

passed, the telecommunications companies that are critical to the collection of this intelligence are less and less likely to support our efforts. That is why it is critical this legislation, rather than some other version of it, be passed.

Mr. President, I urge the House leadership to call up this legislation. Next week is the last week it can be acted on before yet another 2-week recess. The House recessed before without adopting it. It would be absolutely a dereliction of responsibility, in my view, for the Congress not to conclude its work on this matter and ensure that the President can sign this important legislation into law before the Easter recess; that is to say, by the end of next week, 1 week from right now.

I urge our House colleagues to please—in fact, I implore them to understand the danger in which they have placed the American people by not acting on this legislation—the fact that we are not collecting intelligence today because the authority has lapsed—and that according to the people who know best, the Attorney General and the Director of National Intelligence, it is no answer to say that warrants that have previously been issued will continue in force. All that means is the actions that have been taken in the past can continue. It does not do anything about intelligence gathering today and tomorrow and the next day. And it does not do anything to assuage the concerns of the very companies that are critical to the operation of this program.

So I urge our House colleagues to act on this legislation as soon as possible for the safety and security of the American people.

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

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, if the Senator will yield for a unanimous consent request?

Mr. President, I ask unanimous consent that upon the completion of the statement by the Senator from Ohio, I be recognized, and that upon the completion of my statement, I believe the Senator from Texas, Mr. CORNYN, wishes to be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the senior Senator from Vermont for his courtesy.

HOUSING CRISIS

Mr. BROWN. Mr. President, I say to the Presiding Officer, it seems as though every day in your State of Pennsylvania and my State of Ohio and across the country the news brings us more evidence of the length and the breadth of the housing crisis in this country.

Yesterday, the Mortgage Bankers Association released statistics on the fourth quarter of 2007, and the news is grim. The rate of foreclosure starts and the percentage of loans in the foreclosure pipeline are the highest ever.

My State set a record for foreclosures last year of more than 83,000 foreclosures, according to the Ohio Supreme Court. That is more than 200 every day—Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday—more than 200 every day, and more than 300 a day for every day the courts are in session.

Every week, 1,500 families in Ohio—just in Ohio—lose their homes—week in, week out. Four percent of home loans in Ohio are in foreclosure, the highest rate in the Nation. And the end is nowhere in sight. In Ohio, there are another 120,000 home loans that are delinquent. Nationally, one of the ratings agencies is now predicting a 50-percent—nationally, a 50-percent—default rate for subprime loans made in the fourth quarter of 2006. That means the rates for those loans will reset in the fourth quarter of this year.

Think about that: One of every two subprime loans made in the fall of 2006 will go bad. That is not lending; that is gambling with somebody else's home.

The losses on these loans to lenders are substantial—on the order of 40 percent nationwide and about 65 percent in my State. That means only 35 cents on the dollar is preserved, if you will.

We have sheriffs' sales in Ohio that are attracting no bidders whatsoever. And the trend lines have been straight down.

Congress must act in the face of this crisis. Majority Leader REID, to his credit, brought legislation—of which the Presiding Officer is a cosponsor, and many others of us—before the Senate that would take several steps to help homeowners faced with foreclosure and the communities in which they live.

The needs of communities are critical because this crisis has an impact far beyond just the people—as large a number as that is, as tragic as it is for them—an impact far beyond just the people who lose their homes. Whenever a home goes into foreclosure, the value of neighboring properties is reduced. It is not confined to our large cities or to our small towns. It is rural areas. It is inner ring suburbs. It is outer ring suburbs.

In many areas, criminals move in quickly in these abandoned homes to strip the copper pipe and aluminum siding from a home. A copper processor in northwest Ohio told me the other day that copper prices are now exceeding \$3 a pound, which just encourages more and more vandalism of these homes.

Crime goes up just when property tax revenues are plunging and the resources of a city or town are stretched to the limit.

So Senator REID's bill would include \$4 billion in funding for the Commu-

nity Development Block Grant Program so communities that have been hit hard could renovate or rebuild or, in some cases, raze those properties. This legislation would also provide another \$200 million for supporting the efforts of nonprofit agencies across the country to counsel homeowners on how to work with a lender to stave off foreclosure. That part is so very important.

