will expire at the end of this year and must be extended immediately to maximize energy savings for consumers and businesses to help reduce greenhouse gas emissions in communities across the United States.

The Retail Industry Leaders Association, RILA, promotes consumer choice and economic freedom through public policy and industry operational excellence. Its members include the largest and fastest growing companies in the retail industry—retailers, product manufacturers, and service suppliers—which together account for more than \$1.5 trillion in annual sales. RILA members provide millions of jobs and operate more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

RILA and our member companies are committed to environmental sustainability. We applaud the bill's particular provisions that extend tax incentives for investments in solar technology; construction of "green" commercial buildings; and consumer purchases of energy efficient products to improve their homes.

We look forward to working with you to pass this legislation on a strong bipartisan basis toward the path of extending the efficiency and renewable energy tax incentives for enactment into law this spring.

Sincerely,

FAITH A. CRISTOL,
 Vice President, Workforce & Tax.

THE REAL ESTATE ROUNDTABLE,
 Washington, DC, April 8, 2008.

TO ALL UNITED STATES SENATORS: The Real Estate Roundtable urges your support for S. 2821, The Clean Tax Stimulus Act of 2008. Sponsored by Senators Cantwell and Ensign and cosponsored by 31 other Senators, this narrowly tailored bill extends essential energy tax provisions facing expiration.

This bill is being offered as Amendment #4419 to the housing stimulus bill H.R. 3221. Passing this amendment will encourage a dialogue between the Senate and the House regarding the timely disposition of these important policies. We urge you to cosponsor the bill and support the amendment.

The Roundtable particularly supports two provisions in the bill: (1) a one year extension of the Section 179 deduction for energy efficient commercial buildings and the modi-

fication to increase the entire building deduction to \$2.25 per square foot and to \$.75 per square foot for the partial building deduction; and (2) an eight extension of the 30 percent business tax credit for solar energy and fuel cells.

Ideally, a much longer extension of the Section 179 energy efficient building deduction should be enacted given the long lead time involved with the design, development and construction of commercial buildings.

Increased investment in energy efficient technologies—including building technologies—has special significance to our industry. Roundtable members have been leaders in advancing the state of the art as it relates to the development and operation of energy efficient "high performance" buildings. The energy efficient building deduction and the solar and fuel cell credit are important tools in allowing our members to continue this leadership role.

Failure to enact these extensions would mean losing the economic benefit provided by the alternative energy and energy efficiency industries. Further, it would hinder the development and deployment of energy efficient technologies and alternative energy production. The economic and environmental benefits spurred by these tax incentives would provide a meaningful offset to the bill's revenue cost.

If you or your staff has any questions, please contact Roundtable Senior Vice President and Counsel Steve Renna (srenna@rer.org).

Sincerely,

JEFFREY D. DEBOER,
 President and Chief Executive Officer.

Mr. ENSIGN. Mr. President, over the last several weeks Senator CANTWELL and I worked together in a bipartisan fashion to craft a renewable energy package that would break the gridlock that has happened here in the Senate. There have been several good faith attempts to pass a renewable energy bill, but frankly, several of us, including myself, have objected to some of what are called offsets, the "pay-fors" in the bill.

I believe very strongly in renewable energy but also know that this country will be dependent on fossil fuels for the next 20 to 30 years. We need more domestic supplies of fossil fuels and less reliance on foreign sources of fossil fuels.

In the package that was put before us, tax incentives were going to be taken away from people who explore for domestic sources of fossil fuels. That was the reason I opposed the original renewable energy package.

Senator CANTWELL and I, along with our staffs, got together over the last several weeks and came up with a compromising provision that has no offsets. We encourage the continued development of solar, wind, geothermal, and biomass energies. There are several renewable energies out there and all kinds of new technologies that are coming on line. The more private investment and innovation that we have, the more alternatives and renewable energies we will see come into the U.S. markets. This will insure that we are responsible to the environment and to our economy by creating innovative new jobs and less dependent on foreign sources of energy. This is the reason

Senator CANTWELL and I have come together in a bipartisan fashion to say, "Let's break this logjam in the Senate. Let's make sure we get this bill passed so it can be signed into law."

What we have today in front of us is a housing bill which will help stimulate the economy. Everyone knows the economy is being dragged down by the subprime mortgage market crisis we are facing in America. My State leads the Nation in foreclosure rates. It is dragging the rest of the Nevada economy down in what appeared to be a recession-proof economy. We need this housing bill. We need to do things that will help bring our economy out of the doldrums it is in.

This energy package we have put together is also stimulative. It will preserve the jobs that have already been created, as well as create more jobs and help the economy.

I believe strongly, for many different reasons, that this amendment will help the economy, it will help our environment, and it will help make us become less dependent on foreign sources of energy. For those reasons, I would encourage my colleagues to support our amendment.

Senator ALEXANDER is offering a second-degree amendment that I believe will gut our amendment and will break apart this bipartisan coalition we have put together. It is his right to offer a second-degree amendment and he will speak in defense of it. But, I am going to encourage our colleagues, on both sides of the aisle, if you want a renewable energy bill, to oppose the Alexander amendment and to support the Ensign-Cantwell amendment on renewable energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Nevada for his comments, and I thank him for his effort. He and the Senator from Washington, Ms. CANTWELL, are making a constructive effort to give Federal support for emerging renewable energy. Clean renewable energy is very important for our country. I have a chart here which lists the sources of renewable electricity qualified to receive the production tax credit. This production tax credit is the subject, in part, of the Ensign-Cantwell amendment No. 4419. But what Senator KYL and I have is a second-degree amendment No. 4429 that we will offer when the Ensign-Cantwell amendment comes up, which is a way to improve that amendment.

