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Senate

The Senate met at 3 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hidden, cleanse the thoughts of our hearts by the inspiration of Your presence.

Lead our Senators, Your chosen servants, as they face their daily responsibilities. Help them to maintain an unsullied integrity. May they regard their public office as a sacred trust, always striving to please You. Guide and guard them through the storms of these challenging times.

Today, as George Washington's words reverberate in this Chamber, remind our lawmakers that leaders must be just and good. Then they will be like the light of the morning when the Sun rises. They will be like the tender grass springing from the Earth, like sunshine after the rain. We pray in the Name of Him who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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, February 25, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 4, 2008, the Senator from Arkansas, Mr. PRYOR, having been appointed by the Vice President, will now read Washington's Farewell Address, as follows:

Mr. PRYOR, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of

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

others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the

auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government,

and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the

public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

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

UNANIMOUS-CONSENT AGREEMENT—S. 1200

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 1328 be vitiated and that the Senate vote on passage of S. 1200, as amended; further, that any order that would have occurred on passage of H.R. 1328 now be effective on passage of S. 1200, and that all other provisions of previous orders remain in effect.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, today we have heard the Farewell Address of General Washington.

Today we will debate the remaining pending amendments to the Indian Health Care Improvement Act. At 5:30 this evening, we will have a cloture vote on the substitute amendment and votes in relation to two of the pending germane amendments by Senator DEMINT.

INDIAN HEALTH CARE

Mr. REID. Mr. President, in the month since this year's congressional session has opened, we have had the ability to focus on some of the domestic priorities our country faces.

Today we turn to the Indian Health Care Improvement Act. Although we often have legitimate disagreements on matters of policy, Senator MCCONNELL and members of the Republican Caucus have worked with us in a bipartisan manner on what we believe is a critical piece of legislation that does so much for the Native American community. I appreciate their efforts.

Chairman DORGAN and Senator MURKOWSKI deserve our thanks for their leadership and hard work in managing this legislation.

Chairman BAUCUS and Senator GRASSLEY followed suit, working on a bipartisan basis on provisions to improve the way by which the Indian health care system and tribal recipients can participate more fully in Social Security and the benefits that relate to health in Social Security. Senators KENNEDY, BINGAMAN, KYL, and ENZI spent years working on this legislation. Because of their efforts and those of countless tribal leaders and Federal agency staff, this is legislation that Democrats and Republicans can all support now.

A final word of praise is due to the tribal advocates who stood behind this cause from the beginning: The National Congress of American Indians, the National Indian Health Board, the National Council of Urban Indian Health, the Indian Health Board of Nevada, and other State tribal organizations which have played crucial roles in this legislation. I say with confidence that this bill reflects their priorities, their varied interests, and their solutions to the problems that plague the health care system upon which Native Americans rely.

I was glad to be an original cosponsor of this initiative. Over the past 8 years, my staff and I have had countless meetings with tribal leaders. Now tribal leaders are making clear how this legislation is needed all over the country. It is needed for 30,000 Native Americans living in Nevada and millions living throughout the United States.

Right now, our Native American communities have access to the least adequate health care in America. Far too many Native children are diagnosed with diabetes, suffer from abuse and neglect or die prematurely because of accidents or illness that could have been prevented or cured with basic health care. Far too many adult Indians get lost in a sea of bureaucracy and fail to receive preventive care and other health benefits they need and deserve. We can and must do better, and this legislative initiative will help Federal and tribal health professionals deliver quality care to Native Americans of all ages. It supports the recruitment and retention of doctors, nurses, pharmacists, and other health professionals for Indian health programs. It strengthens and expands health services to American Indians. For the first time, tribes will be allowed to use Federal funds to provide hospice, long-term care and home-based and community-based care for elders and the most vulnerable tribal members. It increases individual access to health services by facilitating third-party reimbursements from private insurance, Medicaid, Medicare, and other Federal health benefit programs. It expressly addresses behavioral health needs of adults and children by authorizing programs to address suicide, substance abuse, sexual abuse, and domestic violence programs affecting some communities and households. It furthers tribal self-determination sovereignty by authorizing consultation and rulemaking on important programs affecting health delivery and access.

Chairman DORGAN has often said America spends more on health care, per person, on Federal prisoners than on Native Americans. Senator DORGAN has said that many times. This bill is only part of the solution, but it is a critical first step. I urge all my colleagues to finish work and approve this bill in the same spirit of bipartisan cooperation it has seen from the beginning.