Senator CASEY, the Presiding Officer, Senator SCHUMER, and I, a year ago, on the Banking Committee, began to try to get money appropriated, which the President initially vetoed, to these counseling agencies, these not-for-profit groups in our communities that help people stave off foreclosure—no bailout, no Federal dollars to pay the mortgages, but simply to help them find a lender and trace their mortgage and help to restructure their payments so they can pay it off. This is no easy task.

Once upon a time, you took out a loan with your local bank to buy a home. You knew the people at the bank. They knew you. They had just as much interest in you paying off your loan as you did in paying off your loan and staying in your house. Today, especially for subprime loans, that doesn't happen. So help in navigating this mortgage maze is essential.

Senator REID's bill also provided bankruptcy judges the ability to modify mortgage terms on a primary residence in the same way—get this—that the judge today can modify a mortgage on an investment home or vacation property or a boat. I heard one of my Republican colleagues today talk about this whole issue of bankruptcy and how that is going to be a problem, and that is why they seem to oppose this bill—because of the bankruptcy provisions. But they never really answer the question: Why can't a judge modify a mortgage in bankruptcy for a home, for a personal home, when under the law they can on a vacation home in Florida or Arizona? They can on a boat, they can on an investment property.

Lenders and their servicers cannot keep up with the flood of foreclosures they are facing. Much has been made of the number of loans that have been changed as a result of voluntary efforts. That is a good thing; I don't discount those efforts at all. But tacking late fees and penalties on the back end of a loan doesn't do much to help a family make their monthly payment.

One woman who called my office recently reported a loan modification she had gotten to reduce the interest rate on her loan from 11 percent to 10 percent. With the late fees and the penalties folded in, her monthly payment barely changed.

Modifications such as these simply aren't going to help. It is essential that we permit bankruptcy courts to serve as a backstop.

So with the housing crisis spreading across the country and Senator REID's proposal before us, what did the Senate

do? My colleagues in the minority again chose to filibuster—filibuster again and again. Fifteen hundred families in Ohio every week are losing their homes, and over 100,000 are facing foreclosure. Multiply this all over the country, and almost half the Senate chose to filibuster.

What could possibly be the reasoning for this decision? The administration threatened a veto of the bill because it believed it was too costly and that the bankruptcy provisions were unwise. I don't agree, but can't we have a debate on that to make those decisions? I would love to discuss why we can afford to spend \$3 billion a week on the war in Iraq—\$3 billion on the war in Iraq—but we can't find \$4 billion in 1 year, \$4 billion in 1 year to help the towns and the cities, including Burlington and Philadelphia and Pittsburgh and Cleveland and Steubenville and Erie—why we can't find \$4 billion in 1 year to help communities in this country that are being carpet-bombed by foreclosure. We can spend billions of dollars on Halliburton to rebuild Iraq, and we can't spend a few billion dollars on local businesses in my communities in Ohio to rebuild our communities.

My Republican colleagues apparently think it is OK for a bankruptcy judge to modify the mortgage on a multi-million-dollar vacation home, but it is not OK to provide the same relief to a family facing bankruptcy in a \$100,000 home. When lenders are recovering only 35 cents on the dollar in my State—the national average is higher but not a lot higher—35 cents on the dollar on a foreclosed property, I don't think they have anything to fear from an alternative process supervised by bankruptcy courts that may result in avoiding foreclosure. The bankruptcy provisions are a significant change in our law, to be sure, but they are a responsible reaction to some extraordinarily irresponsible underwriting.

I understand the importance of protecting contract rights, but think for a minute about the contracts that are in question. The vast majority of subprime loans went to refinance homes, and they were designed to do three things: generate fees, strip out equity, and quickly become unaffordable. That is what they were designed to do. That is why so many people were able to take the money and run—the mortgage brokers—and, unfortunately, that is what happened. Do we really want to take the position that those contracts should be beyond the reach of a bankruptcy judge?

I may have answered my earlier question. I guess maybe a filibuster would be easier for my friends on the other side of the aisle than an actual debate on these issues. I know lenders want to avoid becoming real estate owners, but they don't have the capacity to deal with the problems that their lax underwriting standards have created. They are obviously not in the business of rebuilding the communities this crisis has devastated. That is why Senator REID's legislation is so important.

