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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 8, 2009, at 2 p.m.

## Senate

WEDNESDAY, AUGUST 5, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, holy, powerful, loving, good, thank You for expressing Your love to us with generous gifts. We are grateful for the gift of Your mercy, which delivers those bruised and battered by life. Thank You also for the peaceful satisfaction You give us as we strive to do Your will. Lord, You have sustained our families and loved ones and nourished us with the blessings of faithful friends. You also have honored us with the privilege of being called your children. You have showered our land from Your bounty with freedom, justice, strength, and resilience.

Thank You for our lawmakers, who work to keep America strong, and for our military men and women and their families, who daily sacrifice to keep us free. Lord of hosts, we lift to You this day our gratitude and praise. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, August 5, 2009.

*To the Senate:*

Under the provisions of rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Following that morning business, the Senate will resume consideration of the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States. Debate will be controlled at alternating times, with the majority controlling the first hour, starting at 11 o'clock, and the time between 2 and 3 p.m. will be equally divided and controlled, with the majority controlling the first 30

minutes and the Republicans controlling the final 30 minutes.

Because of the special caucus the Democrats are having, we will be in recess from 3 until 5 p.m. When the Senate reconvenes, the Senate will resume the 1-hour alternating blocks of time, with the Republicans controlling the first hour.

In addition to the Supreme Court nomination that we need to deal with, there are two major items we need to complete before we leave for the August recess. First, we have to have some way of moving forward on the travel promotion and on the cash for clunkers. If we don't work something out on cash for clunkers, I will file a cloture motion this evening, which means we will have to have a cloture vote on Friday. If people want to use the 30 hours, it goes over until Saturday. I don't think that is the case. I have had a number of very good conversations with the Republican leader, and we all acknowledge that a significant majority want to move forward with this legislation that has resulted in the sales, in a period of days, of almost 300,000 vehicles. For us, the taxpayers, it creates jobs, helps our manufacturing base and helps the taxpayers, in effect, who loaned money to these two manufacturers. This will help them repay that money. It has been stimulative, and we recognize that.

That having been said, some people still don't like the program. So we have to figure a way to move through that. It is my understanding that the Democrats have one amendment. I have explained it to the Republicans. The Republicans have a long list of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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amendments. They are going to have to whittle that down to a reasonable number so we can deal with them soon. I hope we can work something out so that we can meet our responsibilities.

We also have a number of nominations that have been held up as a result of the Supreme Court nomination. We hope all of that can be taken care of as soon as she is confirmed.

#### MEASURE PLACED ON CALENDAR—S. 1572

Mr. REID. Mr. President, I am told that S. 1572 is due for a second reading and is now at the desk.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1572) to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

Mr. REID. Mr. President, I object to further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Florida is recognized.

#### SEARCH FOR CAPTAIN SCOTT SPEICHER

Mr. NELSON of Florida. Mr. President, I want to call to the attention of the Senate, and thank the Pentagon for its dogged pursuit in finding the evidence of CPT Scott Speicher, U.S. Navy, the pilot of the F-18 Hornet who was shot down on the first night of the gulf war back in 1991.

This saga has evolved over the last 18 years. The Pentagon became lax in the 1990s and did not pursue the finding of evidence, and there were all kinds of reports that Captain Speicher may have been alive and held in a prison. You can imagine the trauma, the emotional ups and downs, that occurred to the family, which included the children who were quite young at the time and are now at the age that they are in college. Fortunately, the Pentagon, about 8 or 9 years ago, got serious about the

search. When we invaded Iraq in 2003, they even created a search team. Again, there were all of these false leads that there had been the sighting of a pilot. An Iraqi refugee said he saw an American pilot in a prison. It went on and on.

Of course, the hopes of the family were that CPT Scott Speicher was going to be found alive.

Our Pentagon even went so far—and I commend them—that one of the first sets of questions on the debriefing of any Iraqi detainee—and especially the high-value detainees—the question would be asked, “Do you know about an American pilot?” All of these leads turned out to be false or they led to nothing. So it was that we expected that what would happen to find the final evidence would be a Bedouin tribe that would have been in the area of the Iraqi desert at the time Captain Speicher punched out, or ejected, from his jet that was hit.

The irony was that Scott was not even supposed to fly that first attack wave, but another member of the squadron got sick and he filled in. Either he was hit with a ground-to-air missile or somehow in the aerial combat of the darkness of that night, and he ejected from his airplane. The rest has been a mystery until a Bedouin, thought to have been a younger child at the time, in 1991, remembered a pilot being buried. He could not identify the location, but knew of another Bedouin who was an adult at the time, and that Bedouin ultimately led the marines to the site and an extensive investigation and excavation that occurred on the Iraqi desert floor.

So all who have participated—the Army Reserve, Major Eames, who led the Scott Speicher search party, and who extended his duty voluntarily for an additional 6 weeks way back in 2003, because he was absolutely intent that he was going to find this downed pilot. For all of those, including the Chairman of the Joint Chiefs and the CNO, who have now brought this to closure, because last weekend they found the remains of Captain Speicher, with a positive identification through one of his jawbones with his military dental records, to be confirmed even further by DNA evidence. We know now that Captain Speicher can be brought home and his family can have final closure.

I will conclude by saying that a mistake was made that we never want to repeat. Because of him being mistakenly declared dead at a press conference the next morning after that first night attack in the first gulf war—he was mistakenly declared dead by the Secretary of Defense—we did not send a search and rescue mission. Every military pilot has to have the security of knowing that if he has to eject, a search and rescue mission is coming after him. That is the mistake we will not make again.

For the family, and on behalf of them, I want to say to the Pentagon and to the other Senators who have

participated in this 18-year quest on behalf of Scott’s family in Florida, thank you from the bottom of their hearts.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### BANKRUPTCY REFORM

Mr. DURBIN. Mr. President, if you look at the root cause of our economic crisis today, most people would agree that it started in the housing industry. People across America signed up for these new mortgages—adjustable rate mortgages—with terms that some people had never seen before. Sometimes they were terms that turned out to be unrealistic for the person’s income and the value of the property; and at the end of a reset period, what was an affordable mortgage became unaffordable. People were then faced with the grim reality that they could not stay in their homes.

Some of the folks who entered into these mortgages signed up for bad mortgages. Others were misled into them. Some signed up for a mortgage and lost their jobs. The net result of it, though, was that we saw foreclosures across America in record numbers.

About 2 years ago, I started a legislative effort to change the Bankruptcy Code. The Bankruptcy Code is a set of laws for those who declare bankruptcy, and those who go into it try to restructure their debts and emerge from bankruptcy in a solid financial position.

When they go to court, virtually any secured asset, that is, a debt which has a security of the thing that is borrowed against, can be restructured by the court. If it is a vacation home, a mortgage on a vacation home, a mortgage on a ranch or a farm, a secured debt on a boat, a car—things such as these can be restructured by the court to try to come down to terms that are affordable based on the reality of the income of the person filing bankruptcy. There is one exception to this: the court cannot restructure the mortgage on a primary residence. Of all of the things we own, maybe the most important thing is our home, and the law specifically precludes the bankruptcy court from restructuring the mortgage. So, facing bankruptcy, you go in with your mortgage in foreclosure, and the court says: There is nothing we can do. We might be able to do something about your vacation home, your farm, or your ranch, but nothing about your home. So people end up having their homes foreclosed upon.

It struck me that we needed to change this because there was a time when people would borrow money for their home, take out a mortgage from a bank down the street, from a banker they knew, and they would make their payments to that bank. That world changed when banks started selling the paper off to other banks and institutions, and then it went wild. It went