

NOMINATION OF RICHARD A. JONES TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Richard A. Jones, of Washington, to be United States District Judge for the Western District of Washington?

The nomination was confirmed.

NOMINATION OF SHARION AYCOCK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Sharion Aycock, of Mississippi, to be United States District Judge for the Northern District of Mississippi?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and are laid on the table. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

NOMINATION OF R. LYLE LAVERTY

Mr. REID. Mr. President, first, I want those in the White House and Secretary Kempthorne's office who are watching to know I have done my best to clear a man by the name of R. Lyle Laverty, whom Secretary Kempthorne badly needs, he says, and I believe that. But I have been unable to do that. We have a Member on our side with whom I have worked all afternoon. We thought we had it done once, and it did not work out. I am confident, though, it will work out as soon as we get back.

So I hope Secretary Kempthorne recognizes we will do what we can on the Monday or Tuesday we get back to see if we can clear this. It had not been cleared on the Republican side, but I am sure that is not standing in the way. I think standing in the way is one of my Senators. We are doing our best.

CLEAR PATH INTERNATIONAL

Mr. LEAHY. Mr. President, I want to take a moment to recognize the outstanding work of Clear Path International, a nongovernmental organization based in Dorset, VT. Since 2000, they have worked to locate and remove landmines and other unexploded ordnance in Vietnam, Cambodia, and elsewhere in Southeast Asia, and more recently have focused on helping the innocent victims of these indiscriminate weapons with medical, rehabilitation, and vocational assistance. As someone who has fought for years to rid the world of landmines, I am proud that Clear Path is based in my home State.

Clear Path recently expanded its work to Afghanistan. I ask unanimous consent that a September 15, 2007, article in the Rutland Herald about Clear Path's work be printed in the RECORD.

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

[From the Rutland Herald, Sept. 11, 2007]

CPI CONTINUING TO GROW ITS REPUTATION AS A FORCE FOR HUMANITARIAN RELIEF

(By Patrick McArdle)

DORSET.—Clear Path International is continuing to grow its reputation as a force for humanitarian relief with new developments this year in Afghanistan and Slovenia.

For the first time, Clear Path is operating a program in Afghanistan in partnership with an American company and the Department of State.

Clear Path, which has offices in Dorset and Seattle, has also received a promise of almost a quarter million dollars from a non-profit organization in Slovenia which will allow it to continue and expand their work in Vietnam.

Martha Hathaway, the executive director of Clear Path, said it was important for the organization to get the kind of wider recognition that leads to expansions like the one it has recently undertaken.

But Hathaway is much more interested in talking about the work Clear Path is doing and the need in the countries it operates than in congratulating Clear Path on its efforts.

In Afghanistan, Clear Path will be creating victims' assistance programs which has been part of its mission for some time.

Hathaway founded Clear Path in 2001 with her husband, James, Kristen Leadem of Dorset, and Imbert Matthee of Washington, as a land mine removal organization. Now, the group works primarily in assisting victims and raising awareness.

In Afghanistan, Clear Path will be working as a subcontractor to DynCorp International which has a contract with the Department of State's Office of Weapons Removal and Abatement. Hathaway said the Clear Path office in Kabul, which has been operating since April, is staffed partially by Americans, working to engage Afghans in the process.

The State Department is worried about projects that are not self-sustaining," Hathaway said.

Hathaway said because the government of Afghanistan already had a national strategy for helping victims of land mines, who not only have to deal with their injury but access issues and loss of income, Clear Path would look for ways the State Department can assist the local agencies. That is likely to include things like organizing a national workshop on victims' assistance or creating a system for building ramps and making schools accessible.

While Clear Path has already had some success with similar programs in Cambodia and along the Thailand-Burma border, Hathaway said that didn't necessarily make things easier when they expanded into a country like Afghanistan that has suffered greatly from the use of land mines.

"Every country impacted by land mines is different but we can take the bits and pieces of institutional knowledge we've gained over the years and apply it where it makes sense," she said.