Millions of our first Americans await our action. Let's quickly pass this bill and send it to the President for his signature. We must let our country's Native Americans know they are not forgotten and that we will deliver them the care they have earned.

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

FISA

Mr. MCCONNELL. Mr. President, this is going to be a very busy few weeks and a very important few weeks. First, we have to complete the Indian health bill. Then we will have a debate on progress in Iraq. After the Iraq debate, we will turn to the economy and home ownership, and then the annual budget debate when the two parties put their priorities on the table.

So in the midst of an extremely consequential Presidential race, the Senate will debate some of the most important issues of the day, including terrorism and the economy.

But the debate over FISA—the Terrorist Surveillance Act—should be over. A bipartisan majority in the Senate has already voted to revise and extend our Nation's foreign intelligence surveillance program. A majority in the House, we know—a bipartisan majority—supports the Senate bill, and the Director of National Intelligence says our ability to track terrorists was weakened by the House leadership's failure to act.

This failure to act on FISA has weakened our ability to track terrorists. For the safety of the American people, the House needs to take up the Senate bill that got 68 votes in the Senate, and it should do so without further delay.

Two competing plans for moving America forward will be on vivid display over the next few weeks. The two parties will make their case on the issues that matter most. Republicans are ready and eager for the debate.

I yield the floor.

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

Mr. DURBIN. Mr. President, I thank the minority leader of the Senate, Senator MCCONNELL, for making that statement, but I would like to amend it. I would like to add something he failed to add and failed to advise the Senate.

We offered to extend the terrorist surveillance law. We said there shouldn't be any gap in terms of the efforts of the United States to monitor these conversations. We made a repeated effort on the floor of the Senate

to extend the law. Each and every time we offered to extend the law, an objection was heard from either Senator MCCONNELL or another person on the Republican side. It appears this is not about the security advantage of the United States in fighting terrorism but about some political advantage that if this law appears to lapse, they believe they can make some political gain, I guess. That is the only thing I can deduce is their reason; otherwise, they would have extended this important law, but the decision was made by the Republican leadership not to extend the law. I don't know why. We tried. We will continue to try, and we will continue to try to work out an agreement between the House and the Senate to make certain America is safe.

TRAGEDY AT NORTHERN ILLINOIS UNIVERSITY

Mr. DURBIN. Mr. President, about 60 miles west of the city of Chicago is the city of DeKalb, IL. DeKalb is a town of great historic importance not only in our State but to our Nation. Many years ago in DeKalb, they invented barbed wire. It sounds like a small matter, but it turned out to be a major part of the settling of the Western part of the United States. The town of DeKalb grew up around the farms that provided not only produce but jobs, and eventually gave birth to a great university: Northern Illinois University. Last night I was at that university. I went into the convocation hall there, to a gathering that was called together to memorialize a terrible tragedy.

On February 14, as this Senate was leaving Washington, we heard word that a shooter had come on campus, gone into a lecture hall and opened fire, wounding a score of students and killing five. It is hard to imagine. It is hard to imagine that a tragedy would take place at that great university. Today, Senator OBAMA and I are introducing a resolution expressing our condolences and the condolences of the Senate to all those affected by this tragedy.

If my colleagues have ever been to that campus, they know that under normal circumstances, it is the picture-perfect American university campus. On any day, you are going to find thousands of students and faculty in their classrooms and research labs, on athletic fields and in the dorms, eating pizza, studying, stuck in front of their computers, going through the happiest moments of their lives. I look back, as many of us do, on my college days, and realize what a good time it was, meeting all those wonderful new people, being challenged, learning so many important things, and making friendships that last a lifetime.

Tragically, for many of those students on the campus of Northern Illinois University on February 14, that atmosphere and that environment changed. They were literally running for the exits of that lecture hall as this man stood before them, repeatedly firing handguns and a shotgun, killing their fellow students. Within minutes, the campus police were there. No one has questioned the response to this tragedy, nor should they. There was a good plan in place to deal with it. They executed the plan, but when they arrived, it was too late. Students had already been shot and wounded. Five students died and seventeen were wounded. We mourn their loss.

It is interesting, because in a circumstance such as this, we come to know the victims and their families. Gayle Dubowski of Carol Stream, IL. She was a devout member of her church. She sang in the church choir. She worked as a camp counselor and volunteer in rural Kentucky. When her parents went to her dorm room after she had been killed, they found the Bible open on her bed. Her faith was very important to her life.

