

of maintaining that he cannot return a bill to Congress, while simultaneously returning the bill. Such game-playing is unworthy of the Office of the President and breaks faith with the brilliant, carefully crafted system that the Founders bequeathed to us and future generations.

However, much as part of me would like to see Congress take the opportunity provided by the President's action here to establish definitively the Congress's constitutional power to override a veto exercised during its adjournment, the Nation's security and the care of our troops and wounded warriors demands that we get this bill signed into law as soon as possible. This bill provides important congressional authorizations and guidance for the Nation's defense budget, a 3.5-percent pay raise and key bonuses for the troops, legislation to improve the system of care for our wounded warriors, and authorization to establish a war profiteering commission. The President's veto of this bill in December has already delayed these provisions for too long.

I also want to reiterate that it is my belief that the Government of Iraq should take responsibility for what has taken place there in years past, including the brutal torture of American POWs. Congress has gone on record repeatedly—most recently, in overwhelmingly passing section 1083 of the conference report to H.R. 1585 last year in both the House and Senate and sending it to the President—to support the efforts of these Americans who have suffered so much for their country to hold their torturers accountable. This administration has been fighting for years to oppose efforts to win compensation for these American soldiers, which is, frankly, a disgrace.

In light of the President's veto over this issue, I call on him and his administration to work with the POWs and their family members to facilitate negotiations with the Government of Iraq. It is my understanding that the administration has been working with Iraq to settle gulf war commercial debts with foreign corporations such as Mitsubishi of Japan and Hyundai of Korea through issuance of Iraqi bonds. This mechanism takes no funds from the reconstruction of Iraq. It is beyond me why the administration would refuse to do at least that for the POWs. The administration needs to make this right.

The bill (H.R. 4986) was ordered to a third reading and was read the third time.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on passage of the bill.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr.

MENENDEZ), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—91

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Schumer
Burr	Inhofe	Sessions
Cantwell	Inouye	Shelby
Cardin	Isakson	Smith
Carper	Johnson	Snowe
Casey	Kennedy	Specter
Chambliss	Kerry	Stabenow
Coburn	Klobuchar	Stevens
Cochran	Kohl	Sununu
Coleman	Kyl	Tester
Collins	Landrieu	Vitter
Conrad	Lautenberg	Voinovich
Corker	Leahy	Webb
Cornyn	Levin	Whitehouse
Craig	Lieberman	Wicker
Crapo	Lincoln	Wyden
DeMint	Lugar	
Dodd	Martinez	

NAYS—3

Byrd	Feingold	Sanders
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NOT VOTING—6

Clinton	Menendez	Thune
McCain	Obama	Warner

The bill (H.R. 4986) was passed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST— S. 2541

Mr. REID. Mr. President, I am glad we have a large number of Senators here today. I want to go over the schedule for this week.

First of all, I am going to ask unanimous consent, and I will do that now, that the Senate proceed to the consideration of S. 2541, which is a 30-day extension of the Foreign Intelligence Surveillance Act we are going to be dealing with; that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The reason I ask consent on this legislation is that this bill expires on February 1. The House has not acted on this bill yet, so when we pass this bill, the House has to pass their bill, and

there has to be a conference. I hope we could have this extension. I need not belabor the point. I asked this consent before we left; I ask it again.

The PRESIDING OFFICER. Is there objection? The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will be objecting, let me say, my good friend, the majority leader, and I have discussed this issue. There is a significant amount of time left this month to pass this bill in the Senate. A conference may or may not be necessary. Back in August, when we did an extension of the FISA bill, the House simply took up the Senate-passed bill and passed it, and it went down to the President for signature. So I think the discussion of extension, particularly when, hopefully, we will turn to this bill in the very near future in the Senate, is not timely and, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, for all Members here, we are on the Indian health bill now. I hope we can complete that bill tomorrow. The Republicans are having a retreat. They are having theirs tomorrow; we are going to have ours in 10 days or so. There will be activities on the Senate floor tomorrow, but there will be no votes. If there are any votes tomorrow, it will be after they finish their retreat, after 6 o'clock tomorrow night.

