

Forces soldiers I know are the pride of our country. All at once, they are soldiers, intelligence officers, diplomats, tacticians, linguists, trainers, and advisors. They are at the tip of the spear of our national defense. The Green Beret that they wear, said President Kennedy, is "a symbol of excellence, a badge of courage, a mark of distinction in the fight for freedom."

Sergeant Whiting was on his third tour in Iraq, on a mission to help bring security and stability to a region torn by violence and tragedy. Every day, he and his unit put themselves in harm's way to give Iraqi citizens a chance at a society governed by the rule of law, free from the threats of sectarian strife, terrorism, or autocratic rule. He served bravely and was highly decorated. Among many other honors, he earned the Bronze Star, one of the highest awards given for combat service, for his bravery and selflessness.

For those of us who did not know Justin personally, it is difficult to know what inspired his extraordinary sense of duty or what fueled his courage on the battlefield. Alexander Hamilton, a Founding Father and an Army officer, explained that "There is a certain enthusiasm in liberty that makes human nature rise above itself in acts of bravery and heroism." I imagine that Justin found his strength in many sources—friends, family, and fellow soldiers—but I imagine that he, too, was motivated by an enthusiasm for liberty and a passion for justice. In his life, he consistently chose the path that was most challenging so that he could offer our country his highest service. He was a true patriot.

To Justin's mother, Estelline, to his father, Randall, to his sister, Amanda, and to his brother, Nathan, our thoughts and prayers are with you. I hope that in time, your grief will be assuaged by the pride you must feel in Justin's service and by the honor he bestowed upon his country. May we never forget his service and his sacrifice.

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MEASURES PLACED ON THE CALENDAR

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

S. 2556. A bill to extend the provisions of the Protect America Act of 2007 for an additional 30 days.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4773. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Premium Rates; Payment of Premiums; Flat Premium Rates, Variable Rate Premium Cap, and Termination Premium; Deficit Reduction Act of 2005; Pension Protection Act of 2006" (RIN1212-AB10) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4774. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (72 FR 71071) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4775. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals" (Docket No. 2007N-0280) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4776. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Vaginal Contraceptive and Spermicide Drug Products Containing Nonoxonyl 9; Required Labeling" (RIN0910-AF44) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4777. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices: Reclassification of Automated Blood Cell Separator Device Operating by Centrifugal Separation Principle" (Docket No. 2005N-0017) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4778. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 2006F-0409) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4779. A communication from the Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Direct

Grant Programs" (RIN1890-AA15) received on January 15, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4780. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-4781. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4782. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4783. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4784. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4785. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Semiannual Report for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4786. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the competitive sourcing efforts of fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4787. A communication from the Chairman, National Capital Planning Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4788. A communication from the Executive Director, Morris K. Udall Foundation, transmitting, pursuant to law, the Foundation's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4789. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-227, "Department of Health Care Finance Establishment Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4790. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-236, "Arbitration Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4791. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-237, "Multi-Unit Real Estate Tax Rate Clarification Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4792. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17-238, "Georgia Commons Real Property Tax Exemption and Abatement Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4793. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-228, "District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007" received on January 14, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-4794. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Reexportation of Controlled Substances" (RIN1117-AB00) received on January 15, 2008; to the Committee on the Judiciary.

EC-4795. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on the Judiciary.

EC-4796. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Positional Isomer' as it Pertains to the Control of Controlled Substances" (RIN1117-AA94) received on January 15, 2008; to the Committee on the Judiciary.

EC-4797. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the administration of the Foreign Agents Registration Act for the six months ending December 31, 2006; to the Committee on the Judiciary.

EC-4798. A communication from the Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes" (RIN1601-AA37) received on January 11, 2008; to the Committee on the Judiciary.

EC-4799. A communication from the Acting Clerk of the Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2007; to the Committee on the Judiciary.

EC-4800. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report of the Office of Privacy and Civil Liberties for calendar year 2007; to the Committee on the Judiciary.

EC-4801. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Education: Approval of Accredited Courses for VA Education Benefits" (RIN2900-AM80) received on January 15, 2008; to the Committee on Veterans' Affairs.

EC-4802. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependents' Educational Assistance" (RIN2900-AM72) received on January 15, 2008; to the Committee on Veterans' Affairs.

EC-4803. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant

to law, an inquiry into their need to submit an annual report; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. REID:

S. 2557. A bill to extend the Protect America Act of 2007 until July 1, 2009; read the first time.

By Mr. THUNE:

S. 2558. A bill to amend the Clean Air Act to modify a definition; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. MCCAIN):

S. 2559. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 426. A resolution congratulating the Stanford University women's cross country team on winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 427. A resolution congratulating the University of California at Berkeley men's water polo team for winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 428. A resolution congratulating the University of Southern California women's soccer team on winning the 2007 National Collegiate Athletic Association Division I Championship; considered and agreed to.

By Mrs. DOLE (for herself, Mr. LIEBERMAN, Mr. BURR, Mr. KENNEDY, Ms. SNOWE, and Ms. CANTWELL):

S. Res. 429. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the confiscation of over 350,000 pounds of cocaine at sea during 2007; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. BAYH, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. ISAKSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. OBAMA, and Mr. SPECTER):

S. Res. 430. A resolution designating January 2008 as "National Mentoring Month"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. CARDIN, Mr. KERRY, Mr. BROWN, Mr. DODD, Mr. KENNEDY, Mr.

MENENDEZ, Mr. DURBIN, Mrs. BOXER, Mr. BIDEN, Mrs. CLINTON, Mr. OBAMA, Mr. HARKIN, Mr. COLEMAN, Mr. HAGEL, Mr. BROWNBACK, and Ms. SNOWE):

S. Res. 431. A resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 269

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 269, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2209

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr.