

we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Mike. Today and always, Mike will be remembered by family members, friends and fellow soldiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Mike's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Mike's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of SGT Jon Michael Schoolcraft, III, in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Mike's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Mike.

#### SMALL BUSINESS STIMULUS ACT

Mr. KERRY. Mr. President, over the past few months, our country has experienced instability and volatility in its credit markets. This looming credit crisis is affecting virtually every sector of the economy, including small business financing.

Since its inception in 1953, the Small Business Administration's 7(a) loan guaranty program has become the largest single source of long-term capital for small businesses. However, in the wake of the credit crunch and a slowing U.S. economy, we are now noticing that this essential financing resource is not serving nearly as many small businesses as it should. For example, during the first quarter of the 2008 fiscal year, 7(a) lending was down by 12 percent compared with the same period last year. In addition, at his State of the Agency Address this past Tuesday, SBA Administrator Steven Preston acknowledged that SBA lending was down in its largest program.

The Small Business Stimulus Act of 2008 will help reverse this downward trend in small business lending. The

bill will temporarily reduce the fees collected from borrowers and lenders. This will immediately reduce the cost of capital for small businesses. With lower monthly loan payments, more money will be placed into the hands of small business owners money that will be quickly injected into the economy through purchases of inventory, real estate, and equipment. The fee reduction for lenders, coupled with the government guarantee, will give them an incentive to make 7(a) loans, as banks are scrambling for ways to salvage declining revenues and take on less risky loans. A similar stimulus was adopted after 9/11, and lending increased to businesses nationwide, pumping almost \$3 billion into local economies and creating or retaining more than 90,000 jobs.

The bill also provides additional funding for the SBA's microloan program. As its name implies, microloans are small-scale business loans, which provide an essential financing source to underserved members of the business population, including women and minorities. This bill provides \$12 million to expand the SBA's microloan program, including \$2 million that will help leverage nearly \$20 million in microloans.

The Small Business Stimulus Act of 2008 also includes two business tax incentives that will help small businesses that are feeling the impact of the economic downturn. The first provision would increase the amount that businesses can expense from \$125,000 to \$200,000 for 2008. This will help businesses immediately write off business purchases. The second provision increases the net operating carry back period for losses arising in taxable years ending in 2007 and 2008 from 2 years to 5 years. This provision will help business with cash flow. Expanding the carry back allows business owners to balance out net losses over years when the business has had a net operating gain.

I am confident that each of these targeted measures will provide timely, effective incentives to spur spending and encourage new investment and job growth in the hundreds of thousands of small businesses that drive this Nation's economy.

#### REMEMBERING THE UKRAINIAN FAMINE

Mr. VOINOVICH. Mr. President, I wish to remember the trials faced by the Ukrainian people and to pay tribute to their fortitude and love of freedom. At times in its history, Ukraine has been exploited and suffered greatly under repressive occupations. The Stalinist regime of the former Soviet Union sought to maintain control of the people and resources of the Ukraine through vicious oppression. The Ukrainian people have weathered many trials, but they have always fought for their freedom. It is my belief that as we embrace Ukraine's future, we must

always remember the hardships of its past.

The Ukrainian peasantry rebelled against the collectivization policies imposed on them by the Stalinist regime starting in 1925. It is documented that very few farmers voluntarily joined collectives until Soviet secret police and Bolshevik brigades were sent to crush the resistance. As agricultural production fell in 1932 due to drought and these Stalinist policies, the regime attempted to maintain its export level. To do this the regime brutally confiscated grain and foodstuffs from hunger-stricken villages. Trade and supplies of food and goods were banned from those villages which were considered to be "underperforming," while families who resisted were banished to central Asia. The totalitarian regime meted out harsh sentences, even the death penalty, against those who stole even small amounts of grain. We can never forget that over 2,000 innocent people, including children as young as 12 years old, were executed under this law.

In 1932, Stalin imposed barricades throughout the USSR to prevent peasants from fleeing those regions stricken by famine. It was a state-organized program of mass starvation against the nation of Ukraine as a whole and the revived Ukrainian nationalism. It had been inflicted on them deliberately to punish Ukraine and destroy the basis of its nationhood. The famine-genocide of the Holodomor resulted in the tragic and unforgettable loss of millions of Ukrainian lives. Nevertheless, the Stalinist regime denied reports of mass deaths and forbade travel to the area to deter foreign journalists from reporting on these terrible crimes. In fact, these horrible crimes remained largely unknown to the broader world for decades as a result of the denials and coverups of the Soviet authorities and their refusal of offers of international aid.

Through its determination to remember the victims of the famine and Soviet oppression, the Ukrainian American community has helped to bring these events to light. Their efforts have helped to give a voice to the millions of people who suffered, starved, and died as a result of a flawed policy and authoritarian regime.

On the 75th anniversary of the Ukrainian famine-genocide, we must continue the important work of the Ukrainian American community by remembering the cruel injustices suffered by the Ukrainian people during that part of history. By so doing, we are not only honoring the millions of victims of this oppression, but we are helping to prevent a tragedy like this from happening again in the future.

#### CURRENT ELECTORAL CRISIS IN KENYA

Mr. FEINGOLD. Mr. President, just over 1 month ago, in the days before the December 27 president election, I

noted that it had become the closest political contest in that country's history and that the two leading candidates were running robust, active campaigns. Although I also acknowledged the persistence of a deeply entrenched culture of corruption, I was encouraged by the growing engagement of Kenyan citizens and civil society organizations during the relatively peaceful, well-run, and competitive campaign season. I joined many others in hoping that the presidential and parliamentary elections held on that day would confirm Kenya's place among the world's most promising emerging economies and young democracies. Instead, that hope turned to dismay as we watched a blatant disregard for democratic principles and processes by the ruling party and an extraordinary disrespect for rule of law and human rights by both leading candidates' parties. The serious allegations of vote rigging, the rushed declaration of a presidential winner, and the destructive violence that have ensued are not only hurting the Kenyan people—they are jeopardizing Kenya's previous democratic progress.