I hope my colleagues on the other side of the aisle will reconsider their tactics and will allow us to proceed on the legislation the majority leader has introduced and which I am proud to cosponsor. Maybe we will not have the votes in this body. In a fair and full debate, maybe we will not have the votes to maintain all of the provisions. Maybe there are alternative approaches. I am open to that. I want to see this solved. But let's at least vote, and let's do it quickly. Every day we delay, 200 people in my State—200 people—twice the membership of this body—every single day 200 people in my State lose their homes. They deserve more from us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I was impressed with what the Senator from Ohio said, and I commend him for what he said. We talk about the cost of the President's war in Iraq and we have been in Iraq longer than we were in World War II and the cost just in interest of the huge deficits and the tripling of the national debt under the Bush-Cheney administration; if we take the money we pay on interest on the national debt and the money we pay in Iraq, it comes to somewhere around \$1 billion a day, every single day of the year.

Think what we could do with that \$365 billion a year: health care for everybody, dramatically improve our schools, research on Alzheimer's, diabetes, AIDS, cancer, so many things. Instead, we are sending interest payments overseas and money to Iraq.

So I commend the Senator from Ohio for speaking out as he did.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, earlier this week the Senate confirmed Mark Filip to be the Deputy Attorney General at the Department of Justice. That is the person second in command at the Department. Yesterday, the Judiciary Committee reported four judicial nominations for lifetime judicial positions, and we reported three more executive nominations, including the nomination of Kevin O'Connor to be the Associate Attorney General. That is the third highest ranking official at the Department of Justice.

These executive branch nominations would have been on the Senate's Executive Calendar sometime ago, but for some reason the Senate Republicans did not cooperate to get them out of Committee. We were going to put them on the Senate Judiciary Committee's calendar—and did—in mid-February. What happened? The Republicans effectively boycotted the meeting.

Now, some of them were out giving speeches saying: Why don't we have some of these nominations go through? But they were effectively blocking the meeting. So we tried it a second time in February. Again, a lack of a

quorum. In fact, at the first, only one or two Republicans remained present. At the latter hearing, the ranking member, the senior Republican on the committee, left before a quorum gathered.

We concluded the last session of this Congress by confirming each and every judicial nomination that was reported by the Judiciary Committee, all 40. None were carried over into this new year. In February, the Judiciary Committee held two hearings for seven judicial nominees, including a circuit nominee. Despite my efforts, Republican members of the Judiciary Committee effectively boycotted our business meetings last month and obstructed our ability to report judicial nominations and high-ranking Justice Department nominations.

It is more than ironic—in fact, it is somewhat cynical—that the President and Senate Republicans simultaneously staged partisan media events and complained that the Senate Democrats are not moving their nominations forward when the Republicans themselves prevented the Judiciary Committee from moving them forward. These complaints ring as hollow as the complaints that we heard again this morning about the expiration of the so-called Protect America Act, which expired because the White House and congressional Republicans refused to extend it. We found out why they refused to extend it, which is because they wanted to blame their actions on Democrats. I know it is an election year, but this kind of cynicism does not help the United States, and it is one of the reasons so many Americans are upset with the whole political process and why I believe the President is at such a low rating in the political polls.

Their actions in blocking us from doing something and then asking why didn't we do it remind me of the old saw that we former prosecutors used to talk about all the time, about the youngster who murdered his parents but then said to the court: Have mercy on me, I am an orphan. You can't have it both ways.

Despite the partisan posturing by the President and Senate Republicans, I have continued to move forward and sought to make progress but, I must admit, my patience is wearing thin. Two weeks ago, during the congressional recess, I chaired our third nominations hearing of the year. At that time, the committee considered three judicial nominations, including that of Catharina Haynes of Texas to be a Circuit Judge on the Fifth Circuit. I knew that this nomination was important to Senator CORNYN. So in spite of her participation at the recent partisan political rally and photo op at the White House, I moved forward with that previously scheduled hearing. Instead of receiving thanks for making the effort to hold a confirmation hearing during the recess, I have actually been criticized by Republicans for doing so.