Catalina Garcia, of Cicero, a first-generation American. Her parents are from Mexico. She wanted to make them proud. She was her family's princess, her family said, and their inspiration. She wanted to be a teacher. She always had a smile on her face. If you saw the photograph they used in most of the newspapers, you saw her beautiful smile.

Julianna Gehant of Mendota, IL. What a great story. She spent 12 years of her life in the U.S. Army, serving overseas and serving her Nation. She was in the Army Reserves. She went on to Northern Illinois to become a teacher.

Ryanne Mace, of Carpentersville, a much-loved only child who was rarely without a smile, and her dream was to be a counselor, to help those in need.

Daniel Parmenter of Westchester, known as ''Danny,'' a 6-foot-5-inch rugby player, known as the gentle giant by all of his friends. He was a man who was sitting in that lecture hall next to his new girlfriend. He was going to give her a silver necklace the day after this shooting. It never happened. He died trying to protect his girlfriend from the gunfire, and she was able to survive.

On February 14, five beautiful lives ended in Cole Hall, a lecture hall at Northern Illinois University. Last night at the gathering there were 10,000 people filling the university center. Senator OBAMA was there. We had four Members of our House delegation from Illinois. I was glad they came: Congressman DON MANZULLO, Congressman PETER ROSKAM, Congresswoman MELISSA BEAN, and Congressman RAHM EMANUEL. The Governor of our State was there and many other State officials.

What struck me as touching was that as soon as we entered this hall, it was to silence; 10,000 people sitting in silence at this memorial tribute. Prayers were offered, as they should be, for the families of those who died and for the families of those who were wounded and are still recovering. They should not be forgotten. We wish them a speedy recovery. But we also commended the emergency responders, the law enforcement officers, the health care providers. They were there on February 14, and they did what they promised they would do: Everything they could to save lives and heal the wounded. They were trained, they were prepared, and they responded with courage. The toll from this shooting could have been worse if it wasn't for their efforts.

I wish to also acknowledge President John Peters of Northern Illinois University and the entire administration. The program last night was a beautiful program which they organized, but even more important was the work they have done since February 14 to bring that campus back together.

Today, classes resumed at Northern Illinois University. Lessons were being taught. But last night, we gathered at the memorial service to reflect on the lessons of life we have learned from February 14. First, we thanked all those across America who have joined us in expressing sympathy for our loss and solidarity of purpose for our future. From the moment that news spread about this tragedy in DeKalb, IL, America has been standing with the Northern Illinois University community.

This tragedy is a terrible reminder that we in Congress have work to do to make our campuses and our country safer. We need to do all that we can to make schools a safe place. When we grew up, we always thought school was the safest place one could be. Now look what we face.

Last April, Senator OBAMA and I introduced campus safety legislation in response to the Virginia Tech shootings. The Presiding Officer certainly knows the pain and sorrow and the grief that were associated with that tragedy. Key parts of that legislation will reach the President's desk soon as part of the Higher Education Act reauthorization. I hope these new measures Senator OBAMA and I are supporting will allow campuses and universities to think of ways to make those environments safer for students and everyone who visits in the future.

But we also need to take a look at two controversial issues. We need to take a look at gun violence. There is an epidemic of gun violence in our Nation. We have reached the point in Congress where we don't talk about it, or if we do, it is in hushed tones. There is almost a feeling of inevitability that because there are 300 million guns in America, there is nothing we can do about it. We get tied up in political knots, every time we discuss it, about whether we are going too far, infringing on constitutional rights, or whether we are going far enough to spare innocent victims such as these five college students.

In America, every day, we lose 81 people who die from gun violence. 30,000 Americans die every year from

gun violence, which is more than twice as many as die from HIV/AIDS. That doesn't count the 176 people who are wounded every day in this country by gunfire. It is of epidemic proportions. No matter where you are, where you live, or how safe you think you are, any of us could be among the dozens of victims each day who end up on the wrong side of a gun.

Just a few months ago, I was invited to speak at a memorial service for a little girl who was killed near Logan Square in Chicago. She was playing on a playground and got caught in the crossfire of gang violence. The gangs started shooting at one another, and this little girl was killed. Her mother could hardly stand, as she was sobbing uncontrollably, even days after it occurred. As I went up to say a few words, the minister said to me, ''Don't bring up the gun control issue, it's too controversial.'' I reflected on that for a long time, and I abided by his wishes and the wishes of the family not to bring it up. But that is an indication of the fact that we cannot even talk about it. We cannot talk about reasonable ways so that guns don't get in the hands of people who will misuse them.