Basically, what we have been hearing from entrepreneurs and those who are inventing new technologies, which would help reduce our dependence on fossil fuels, is: We need some certainty in whatever support you give us from the Federal Government. The Ensign-Cantwell amendment would—the first part of it—would allocate about \$3 billion to the production tax credit for 1 more year. It would extend the ability of renewable electricity to qualify for

the production tax credit. What we would say is, let's do that for 2 more years. I will explain that in just a minute.

One might say: Well, how are you going to pay for that? The way we would propose paying for it is to put wind in the same category as emerging renewable energies, make it also available for a 1-cent subsidy per kilowatt hour, and that amount of money alone would make it possible for us to have a 2-year extension of the production tax credit at the same cost that Senator ENSIGN and Senator CANTWELL propose in their amendment.

Now, let me explain what I mean by that. But first, our goal with the Alexander-Kyl amendment would be to extend the production tax credit for 2 years, to focus it on emerging renewable electricity technologies, to focus it on those that have a capacity for supplying baseload electricity; in other words, electricity production that we can rely on all day and all night. If you want to turn your light on in the middle of the night or operate your computer at 4 p.m., whether the sun is shining or the wind is blowing, you need reliable sources of baseload electricity, and we would like to treat all of these energies fairly.

Here is what the law now does and has done since 1992. It pays the producer of this kind of electricity, renewable electricity, 2 cents per kilowatt hour for the electricity it produces. Right now, the 2 cents is going to closed-loop biomass and to geothermal; that is heat coming out of the ground and is being converted into clean electricity. It used to go to solar, but that was removed in 2005, and it goes to wind today. So those three—closed-loop biomass, geothermal, and wind—all get 2 cents per kilowatt hour. These other emerging technologies on this side of the chart just get 1 cent per kilowatt hour.

What we propose to do is move wind from the two-cent category to the one-cent category. Wind would still get 1 cent per kilowatt hour. It would end up getting more of the money than any of these others, but it would focus more of the dollars in the Cantwell-Ensign bill on emerging baseload energy by providing more time for these to be developed.

Now, that is not as complicated as it sounds. Let me try to say why it is necessary to do this. Most of the speeches we hear around here about the production tax credit say: Oh, we need to have renewable energy. We need to have everything. We need to have biomass. We need to have small irrigation power. We need to have landfill gas. We need to have trash combustion, qualified hydropower, and now wave and tidal. That is new. That is when you put a turbine in the East River in New York City and the water turns the turbines instead of the wind. It turns out there is more power in the water. In fact, it destroyed the turbines, so they are going to have to start over again. But

these are emerging experimental technologies. So we say on the Senate floor that we are going to have all of these renewable generating sources, but the fact is we don't do that.

We are now committed to \$11.5 billion in tax expenditures, according to the Joint Tax Committee, on wind power alone over the next 10 years—\$11.5 billion on wind power alone. By adopting the Ensign-Cantwell amendment, based on my best estimates, we would add another \$3 billion over the next 10 years to wind alone, and almost none of it would go over here to these other renewable electricity technologies. Now, why would I say that? It is because a new report by the Energy Information Administration, which I requested in May 2007 and received this week, said that wind power accounted for 97 percent of the total renewable electricity production tax credit in fiscal year 2007. Now, Senator BINGAMAN said earlier when we debated the Energy bill in June 2007 that he relied on the figure that 75 percent of all of the production tax credit was being used for wind power. That was an estimate from last year from the Joint Committee on Taxation. But the Energy Information Administration in this new report says that wind received 97 percent of the production tax credit in Fiscal Year 2007. I am not saying wind power is good or wind power is bad by saying this; I am saying if you are saying with the Ensign-Cantwell amendment that you are offering support for all of these different emerging technologies, that is not going to be the case because according to the Energy Information Administration, 97 percent of it went for wind.

Wind has another difference with all of these: the issue of supplying baseload power. The problem with wind is the limitation on it. Each one of these has some limitation, but one of wind's limitations is you can only use it when the wind blows. You don't store wind power; you use it when the wind blows. So if you are the city of Los Angeles or you are the city of Little Rock or the city of Nashville and it is 4 o'clock in the afternoon and you want to turn on your air-conditioners and operate your computer and turn on your light when you hear a noise, you don't want to first check to see whether the wind is blowing. So it is not a baseload power, it is not a controllable power source. It has a severe limitation.

Now, solar had much the same limitation when it was—insofar as the technology has developed so far. For solar, we generally buy panels and put them on the roof and we use the electricity that comes from the panels, and that can be very useful, just as wind mills have always been useful on farms for occasional power. But the solar industry requested to be taken out of this production tax credit because it wasn't getting any of it. It was all going to wind.

Now there is another provision for an investment tax credit for solar. Extending this investment tax credit is in

the Ensign amendment. I fully support that. That would help, for example, new solar thermal plants where you put a lot of mirrors out on the ground, collect the Sun, create steam, put the steam in the ground, and then you can use it on a continuous basis, not just when the Sun shines. Pacific Gas and Electric has a commercial plant that they are going to build out West for that. Let's see if it works. If it does, it will be a great thing for our country.

We only have a limited amount of money available to support emerging renewable energy, so why would we spend virtually all of it—97 percent—for a proven technology—wind power—that we have been subsidizing since 1992 and to which we have committed \$11.5 billion over the next 10 years, if we don't do anything else, just the wind power. And, with the Ensign-Cantwell amendment, we are about to put in another \$3 billion for wind power over the next ten years, acting as if we are also doing it for open-looped biomass, small irrigation power, landfill gas, trash combustion, qualified hydro-power, wave and tidal, and it won't get anything. It will all go to these big wind turbines.

Let me go to another chart and give an example of what this has produced. We hear a lot of talk about Federal subsidies for oil and Federal subsidies for coal and Federal subsidies for this and that, and the oil companies are called up and everybody gets excited because we are talking about \$3.50, \$4 for gasoline. We have a right to be excited about that. We don't like to send our gas money overseas to people who are trying to kill us, so we are upset about that. But we are talking here about Federal subsidies for electricity, not gasoline.

I asked the Energy Information Administration in May 2007 to please tell me what is the Federal taxpayer doing to support the different ways we produce electricity in the country. The information came back this week, and it is really pretty interesting. Coal. Coal is half of all of the electricity we use in the United States. We are not a desert island. We use 25 percent of all of the energy in the world. If we are going to be realistic about it, we need to find a way to burn coal cleanly, which means we need to recapture the carbon if we care about climate change. But right now, we subsidize coal to the tune of 44 cents per megawatt hour. We may not know what a megawatt hour is, but we can compare it to what we do for others. Refined coal is a very small part of coal, and it gets a very high subsidy. That is very interesting. I didn't know about that. That is a special subsidy which was put in for refined coal, but almost all the coal we burn gets 44 cents.

Natural gas. Almost all the plants built to make new electricity in the 1990s were natural gas and petroleum. That is oil and gas. We assume it gets a lot of subsidies. It only gets 25 cents for a megawatt hour. Nuclear power.

Nuclear plants generate 19 percent of all our electricity in America, but they are 70 percent of all our clean electricity. If we want to have clean air and to deal with climate change in this generation, nuclear power—other than conservation—is our best option because, with that, you have no nitrogen, no sulfur, and no mercury, which dirties the air, and you have no carbon. So 70 percent of our carbon-free electricity comes from nuclear power. How do we subsidize nuclear power? EIA's report says \$1.59 per megawatt hour in Fiscal Year 2007?

Biomass is a new renewable energy, which gets 89 cents. Geothermal. They are interesting new technologies that drill way down into the ground and out comes heat and you can heat your house from that. That is 92 cents per kilowatt hour.

Hydroelectric, which is water over the dams. It is about 7 percent of all the electricity in America. It is clean, but you and I know how many new dams are going to be built. Not many more. Subsidizing that will not solve the problem of clean electricity for a country that uses 25 percent of all the electricity in the world.

Solar is misleading. We are subsidizing it at the rate of \$24 per megawatt hour, about 50 times that for coal. That is an infinitesimal amount for electricity. We don't sell much solar electricity to the grid today. It is from solar panels put on the roof.

Then we have wind. That \$11.5 billion we are already committed to spend to help developers build wind turbines all over America in places where it blows or doesn't blow, we are subsidizing the electricity produced by those wind turbines at the rate of \$23 a megawatt hour in Fiscal Year 2007, while coal is less than a half dollar. That is 50 times the subsidy for coal.

It is \$1.59 for nuclear—70 percent of our clean energy—and wind is 2 percent of our clean energy. If we were subsidizing nuclear power at the same rate as wind, it would cost us \$300 billion over the next 10 years. We don't have that much money in the United States with which to subsidize electricity. So go all the way down to the bottom, past landfill gas and municipal solid waste, and I have talked about that before. In Johnson City, TN, a company is using the landfill there and paying Johnson City a million dollars a year for that purpose because it produces electricity, and Johnson City is keeping its property taxes lower. It is worth, perhaps, subsidizing that a while longer. We are doing that at the rate of 13 cents per megawatt hour.

All renewables—and this is supposed to be a bill about encouraging renewables—are being subsidized at \$2.80 per megawatt hour. Yet the Ensign-Cantwell legislation would add \$3 billion to wind power, which is already being subsidized at \$24 per megawatt hour. That is not a wise stewardship of dollars. What Senator KYL and I are seeking to do is improve the Ensign-Cantwell bill.

The objective there, if I can go back to the other chart, is this. The objective is to identify some of these emerging renewable technologies that have the capacity to turn into base-load technologies and encourage them. They are more likely to be encouraged if we give them a 2-year extension for the production tax credit instead of 1 year. That is what we would do. They are more likely to get some of the money if we don't let wind gobble it all up, as it did last year. Why give \$3 billion more to a proven technology when our goal is to support emerging technology? That is what we are trying to do. If the Senate would like to resolve the gridlock and spend \$6 billion or \$7 billion in support of helping us find ways to encourage new emerging base-load technologies, the way to do that would be to support Ensign-Cantwell as amended by Alexander-Kyl. Wind is getting \$11.5 billion over 10 years, plus many other subsidies. With the Alexander-Kyl amendment, wind would get 1 cent per kilowatt hour and most of the \$3 billion we are talking about over a longer, two-year period.

But some of these other emerging renewable energies would have a fighting chance to get some of the money because they would have more time to plan and invest. I have been visited by a lot of people who want to see some support for renewable energy. I want to see that too. I was the principal sponsor of the solar energy tax credit, increasing it in 2005. I would like to see solar thermal plants. I would like to see support for open-loop biomass, and small irrigation power, landfill gas, trash combustion, qualified hydro-power and wave and tidal. But the Ensign legislation would not do it by extending the production tax credit for 1 year because wind will gobble it all up such as it did last year. The others will have a fighting chance if we extend the production tax credit for 2 years and treat wind like all these other ones, particularly now that it is proven. That is a wiser use of our money and puts us on a better path toward cleaner air and dealing with climate change.

Mr. REED. Mr. President, Rhode Island currently has the highest foreclosure rate in New England. According to the most recent National Delinquency Survey from the Mortgage Bankers Association, 3.9 percent of all the loans being serviced in the State are in foreclosure. Foreclosure initiations were up 11.8 percent from the previous quarter. As far as subprime adjustable rate mortgage loans, ARMs, are concerned, 8.2 percent of them are in foreclosure, which is up 18.8 percent from last quarter. And we know that a majority of these ARMs have not yet reset and are scheduled to do so sometime during the next year.