According to Clear Path, an average of 90 people are injured by land mines or explosive remnants in Afghanistan every month and about half die before they can be treated.

The grant from the Slovenia-based International Trust for Demining and Mine Victims Assistance also presents new opportunities for Clear Path.

Under the agreement, the trust will raise \$230,000 from among its 27 government and private-sector donors to match what Clear Path raises from the United States government and donors.

Hathaway said this is the first time Clear Path has received funds from the trust and marks the trust's first efforts in Southeast Asia.

The trust was founded about 10 years ago to assist people in the Balkans but Hathaway said as land mines became less of a threat in Europe, charitable organizations there have begun to look at ways they can help victims in other places.

According to Hathaway, Clear Path will use the money to assist ongoing efforts in Vietnam through capital purchases and the hiring of new staff rather than to create new programs.

Despite Clear Path's successes, which have led to more contracts and funding, the need is still great and money remains an issue.

The problem of land mines, especially those which remain after a war is over and injure civilians, gained international attention more than 10 years ago through the support of several well-known figures, primarily England's Princess Diana.

Land mine removal is expensive, however, and organizations like Clear Path, which assist with rehabilitation and the development of resources so victims can earn their own living, are in it for the long-term.

"Donor fatigue is a real problem," Hathaway said.

While Clear Path is raising more money than it has in the past, it comes from fewer donors, primarily the large donations like

the ones from the trust, rather than the numerous pledges of \$50 or \$100 they received in the past.

Clear Path also has the disadvantage of being based in Seattle and out-of-the-mainstream Dorset, far from the significant donors based in New York City or Washington, DC.

Clear Path has raised money through benefit concerts and a music CD. Its next concert will be on Oct. 13 at the Long Trail School in Dorset with performers Sarah Lee Guthrie and Johnny Irion, introduced by Sen. Patrick Leahy, D-Vt.

BURMA

Mr. LEAHY. Mr. President, I spoke last week in this Chamber about the political crisis in Burma where thousands of Buddhist monks, joined by an estimated 100,000 other Burmese citizens, peacefully protested for an end to military dictatorship.

Despite appeals for restraint by governments around the world, as well as the U.N. Secretary General, they were met with brute force. Soldiers firing live bullets and wielding clubs killed and injured an undetermined number of unarmed civilians, including at least one foreign journalist, and there are reports that hundreds, and possibly thousands, of monks have been beaten, killed or jailed.

The atrocities perpetrated by the Burmese generals are crimes against humanity. They should be indicted and prosecuted by the International Criminal Court.

Sooner or later they will be made to pay for the appalling brutality that has been witnessed on television by hundreds of millions of people around the world.

The United States has imposed economic sanctions on the Burmese government for many years, thanks in large measure to the tireless efforts of Senator MCCONNELL who, for the better part of two decades, has called for the release of Aung San Suu Kyi, Burma's rightful leader.

Additional sanctions were announced, belatedly, by President Bush last week. But far more pressure is needed, particularly to convince Burma's trading partners, like China, India and Thailand, to cut their economic ties to Burma. It is thanks in large part to them that the Burmese generals owe their power and wealth.

The crisis in Burma today tarnishes any government that values its financial interests over freedom for the Burmese people. For two decades, they have chafed under the iron grip of a clique of corrupt generals who have shown, year after year, that they belong in the category of ruthless despots who will stop at nothing, including mass murder, to perpetuate their control.

Lasting economic, social and political stability in Burma can only begin once the Burmese generals relinquish power. How that comes about is their choice. We have seen the results of peaceful protest. Not even civil disobedience, just peaceful protest. Time and again it has been met with deadly force.

Those Nations that continue to do business with Burma make a mockery of their own professed commitment to the Universal Declaration of Human Rights. There is no truer test of their commitment to those fundamental principles than how they respond to the slaughter of unarmed monks and civilians by a regime that is apparently unconcerned that their crimes are being televised to the world.