So we hope some work can be done on this bill tomorrow. We know the Republicans will be absent, so that makes it very difficult.

We have to finish FISA this week. Everyone should be aware of that point. We have to finish it this week. I know there are important trips people want to take. We have the very important economic conference in Davos that Democrats and Republicans alike would like to go to.

I say, unless we finish the bill Thursday—and we will not be able to get to it until tomorrow night—unless we finish the bill on Thursday, then we are going to have to continue working this week until we finish this bill. We have to finish this bill. It is not fair to the House to jam them so that they have 1 day to act on this legislation. If we finish it this week, I have spoken to the Speaker today and they will work to complete this matter next week. It would be to everyone's advantage if we had more time to do this.

I respect what the Republican leader has said, but everyone here should understand all weekend activities have to be put on hold until we finish this bill. Now, it is possible we could finish it fairly quickly. We are going to work from the Intelligence bill, and if amendments are offered that people don't like, I would suggest they move to table those amendments. Because if people think they are going to talk this to death, we are going to be in here all night. This is not something

we are going to have a silent filibuster on. If someone wants to filibuster this bill, they are going to do it in the openness of the Senate.

We are not going to say, well, we can't get 60 votes on this. We are going to work toward completing this bill as quickly as we can. I would rather we didn't have to do this. And maybe if we get to it on Thursday, we can finish it Thursday. If not, hopefully on Friday. But I know of no alternative. This work period is very short. We have, after this week, only 3 weeks.

I have had many meetings, and they have been bipartisan in nature, to try to come up with a stimulus package that is so important to our country. Everyone has seen what has happened to not only our own stock markets but those around the world. We may not be in a recession, but people are looking at an economic downturn as concerning to everyone, including the President. So we have a lot to do this work period. I have only mentioned a couple issues we need to work on, but there are a lot of others, of course, we need to do also.

UNANIMOUS CONSENT REQUEST—H.R. 1255

Madam President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 213, H.R. 1255, Presidential Records Act Amendments of 2007; that the amendment at the desk be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if given; and that there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, on the issue of FISA, let me second the observation of the majority leader. There is no more important issue for us to deal with in terms of protecting the homeland. I agree with his decision that we press forward on FISA and get it out of the Senate—but not just get it out of the Senate, get it out of the Senate and to the House in a form the President will sign. Nothing is more important to protecting the homeland than getting this done and getting it done properly.

I yield the floor.

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

Mr. LEAHY. Mr. President, we have a number of Members who are supposed to go to the Davos economic summit tomorrow night, and I would note I have talked with Senator BENNETT of Utah, who is the senior Republican on that trip, and the trip that is set to leave tomorrow night will not. We will put it on hold until Thursday, to determine whether we can leave on Thursday.

If I could have the attention of the majority leader for a moment. I appreciate

the majority leader has been very clear. I happen to concur with him that this is important and we should finish it. All we want to do is to know how it will go. There is a Judiciary Committee amendment to the bill. I would not anticipate taking a great deal of time on that, but I think the distinguished majority leader is doing the absolute right thing.

He has the worst job in America, trying to accommodate the schedules of 99 other people, plus his own, which usually comes in number 100 out of the 100. I am not in any way suggesting we change for the Davos summit. I will keep in touch with him, Senator ROCKEFELLER, and others as we go forward. If it is possible for us to leave Thursday night, we will be able to leave Thursday night. But I would not suggest the bipartisan delegation go to Davos if this matter is pending.

I appreciate the distinguished leader spending a lot of time on the phone over the weekend and again today and I appreciate his consideration.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. If I might address the majority leader for a moment, we have had a great deal of debate today on the Indian Health Care Improvement Act, and I appreciate, as I said earlier, the willingness of the majority leader to bring this bill to the floor of the Senate. I know it deals with about 4 million Americans. But the fact is there are people dying, dying in this country, because of inadequate health care for a trust requirement, a responsibility our Government has for the health of the American Indians.