With Somalia, Ethiopia, Sudan, and Uganda as neighbors in the volatile Horn of Africa, Kenya has long been regarded as a stable country making slow but persistent progress towards democracy. Kenya's press and courts seemed to be asserting their independence from the president-dominated government, and the mere fact that all pre-election opinion polls put the incumbent president neck-and-neck with his challenger from the main opposition party seemed to be an encouraging sign of a vibrant democracy. But on December 27 and in the days that followed, this progress came to a grinding halt. The Kenyan election suffered a fate all too common in Africa, with the votes tallied behind closed doors and the results finally announced by Kenya's Electoral Commission suggesting significant rigging.

The resulting frustration and deadlock have sparked violence, looting, destruction of property, and disruption of normal activity, creating an economic and humanitarian emergency on top of the current political crisis. Hundreds have been killed—some of them because of disproportionate use of force by Kenyan police as they seek to quell protests—and tens of thousands have fled their homes. Trust in the government, law enforcement, and even in one's neighbor has been seriously undermined.

The rival political leaders—incumbent President Mwai Kibaki and leader of the Orange Democratic Movement opposition party, Raila Odinga—can work to end this violence and destruction by refraining from using, inciting or condoning violent tactics. In recent days, Mr. Odinga and his supporters have demonstrated noteworthy restraint and it is essential that both parties respect the importance of a peaceful resolution as they begin to participate in an internationally bro-

kered dialogue, led by former U.N. Secretary General Kofi Annan.

It is early days yet, and it remains unclear how committed these leading candidates are to seeing the negotiation through to the finish line. Although he has agreed to participate in an internationally brokered meeting with Mr. Odinga, Mr. Kibaki has been less than cooperative by rushing to appoint his own cronies to top cabinet positions and declaring he will follow the recommendations only of the Kenyan courts, which are also packed with his supporters. A political settlement is a key element in working through this electoral crisis but it must be part of a greater initiative that includes institutional reform. The road ahead is long, and I remain concerned that while both leading candidates have come to the table for negotiations, they could still decide to abandon the effort.

The past few weeks have shown how superficial Kenya's democratic gains may really have been. Now the international community—and the United States in particular—must live up to its rhetoric in favor of free and fair elections and institutional building. Many of the other countries that have suffered botched elections had a long history of such fraud but if this relatively stable and prosperous country is allowed to abandon its democratic experiment, the appeal of democracy will inevitably dim around the world. The citizens of Kenya as well as those from around the world had higher expectations for Kenya.

Resolving Kenya's current political, humanitarian, and economic crisis will require a coordinated international effort to engage all players in identifying and addressing the deeper problems that allowed the election fraud to occur and to ignite such a wave of outrage. Although a power-sharing agreement will likely be part of the solution, serious underlying problems need to be addressed. The challenges facing Kenya include an over-concentration of power in the office of the president, insufficient independence of the judiciary and electoral institutions, the need for professionalization of police and armed forces, and a persistent lack of transparency and inclusiveness throughout the political system. Only by addressing these root causes of the recent conflict will Kenya be able to truly restore stability and emerge from this crisis a stronger and more prosperous nation. Such a task will not be quick, easy, or cheap, but the alternative—not seizing this chance to bring about essential political reform—would be enduring, complex, and costly.

Last week, along with my ranking member on the Senate Subcommittee on African Affairs, Senator SUNUNU, and Senators CARDIN and KERRY, I introduced a resolution to encourage the United States and the wider international community to resist the temptation for a quick fix in Kenya and to instead pursue a more intensive, encompassing plan for political transi-

tion and transformation. I hope the Senate will pass this resolution shortly. The administration has played an active role—sending Assistant Secretary Frazer to Nairobi shortly after the elections to meet with both leading candidates—and I know Ambassador Ranneberger has been actively engaged in-country. But we need to see greater collaboration from all donors—with one consistent message that helps move Kenya to the next stage. I hope that Members of Congress from both parties will come together to support this initiative and the diplomatic and humanitarian efforts in Kenya that must follow in the coming weeks and months.

The U.S.-Kenya partnership is a long-standing and important one, but I cannot condone a continued relationship with a government that has apparently stolen an election and uses tactics of fear and intimidation to address dissent. This is not the Kenya I have come to know, and I am sure, not the Kenya its citizens want to know. We must close this devastating chapter by addressing the reasons for the electoral crisis and ensuing violence. Without such vital work, our historic partnership will deteriorate. There is a window of opportunity to ensure this does not happen, and I encourage all key actors to seize upon this opening. Above all, I want to see violence end and hope restored in Kenya.

#### VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was necessarily absent for today's cloture votes on the Rockefeller-Bond Substitute amendment No. 3911 and the Reid amendment No. 3918 to S. 2246, the FISA legislation. Had I been present, I would have voted "no" on No. 3911 and "aye" on No. 3918.

I believe that now is the time for the full Senate to consider and debate the difficult questions raised in this legislation. The Senate should consider and vote on important amendments relating to the protection of Americans' civil liberties and the question of immunity for telecommunications providers.

#### REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 28, 2008—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

*To the Congress of the United States:*

Madam Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

Seven years have passed since I first stood before you at this rostrum. In that time, our country has been tested