Many families' homes are now worth less than their mortgages, giving them no ability to refinance or sell their homes. With the cost of energy, food, health care, education, and other needs at an all time high, they are trapped between a rock and a hard place.

The legislation before us, the Foreclosure Prevention Act of 2008, is a start. I want to thank Senators Dodd and Shelby and their respective staffs for all of their hard work in helping us move forward on this legislation.

I am pleased that the bill contains the provision I authored, from my bill, S. 2153, to amend the Truth-in-Lending Act to improve home loan disclosures. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchase mortgages, but also for loans that refinance a home or provide a home equity line of credit.

The bill requires that disclosures be provided no later than 7 business days prior to closing so borrowers can shop for another loan if not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable payment loans there will now be an explicit warning on the one page TILA form that the payments will change, depending on the interest rate, and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also requires a new disclosure that informs borrowers of the maximum monthly payments possible under their loan.

The bill provides a right to waive the early disclosure or requirements if the consumer has a bona fide financial emergency that requires that they close on the loan quickly, and increases the range of statutory damages for TILA violations from the current \$200 to \$2,000 to \$400 to \$4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated on the mortgage loan just because they have received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product, and decide not to sign on the dotted line if they do not like the basic terms of the loan.

I believe that giving consumers the information they need regarding the maximum payments is critical. Borrowers need to better understand the full financial impact of entering into a particular loan early in the process, and before they actually consummate the loan. They also need to have the chance of backing out of a loan with bad terms before they get to the closing table. I am pleased that my Republican colleagues agreed that improved disclosures are an important part of the process moving forward.

Importantly, FHA modernization legislation has been included in the bill, which will provide more safe, fixed-rate mortgages, a particular help for families who would like to refinance out of more exotic mortgage products. This section of the bill also contains provi-

sions I authored to improve the HUD Post-Purchase Housing Counseling Program. This amendment expands access to HUD-approved counseling programs by allowing any low- or moderate-income homeowner to be eligible for financial counseling services.

Since we know that millions of homeowners are facing resets of their mortgages during the upcoming year, this change, combined with the additional funding that we are providing in this bill for housing counseling, should help at least 250,000 families to get the advice or assistance they need to help keep their home. I believe we need more funding for this, and I will keep advocating for these housing counseling services.

Additionally, the bill contains language that allows \$25 million in FHA savings every year to be used for the purpose of improving FHA's technology, processes, and program performance, and for providing appropriate staffing for the FHA mortgage insurance programs. This funding is critical to ensuring the success of FHA modernization since it will allow FHA to access cutting-edge mortgage insurance industry practices and procedures.

The FHA section of the bill also contains some of the provisions that I co-authored with Senator ALLARD to improve the home equity conversion mortgages, HECM, for seniors.

Other noteworthy provisions include: \$10 billion in Federal tax-exempt private activity bond authority that will provide for the refinancing of subprime loans, mortgages for first-time homebuyers, and multifamily rental housing; \$4 billion in new community development block grant, CDBG, funding to help communities impacted by foreclosures by allowing localities with high foreclosure rates to purchase foreclosed properties for rehabilitation, rent, or resale; assistance for returning soldiers to avoid foreclosure by lengthening the time a lender must wait before starting foreclosure from three months to nine months after a soldier returns from service and providing returning soldiers with one year relief from increases in mortgage interest rates; the requirement that the Department of Defense establish a counseling program to ensure veterans and active service members can access assistance if facing financial difficulties; and an increase in the VA loan guarantee amount, so that veterans have additional homeownership opportunities.

However, I think that this legislation has failed to deal with the core issue at the center of this crisis—helping struggling families whose homes are now worth less than their mortgage loan—the so-called “underwater mortgages.” I think the Durbin amendment, which I cosponsored, would have helped substantially in this regard. To help families save their homes, the Durbin amendment was strictly limited and would have only applied to families that could pass the strict means test in bankruptcy—and therefore could prove

that they couldn't afford the current mortgage. It also would have limited the provisions to families that were currently struggling with nontraditional and subprime loans.

Moreover, a judge's authority to change the terms of a mortgage was strictly limited. Judges would have only been able to reduce interest rates to the prime interest rate plus a reasonable premium for risk and could only have extended the life of the loan up to 30 years. In addition, if a family sold their home within 5 years of the court-supervised mortgage change, any increase in the market value of the home up to the original mortgage amount would have been given back to the lender.

There is no credible evidence to support the claim that the mere possibility of a small subset of mortgages being changed in bankruptcy would have somehow raised the cost of all mortgages by 1.5 to 2 percentage points, as some have claimed. In fact, a study released earlier this month concluded that allowing strip downs would have had no impact on the cost of credit at all.

The Senate should have had a straight up or down vote on this amendment, so that we could start the process of helping the families who want to honor their financial obligations get a court-ordered payment plan that will enable them to stay in their homes at no additional cost to taxpayers. However, the minority did not allow that to happen. This was unfortunate, and I believe a mistake. We are going to have to figure out a way to help the housing market deal with all of these underwater mortgages in an efficient and orderly manner.

As the housing crisis deepens, it is clear that its effects are reverberating throughout our entire economy. Indeed, employers shed 80,000 jobs in March, the worst decline in 5 years. In addition, the jobless rate jumped to 5.1 percent from 4.8 percent in February, the highest since September 2005. Unfortunately, Rhode Island has been hit especially hard in the current economic downturn as the unemployment rate has climbed to 5.8 percent. As I mentioned, families throughout Rhode Island are coping with rising energy, food, health care, and education costs, all while workers are losing their jobs and wages have remained stagnant. That is why I spearheaded a letter earlier this year urging the inclusion of an extension of unemployment insurance, UI, benefits in the original stimulus package.

Given that this extension was not included in the package signed into law and the economic situation has since worsened, I believe Congress needs to act now to ensure Americans who have played by the rules and worked hard all of their lives can make ends meet. It is critical that we extend this important program. Doing so would not only

stimulate our economy, but help workers who have lost their jobs by providing much-needed and temporary income support. Indeed, economists have found that the extension of UI benefits provides a very high return on the investment, generating approximately \$1.64 in gross domestic product per dollar spent.

Although I support the Foreclosure Prevention Act, I hope that we can revisit the Durbin amendment, look more closely at Senator DODD's proposal to deal with underwater loans, and analyze other remedies that will deal with the heart of this crisis—millions of families trapped in loans that cost more than the value of their homes. If we do not provide an orderly unwinding to this problem, I fear our entire economy is going to be affected for quite some time.

Mr. MENENDEZ. Mr. President, it is critical that the Senate extend renewable tax credits now so that capital for next year's wind and solar projects do not dry up.

Unfortunately my friends on the other side of the aisle have blocked every previous attempt to extend these much-needed tax credits.

Why have they decided to block something as popular as renewable energy tax credits? One can only wonder if it's because they prefer to defend something as unpopular as record oil company profits over reducing record family energy costs.

Every single time we have attempted to fund a renewable energy tax credit by rolling back completely unnecessary oil subsidies, the other side of the aisle has sided with Big Oil over the American people.

Well now it is time to try another strategy. We have been blocked from taking the financially responsible path of paying for the renewable energy tax credits. But we simply cannot afford to stand by and do nothing as our economy continues to slump and energy prices continue to put more unnecessary financial stress on New Jersey families. We must find a way forward.

Anyone who is not living under a rock understands three things:

Our economy is in serious trouble; the climate crisis is getting worse and we must act immediately to avert the worst effects of global warming; and energy prices are rising through the roof.

The majority has repeatedly offered to extend the renewable energy tax credits which would go a long way toward fixing all three of these serious problems.

If we let the renewable energy tax credits expire we will set back the tremendous growth in renewables at least a couple of years. This setback would cost the U.S. economy the creation of roughly 100,000 jobs and billions in economic development. In my home State of New Jersey, letting these tax credits lapse would cost the State over 3000 good, high paying jobs. We cannot let the economy suffer this kind of hit at this critical juncture.

Of course setting back renewables a couple of years will also be devastating to our environment. In the face of global warming we simply do not have 2 years to waste. We are in the midst of a climate crisis in which we must do everything we can to reduce our dependence on carbon. Delays like this one simply do not make any sense.

One last economic point makes this an easy call in my view. Electricity prices are skyrocketing because the price of coal and natural gas are skyrocketing. For every watt of energy we make from renewables, demand is eased on our natural gas and coal markets. If we suddenly pull the rug out from the renewable industry, wind and solar production will plummet, demand for coal and natural gas will spike and our families' electricity bills will get even higher.

I ask my colleagues to join me in supporting Senator CANTWELL's and Senator ENSIGN's amendment to provide an extension of the renewable energy tax credits and help deliver a stronger, greener economy for our country.

(Ms. CANTWELL assumed the chair.)

Mr. DODD. Madam President, I ask unanimous consent that following morning business on Thursday, April 10, the Senate then resume consideration of H.R. 3221, and the Senate proceed to vote in relation to the following amendments in the order listed, and if a point of order is raised against an amendment, then there be 2 minutes of debate prior to a vote on the motion to waive the point of order, equally divided and controlled in the usual form: Senator ALEXANDER's second-degree amendment No. 4429; Senator ENSIGN's amendment No. 4419, as amended, if amended. I also ask unanimous consent that Senator ALEXANDER and Senator ENSIGN be recognized for 5 minutes apiece in consideration of their amendments; that all remaining pending amendments be withdrawn, except the substitute, and that a managers' amendment that has been cleared by the managers and the leaders also be in order; that the managers' package be considered and agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the listed amendments, the substitute, as amended, be agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the substitute amendment, the bill be read a third time, and the Senate vote on passage of the bill without further intervening action or debate; that upon passage, the title amendment, which is at the desk, be agreed to, and that the cloture motion on the bill be withdrawn.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4398, AS MODIFIED, TO
AMENDMENT NO. 4387

At the end of title IV, add the following:

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or

the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

AMENDMENT NO. 4444 TO AMENDMENT NO. 4387

At the end, insert the following:

TITLE VIII—SENSE OF THE SENATE

SEC. 801. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of non-interference regarding local government requirements that the holder of a foreclosed property maintain that property.

AMENDMENT NO. 4446, AS MODIFIED, TO
AMENDMENT NO. 4387

At the appropriate place, insert the following:

SEC. ____ . NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

AMENDMENT NO. 4449, AS MODIFIED, TO
AMENDMENT NO. 4387

(Purpose: To sunset the ability of States to reinvent profits generated under title III, and for other purposes)

On page 54, strike line 17 and all that follows through page 55, line 9, and insert the following:

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon

home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

AMENDMENT NO. 4454, AS MODIFIED, TO AMENDMENT NO. 4387

(Purpose: To require enhanced reporting regarding certain loans guaranteed by the Mutual Mortgage Insurance Fund)

On page 12, at the end of line 22, add the following: “The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.”

AMENDMENT NO. 4458, AS MODIFIED

On page 58 between lines 2 and 3, insert the following:

SEC. 302. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

AMENDMENT NO. 4464, AS MODIFIED, TO AMENDMENT NO. 4387

At the appropriate place, insert the following:

SEC. ____ . COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the “Eleventh” of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking “promotes the public welfare by benefitting primarily” and inserting “is designed primarily to promote the public welfare, including the welfare of”.

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking “promotes the public welfare by benefitting primarily” and inserting “is designed primarily to promote the public welfare, including the welfare of”.