I know we will be considering that issue still tomorrow. I talked to Senator COBURN, who indicated he has some amendments and will be here tomorrow to be discussing the bill. My hope is we could get the Senators to come and offer amendments, that we can finish these amendments, and for the first time in 10 years get this bill passed. Senator MCCAIN, when chairman of this committee; Senator Ben Nighthorse Campbell, when chairman; and now myself, along with Vice Chair MURKOWSKI, have worked hard to get this done. We are so close, and I appreciate the cooperation of the majority leader.

I understand we will have to move to FISA at some point, but I know the majority leader wants to give us fair opportunity to consider these amendments and see if we can finish in a day or so, and I hope that can be the case.

Mr. REID. Mr. President, through the Chair to my friend from North Dakota, we have a Presidential debate going on now. Democrats and Republicans are talking about health care. I say to my friend, there is no place, no people in America more badly in need of health care than Native Americans. In Nevada, we have 22 different tribal organizations. The sickest, the most dependent people on health care are Indians. We had hospitals that used to

exist where they could go, but they are gone. We had a hospital that was brand new. It was never staffed. The people have to drive 110 miles over the worst roads in Nevada to go to the hospital—these Native Americans.

So I say if we, as a people, have any concern about health care, please direct it to the Native Americans. No one needs it more than they do. That is what this legislation is all about. We have legal responsibilities to take care of it, and we have neglected those responsibilities. We as a Federal Government have neglected those responsibilities.

So I so appreciate the chair of this committee, the ranking member of the committee, Senator MURKOWSKI of Alaska, and I hope the two of you can work hard to get us a piece of legislation we can send over to the House and that the President will sign it. People desperately need this legislation.

Mr. DORGAN. Mr. President, I thank the majority leader. I understand we are going to need to move off and go to FISA at some point. We need some time, at least another day, to have some amendments, and then I think we can finish this bill.

Frankly, we have a trust responsibility. We have signed treaties, and this great country needs to keep its word. It has not kept its word on Indian health care. That is the reason we are on the floor of the Senate. So I wanted to make this point as we move to consider all these other priorities, that one of the significant priorities is to get the amendments on the floor, get them debated, have time agreements, and let us get this bill passed. It is 10 years late, but let us at least pay respect to our word, the commitments we have made, the treaties we have signed, and the trust responsibilities that are ours.

I heard someone say, people aren't dying over this. They are dying over this, I guarantee you. I will get you their names. There are people who deserve health care who aren't getting it, and the fact is people are dying today as a result of it. Ten years later we ought to pass this legislation. I have worked hard with Senator MURKOWSKI, Senator MCCAIN, and so many others to move this legislation. All we ask is fair opportunity to get the amendments to the floor and get them considered and voted on and let us do the right thing.

Tomorrow, I will be back. I do have great passion about this because I have seen people who are sick, I have seen people who are suffering and I have seen people and talked to people who had children die and spouses die because of inadequate health care, because of full-scale health care rationing in this country for American Indians. That is unacceptable, and it ought to be unacceptable to every single Member of this Senate.

PROVIDING FOR A CONDITIONAL  
ADJOURNMENT OF THE HOUSE  
OF REPRESENTATIVES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 279, received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 279) providing for conditional adjournment of the House of Representatives.

Mr. DORGAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 279) was agreed to.

INDIAN HEALTH CARE IMPROVE-  
MENT ACT AMENDMENTS OF  
2007—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mrs. MURKOWSKI. Mr. President, I wished to echo the comments of my colleague and my chairman on the Indian Affairs Committee. Reauthorization of this Indian Health Care Improvement Act is something that is long overdue. When we sat down as the chairman and vice chairman of this committee to assess the priorities of the committee, it was absolutely clear the one thing we could do now to help make a difference in the lives of American Indians and Alaska Natives was to improve the health care system, the delivery, and the access.

The last time this was updated, if you will, was 1992. Think about what has happened in health care and the technologies and the techniques since 1992. We owe it to our constituents across the country—not just in Alaska, where we have 225 tribes, but from California to Maine, from the Dakotas down to Florida—we owe it to all our constituents to finally see this reauthorization through. We do acknowledge there are some issues that are as yet unresolved, but it is not as if we have not had the time to resolve them. The time is now to make it happen.