Whether this year, next year, or thereafter, the Burmese junta's days are numbered. Where do Burma's trading partners want to be then—on the right side of history, or having propped up an illegitimate regime until its last gasps?

No government can claim perfection in its respect for human rights, including my own government. We have made mistakes, and it has damaged our credibility as a nation that was instrumental in the creation of the Universal Declaration.

But our own shortcomings are no excuse for other governments' actions to block U.N. resolutions condemning the crackdown in Burma or their refusal to join us in imposing economic sanctions that could deal a death blow to a tyrannical regime.

And it is certainly no excuse for continuing to do lucrative business deals with a government whose officials pocket the profits for themselves while they starve, imprison and murder their people.

It is a testament to the spirit of the Burmese people, and to the courage of Aung San Suu Kyi, that despite so many years of repression, they remain as defiant and as dedicated to the ideals of democracy as ever. Our moral responsibility, the world's responsibility, is to support them.

THE HOMEOWNERS' MORTGAGE AND EQUITY SAVINGS ACT

Mr. SPECTER. Mr. President, while I have the floor, I want to say a few words about S. 2133, the Homeowners' Mortgage and Equity Savings Act, which I introduced yesterday. This legislation addresses the very severe problem of the many homeowners who are now in default on their mortgage payments. This problem has arisen largely because of the many homeowners with adjustable rate mortgages who face increased interest rates and unexpected increases in their mortgage payments.

This is a complex matter, but in many cases, I think there is a real question as to whether lenders made adequate representations to borrowers. Regardless of whether the representations were adequate or not, many borrowers are now confronted with interest rates they had not anticipated and mortgage payments that they can't afford. In the past year, the percentage of homeowners with adjustable rate mortgages who are seriously delin-

quent either 90 days past due or in foreclosure—has nearly doubled. In my home State of Pennsylvania, the number of those who are seriously delinquent has gone up by some 40 percent. The problem is particularly severe among borrowers who had weak credit or low incomes and obtained mortgages at subprime rates. The Center for Responsible Lending projects that some 2.2 million Americans with subprime loans originated between 1998 and 2006 have lost or will lose their homes to foreclosure.

Chapter 13 of the Bankruptcy Code currently give debtors breathing space by imposing a stay on collection of debts, including mortgages, and prevents lenders from foreclosing for a period of time. During that period debtors are given the opportunity to get caught up on their mortgage payments. However, the current Code does not permit any modification of mortgages.

Now with many homeowners facing possible bankruptcy due to their mortgages, some relief is necessary.

The legislation which I have introduced will provide a number of remedies. With respect to adjustable rate mortgages, it will allow bankruptcy judges to prevent or delay interest rate increases and to roll back interest rates that have already reset. This will enable the homeowner to continue to pay down the principal amount that they took on when they bought their house, but will give them relief from increases in their payments due to resetting interest rates.

The bill also will allow the bankruptcy judges to waive early prepayment or prepayment penalties. Many of the borrowers face the situation where they could refinance and get less risky mortgages with manageable payments, but the penalties in their current mortgage contracts are so stiff that they cannot refinance.

Now, the bill does not give bankruptcy judges the latitude to reduce the principal on a mortgage. Senator DURBIN introduced a bill yesterday that goes beyond the bill I have introduced; it allows bankruptcy judges to reduce or "cram down" the principal on a mortgage in accordance with what the bankruptcy judge determines is the value of the property. My bill would only allow the reduction of principal if the lender and the homeowner agree.

I think there is a very significant risk in allowing cram down. If we allow cram down, lenders will factor the risk of having the principal value of their loan reduced into the interest they charge to future home buyers. In other words, people who borrow in the future are going to pay more in interest if the lenders don't have the certainty that at least the principal value of their loan will be recognized and not reduced. Under current circumstances, I think it is fair, on these adjustable rate mortgages—which really are the problem if delinquency rates are any indication—to allow judges to modify interest rate increases which in many