AMENDMENT NO. 4473, AS MODIFIED, TO AMENDMENT NO. 4387

On page 12, after line 25, insert the following:

SEC. 202. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title III shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term “applicable individual” means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

AMENDMENT NO. 4480 TO AMENDMENT NO. 4387 (Purpose: To require the Federal Housing Finance Board to permit the Federal home loan banks to use affordable housing program funds to refinance certain single-family first mortgages)

At the appropriate place, insert the following:

SEC. ____ . FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.”

AMENDMENT NO. 4489, AS MODIFIED, TO AMENDMENT NO. 4387

On page 18, strike line 1 and all that follows through page 20, line 24, and insert the following:

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert “‘real estate,’” after “‘mortgagor.’”;;

(2) by amending subsection (d)(1) to read as follows:

“(1) have been originated by a mortgagee approved by the Secretary;”;

(3) by amending subsection (d)(2)(B) to read as follows:

“(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

“(i) originating or servicing the mortgage;

“(ii) funding the loan underlying the mortgage; or

“(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;”;

(4) in subsection (f)—

(A) by striking “(f) INFORMATION SERVICES FOR MORTGAGORS.—” and inserting “(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—”; and

(B) by amending the matter preceding paragraph (1) to read as follows: “The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—”

(5) in subsection (g), by striking “established under section 203(b)(2)” and all that follows through “located” and inserting “limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence”;

(6) in subsection (i)(1)(C), by striking “‘limitations’” and inserting “‘limitation’”;

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (1), as so redesignated, to read as follows:

“(1) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.”; and

(10) by adding at the end the following new subsection:

“(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which that the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

“(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

“(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

“(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

“(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

“(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

“(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

“(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

“(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

“(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

“(q) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the

Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.”

(b) **MORTGAGES FOR COOPERATIVES.**—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting “a first or subordinate mortgage or lien” before “on all stock”;

(B) by inserting “unit” after “dwelling”;

(C) by inserting “a first mortgage or first lien” before “on a leasehold”; and

(2) in paragraph (5), by inserting “a first or subordinate lien on” before “all stock”.

(c) **LIMITATION ON ORIGINATION FEES.**—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

“(r) **LIMITATION ON ORIGINATION FEES.**—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

“(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

“(A) the costs to the mortgagor; and

“(B) the impact of such fees on the reverse mortgage market;

“(2) be subject to a minimum allowable amount;

“(3) provide that the origination fee may be fully financed with the mortgage;

“(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

“(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.”

AMENDMENT NO. 4518 TO AMENDMENT NO. 4387

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

AMENDMENT NO. 4390, AS MODIFIED, TO

AMENDMENT NO. 4387

At the end add the following:

**TITLE VIII—REIT INVESTMENT
DIVERSIFICATION AND EMPOWERMENT**

**SEC. 800. SHORT TITLE; AMENDMENT OF 1986
CODE.**

(a) **SHORT TITLE.**—This title may be cited as the “REIT Investment Diversification and Empowerment Act of 2008”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle B—Taxable Reit Subsidiaries

**SEC. 811. CONFORMING TAXABLE REIT
SUBSIDIARY ASSET TEST.**

Section 856(c)(4)(B)(ii) is amended by striking “20 percent” and inserting “25 percent”.

Subtitle C—Dealer Sales

**SEC. 821. HOLDING PERIOD UNDER SAFE
HARBOR.**

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking “4 years” in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting “2 years”;

(2) by striking “4-year period” in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting “2-year period”;

(3) by striking “real estate asset” and all that follows through “if” in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting “real estate

asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if”.

**SEC. 822. DETERMINING VALUE OF SALES UNDER
SAFE HARBOR.**

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting “, or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;” and

(2) by adding “or” at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

“(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year.”

Subtitle D—Health Care Reits

**SEC. 831. CONFORMITY FOR HEALTH CARE
FACILITIES.**

(a) **RELATED PARTY RENTALS.**—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

“(B) **EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.**—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

“(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

“(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.”

(b) **ELIGIBLE INDEPENDENT CONTRACTOR.**—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

“(A) **IN GENERAL.**—The term ‘eligible independent contractor’ means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

“(B) **SPECIAL RULES.**—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

“(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

“(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

“(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

“(I) January 1, 1999, or

“(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.”

(c) **TAXABLE REIT SUBSIDIARIES.**—The last sentence of section 856(1)(3) is amended—

(1) by inserting “or a health care facility” after “a lodging facility”;

(2) by inserting “or health care facility” after “such lodging facility”.

Subtitle E—Effective Dates and Sunset

SEC. 841. EFFECTIVE DATES AND SUNSET.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) **REIT INCOME TESTS.**—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) **CONFORMING FOREIGN CURRENCY REVISIONS.**—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) **DEALER SALES.**—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) **SUNSET.**—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

AMENDMENT NO. 4433 TO AMENDMENT NO. 4387

(Purpose: To modify the increase in volume cap for housing bonds in 2008)

On page 70, strike lines 14 through 22 and insert the following:

“(A) **INCREASE FOR 2008.**—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

“(i) \$10,000,000,000 multiplied by a fraction—

“(I) the numerator of which is the population of such State, and

“(II) the denominator of which is the total population of all States, or

“(ii) the amount determined under subparagraph (B).

“(B) **MINIMUM AMOUNT.**—The amount determined under this subparagraph is—

“(i) in the case of a State (other than a possession), \$90,300,606, and

“(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

“(I) a fraction the numerator of which is \$90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

“(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

“(C) SET ASIDE.—

Mr. DODD. Madam President, I thank you, I thank Senator SHELBY and his staff, our staff, and the leaders. The majority leader has been tremendously valuable. Senator BAUCUS, Senator GRASSLEY, the Republican leader, and his staff as well.