I, too, would urge the Senate to work together, as the chairman and I have, in a very cooperative, very bipartisan manner to figure out how we move this legislation through the Senate to the House so it is finally enacted into law.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3900

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, and Mr. KENNEDY, proposes an amendment numbered 3900.

Mr. SANDERS. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981)

At the end of title II, insert the following:

**SEC. 2. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.**

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) \$400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Mr. SANDERS. Mr. President, let me begin by saying this amendment is being cosponsored by Senators SNOWE, COLLINS, OBAMA, CANTWELL, SUNUNU, MENENDEZ, STABENOW, CLINTON, LEAHY, and KERRY. This amendment, which would increase LIHEAP funding by \$800 million, also has the support of the National Energy Assistance Directors Association, the National Fuel Funds Network, the American Gas Association, the National Association of State Energy Officials, and many other groups.

This amendment is as simple and straightforward as it can be, and what it is about is that at a time when, as everybody knows, home heating prices are going through the roof, it is getting colder every day—it will be below zero in Vermont this week—this amendment would provide real relief to millions of senior citizens on fixed incomes, low-income families with children, and persons with disabilities.

Specifically, this amendment would provide \$800 million emergency funding for the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. Four hundred million dollars of this funding would be distributed under the regular LIHEAP formula and the other \$400 million would be used under the contingency LIHEAP program.

Last month, I introduced the Keeping Americans Warm Act to provide \$1 bil-

lion in emergency LIHEAP funding. I am pleased that this bill has garnered 26 cosponsors—19 Democrats, 6 Republicans, and 1 Independent.

In addition, as you know, on December 3, 38 Senators cosigned a letter spearheaded by Senator JACK REED and SUSAN COLLINS to the Labor-HHS-Education Appropriations Subcommittee Chairman HARKIN and Ranking Member SPECTER urging the appropriations committee to provide a total of \$3.4 billion in LIHEAP funding.

As you know, there is a lot of discussion right now in seeing that there be a substantial increase in LIHEAP funding in the economic stimulus bill that is being talked about, which I certainly support.

I would also like to take this opportunity to commend Subcommittee Chairman HARKIN, Ranking Member SPECTER, Appropriations Chairman BYRD, and Ranking Member COCHRAN for providing a total of \$2.6 billion in funding for LIHEAP in the Omnibus appropriations bill. I understand how difficult it was to reach a deal on this bill. I appreciate everything Senator BYRD and others have done for LIHEAP to make sure people in our country do not go cold.

Unfortunately, this \$2.6 billion in funding for LIHEAP, while an 18-percent increase from last year, is still 23 percent below what was provided for LIHEAP just 2 years ago. And that 23-percent reduction is not even adjusted for inflation. I am talking about nominal dollars.

Two years ago, as I think every American fully understands, the price of heating oil was less than \$2.50 a gallon. Today, it is over \$3.36 a gallon. In central Vermont, we have seen prices as high as \$3.73 a gallon for heating oil. This winter, consumers are projected to pay over \$1,800 to heat their homes with heating oil—\$1,800 just to stay warm this winter. This winter, it is projected that consumers will be paying over \$1,600 to heat their homes with propane. Two years ago, they only paid \$1,281.

The skyrocketing prices are already stretching the household budgets of millions of families with children, senior citizens on fixed incomes, and persons with disabilities beyond the breaking point. I cannot tell you—I am sure the situation is not radically different in Pennsylvania—how many people are telling me that when they see these heating bills, they cannot believe it. They just do not know how they are going to stay warm this winter.

Unfortunately, the spike in energy costs is completely eviscerating the purchasing power of this extremely important program in State after State. If Congress does not act soon to confront this problem head-on—and this is a problem which is existing now and will get worse in late January and in February—I fear for the public health and safety of many of our most vulnerable citizens.

The point is, we have to act. We have to act. I support any and all efforts to