This has been a long week but satisfying. I will have more remarks to add about the details of what is here. This is a very important moment, and the leadership deserves an immense amount of credit for making this possible. I thank them immensely.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2739

Mr. REID. Madam President, I ask unanimous consent that upon disposition of H.R. 3221, the Senate proceed to the consideration of Calendar No. 616, S. 2739, the energy lands bills; that when the bill is considered, the only first-degree amendments in order be the four amendments at the desk by Senator COBURN, with no other amendments in order; that there be a total of 2 hours for debate with respect to the amendments, equally divided and controlled in the usual form; that upon disposition of the amendments, the bill be read a third time, and with no further intervening action or debate, the Senate proceed to vote on passage of S. 2739, as amended, if amended; further, that the amendments be printed in the RECORD once this agreement is entered; and that the cloture motion on the motion to proceed to S. 2739 be withdrawn, and the order with respect to S. 2483 be vitiated.

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

The amendments are as follows:

AMENDMENT NO. 4519

(Purpose: To require the transfer of certain funds 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)

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 the Secretary of the Interior carry out this Act for each such fiscal year.

AMENDMENT NO. 4520

(Purpose: To ensure that all individuals who reside, or own property that is located, in a proposed National Heritage Area are informed of the designation of the National Heritage Area)

On page 203, between lines 2 and 3, 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.

AMENDMENT NO. 4521

(Purpose: To require approval prior to the assumption of control by the Federal Government of State property)

At the end, add the following:

TITLE IX—MISCELLANEOUS

SEC. 901. REQUIREMENT OF APPROVAL OF CERTAIN CITIZENS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of a voluntary 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.

AMENDMENT NO. 4522

(Purpose: To require the Director of the Office of Management and Budget to determine on an annual basis the quantity of land that is owned by the Federal Government and the cost to taxpayers of the ownership of the land)

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.

Mr. REID. Madam President, let me say this: This has taken some time to get done. I appreciate Senator BINGAMAN’s hard work. I appreciate the understanding of Senator COBURN. He came to my office. We had a very warm discussion. If there was a misunderstanding—and obviously there was—I certainly apologize to everyone for any inconvenience I caused.

As I have indicated, I think this accomplishes what we need to do. Again, I appreciate the understanding of Senator COBURN.

UNANIMOUS-CONSENT AGREEMENT—
NOMINATIONS

Mr. REID. Madam President, I ask unanimous consent that on Thursday, April 10, upon disposition of S. 2739, following consultation with Senator MCCONNELL, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 476, 477, 478, 479, and 515; that there be a total of 4 hours of debate on the nominations, with 2 hours each under the control of Chairman LEAHY and Ranking Member SPECTER; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nominations in the order listed above; that after the first vote in the sequence, the vote time be limited to 10 minutes; and that upon confirmation, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. Madam President, let me say this also. The first agreement that Senator DODD and Senator SHELBY did could not have been reachable without the understanding and cooperation of Senator KYL. He reached a long distance to agree to this request. I appreciate his understanding and his willingness to let us move forward.

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

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

AMENDMENT NO. 4389, AS FURTHER MODIFIED

Mr. SANDERS. Madam President, I ask unanimous consent that notwithstanding its adoption the Landrieu amendment No. 4389, as further modified, be further modified with the changes at the desk.

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

The amendment, as modified further, is as follows:

On page 82, between lines 7 and 8, insert the following:

SEC. 605. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was al-

lowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 606. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) without regard to ‘and before January 1, 2009’ in clause (i) thereof.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR), as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting “May 4, 2007” for “August 25, 2005”.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting “on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados” for “on or after August 25, 2005, by reason of Hurricane Katrina”.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting “May 4, 2007” for “August 28, 2005” each place it appears,

(B) by substituting “January 1, 2008” for “January 1, 2006” both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting “qualified Recovery Assistance property” for “qualified Gulf Op-

portunity Zone property” each place it appears,

(B) by substituting “May 5, 2007” for “August 28, 2005” each place it appears,

(C) by substituting “December 31, 2008” for “December 31, 2007” in paragraph (2)(A)(v),

(D) by substituting “December 31, 2009” for “December 31, 2008” in paragraph (2)(A)(v),

(E) by substituting “May 4, 2007” for “August 27, 2005” in paragraph (3)(A),

(F) by substituting “January 1, 2009” for “January 1, 2008” in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting “qualified section 179 Recovery Assistance property” for “qualified section 179 Gulf Opportunity Zone property” each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting “qualified Recovery Assistance clean-up cost” for “qualified Gulf Opportunity Zone clean-up cost” each place it appears, and

(B) by substituting “beginning on May 4, 2007, and ending on December 31, 2009” for “beginning on August 28, 2005, and ending on December 31, 2007” in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting “qualified Recovery Assistance loss” for “qualified Gulf Opportunity Zone loss” each place it appears,

(B) by substituting “after May 3, 2007, and before on January 1, 2010” for “after August 27, 2005, and before January 1, 2008” each place it appears,

(C) by substituting “May 4, 2007” for “August 28, 2005” in paragraph (2)(B)(i)(I) thereof,

(D) by substituting “qualified Recovery Assistance property” for “qualified Gulf Opportunity Zone property” in paragraph (2)(B)(iv) thereof, and

(E) by substituting “qualified Recovery Assistance casualty loss” for “qualified Gulf Opportunity Zone casualty loss” each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting “qualified Recovery Assistance distribution” for “qualified hurricane distribution” each place it appears,

(B) by substituting “on or after May 4, 2007, and before January 1, 2009” for “on or after August 25, 2005, and before January 1, 2007” in subsection (a)(4)(A)(i),

(C) by substituting “qualified storm distribution” for “qualified Katrina distribution” each place it appears,

(D) by substituting “after November 4, 2006, and before May 5, 2007” for “after February 28, 2005, and before August 29, 2005” in subsection (b)(2)(B)(ii),

(E) by substituting “beginning on May 4, 2007, and ending on November 5, 2007” for “beginning on August 25, 2005, and ending on February 28, 2006” in subsection (b)(3)(A),

(F) by substituting “qualified storm individual” for “qualified Hurricane Katrina individual” each place it appears,

(G) by substituting “December 31, 2007” for “December 31, 2006” in subsection (c)(2)(A),

(H) by substituting “beginning on June 4, 2007, and ending on December 31, 2007” for “beginning on September 24, 2005, and ending

on December 31, 2006” in subsection (c)(4)(A)(i).

(I) by substituting “May 4, 2007” for “August 25, 2005” in subsection (c)(4)(A)(ii), and

(J) by substituting “January 1, 2008” for “January 1, 2007” in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AMENDMENT NO. 4478, AS AMENDED

Mr. SANDERS. Madam President, I ask unanimous consent that notwithstanding the unanimous consent agreement, the Murray amendment No. 4478, as amended by the Mikulski amendment, be agreed to.

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

The amendment (No. 4494), as modified, was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be \$3,920,000,000 and the amount appropriated under section 401 of this Act shall be \$180,000,000: Provided, That, of amounts appropriated under such section 401 \$30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the “NRC”) to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner’s foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

The amendment (No. 4478), as amended, was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to a period of morning business with

Senators permitted to speak for up to 10 minutes each.

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

FIREARMS INFORMATION USE ACT

Mr. KENNEDY. Madam President, it is a privilege to join my colleagues in supporting the Firearms Information Use Act to repeal the most extreme provisions in the Tiahrt amendment and lift the veil of secrecy that currently surrounds the flow of guns in our country. The act will give law enforcement agencies the support they need to do their job, while protecting information about undercover officers, confidential informants, ongoing investigations, and lawful firearms purchasers. It is a basic open-government measure that is critical for the public safety of communities across America.

The Tiahrt amendment is an appropriations rider enacted in 2003 that restricts public access to information gathered by the Justice Department’s Bureau of Alcohol, Tobacco, Firearms and Explosives. It prevents law enforcement organizations from sharing gun trace data with each other and from obtaining gun trace data outside their geographic jurisdiction. It prohibits such information from being used as evidence in State license revocations, civil lawsuits, or any other administrative proceedings, unless specifically filed by the Bureau. It also prevents the Bureau from publishing reports that use gun trace data to analyze the flow of guns at the national level.

Numerous mayors, law enforcement officers, and researchers have spoken out against these restrictions. Mayors Against Illegal Guns, a bipartisan coalition of over 250 mayors led by Mayor Tom Menino of Boston and Mayor Michael Bloomberg of New York City, is staunchly opposed to the Tiahrt amendment, and one of the coalition’s top priorities is to have the amendment repealed. The International Association of Chiefs of Police recently emphasized that we can reduce gun violence in our communities by making gun trace data publicly available.

In a 2006 report, the Brady Center to Prevent Gun Violence documented the harmful consequences of the Tiahrt amendment. The Brady Center found that the amendment “had an immediate chilling effect on the Bureau’s activities,” that “academic researchers have already found their work stymied,” and that the amendment has “crippled” efforts by law enforcement to investigate patterns of gun trafficking on a nationwide basis and to identify sources of guns used in crime. The report unequivocally concludes that the “Tiahrt Amendment is a transparent attempt by the gun lobby . . . to shield the public, as well as government and law enforcement agencies, from the truth about guns and crime.”

In spite of these criticisms, the amendment has been included in the

Justice Department appropriations bill every year since 2003, and even more restrictive versions of it have been proposed in recent months. By enacting the Firearms Information Use Act, Congress can restore sanity to our policy on gun trace data. Scaling back the Tiahrt amendment will give our State and local officials the information they need to halt gun trafficking and the reckless dealers who facilitate it. Whatever one’s views of the second amendment, surely we can all agree that it does not confer a right to sell firearms illegally. I urge all of my colleagues to support this legislation.

HEALTH CARE COSTS

Mr. KENNEDY. Madam President, one of the most pressing concerns of American families and businesses these days is the skyrocketing cost of health care. Health costs are now the No. 1 cause of personal bankruptcy and many businesses are dropping coverage for their employees because they can no longer afford it.

Required reading for anyone seeking to address the challenge of high health costs is an insightful article in this month’s New England Journal of Medicine. It was authored by Dr. James Mongan, who is CEO of Partners HealthCare in Massachusetts, which includes Massachusetts General and Brigham and Women’s, two of the Nation’s leading hospitals. He is joined by Dr. Timothy Ferris and Dr. Thomas Lee.

The article states that there is no single answer to reducing health costs. However, it identifies a number of initiatives that hold significant promise, including pay-for-performance programs, use of electronic medical records and more.

I commend this compelling article to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

[From the New England Journal of Medicine, Apr. 3, 2008]

OPTIONS FOR SLOWING THE GROWTH OF HEALTH CARE COSTS

(By James J. Mongan, M.D., Timothy G. Ferris, M.D., M.P.H., and Thomas H. Lee, M.D.)

Health care costs continue to be an important concern in the United States, and they are already a central issue of the 2008 presidential campaign. Numerous strategies for cost containment are being proposed, but specific options are usually presented in isolation, with little disciplined discussion of their potential impact or the barriers they face. In this article, we provide a survey of major options for slowing the growth of health care spending. We also provide a qualitative assessment of the likely effectiveness of these options and our recommendation for a package that could be collectively pursued.

Underlying our analysis are three basic assumptions. First, health care spending has high intrinsic social value, and the primary driver of cost increases is technical progress—for example, new tests and therapies or new knowledge about the benefits of