The vast majority of people who own guns in America obtain them legally and use them legally and responsibly. We should do everything we can to protect their rights under our laws to continue to use guns in a safe and legal manner, for sporting purposes or self-defense. But we know—even gun owners know—there are people buying guns at this very minute who have an intent in mind of killing innocent people. This great Nation has to do a better job of keeping those guns out of the hands of those who would misuse them.

The second issue is equally challenging; it is the issue of mental illness. It is ironic that 30 years ago a young boy whom I knew in my hometown of East St. Louis, IL—and I had known him since he was a 2-year old—grew up, graduated high school, and went away to Northern Illinois University. He was gone 5 weeks, and he was sent home. We started asking, ''Why did Gary come back? What happened?'' We never got the full story until a few months later. When Gary went up to Northern Illinois University, for the first time in his life, he exhibited problems with mental illness, serious mental illness. They decided it was in his best interest for him to go home. And he did. He had a serious problem. Unfortunately, it troubled him for his entire life before he died. It first exhibited itself on that college campus. That is not unusual. Many people who leave their homes for the first time—leave the shelter and comfort of the home environment and head out to a new place, like a new campus or university, move into a dorm room—have a problem that exhibits itself for the first time. When we talk to those who are leaders of universities, they say they offer counseling and try to find the students who need help.

In times gone by, in worst-case scenarios, many students took their lives. The suicide rate on college campuses is higher than people talk about.

Now there is a new element. I spoke to the president of a major university in Illinois about mental illness among the college population. He said that, in years gone by, a student would take his life and it was a tragedy for the school and their family. But now this is a new era, where that student buys a firearm and wants to take others with him. This university president said, ''I don't understand. I don't know if it is the video games or the movies or whatever it is; but this idea that you will shoot innocent people before you kill yourself, as this gunman did at Northern Illinois University—this is a challenge for all of us.''

We have to first understand that mental illness is an illness and not a curse. It can be treated successfully in the vast majority of cases. We need to enact the Mental Health Parity Act so that more people have mental health protection as part of their health plans. We have to offer counseling for students and people who need a helping hand in this circumstance. We have to understand that the college campus can be an especially important place to focus our resources. We have to encourage students to move into those resources and get help. We cannot penalize or stigmatize them for fear that they won't seek help. But we also have to be protective of the innocent people around them and to understand that at some point you have to draw a line and say this person is now in an unstable or dangerous situation, should never be allowed a firearm, and needs to be at least monitored carefully, if not some other action taken.

This is a difficult issue because for many years we didn't talk honestly and responsibly about mental health. We should. The shooter of these innocent students at Northern Illinois University obviously was suffering from some form of mental illness. I don't know if it could have been traced ahead of time and acted upon, but we have to think about the future and what we can do.

After the shootings at NIU, a group of parents whose children died at Virginia Tech wrote to the newly bereaved parents at NIU to offer their support. Those parents are now joined together by a bond that no parent ever wants to share. The letter from the Virginia Tech parents is posted on the Web site of Northern Illinois University. The question facing us now is, how much larger will we allow the circle of grief to become? How many more support groups will be formed by those who lose someone they love in school and on a campus?

We know guns and mental illness are controversial issues, but we also know that five of the finest young men and women you could ever ask for were taken from us on February 14. If there is any way we could have prevented their loss, we need to find it.

In the days and weeks to come, the victims of the shooting will be in our thoughts and prayers. We stand in solidarity with the Huskies of Northern Illinois University, the students, faculty, the staff, and the members of the families as they mourn their losses and recover from this tragic incident.

EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE DEVASTATING SHOOTING INCIDENT OF FEBRUARY 14, 2008, AT NORTHERN ILLINOIS UNIVERSITY IN DEKALB, ILLINOIS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 458, which was submitted earlier today by myself and Senator OBAMA.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 458) expressing the condolences of the Senate to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD at the appropriate place as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 458) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 458

Whereas, on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina ''Cati'' Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's ''princess'' and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who had spent more than 12 years in the United States Army and Army Reserve serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, ''Danny'' to his friends, a 6-

foot, 5-inch rugby player with a gentle spirit and a bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Departments of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigation;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital, Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move ''forward, together forward'', in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, healthcare providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will state by title.

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that act.

Pending:

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Dorgan amendment No. 3899, in the nature of a substitute.

Smith amendment No. 3897 (to amendment No. 3899), to modify a provision relating to development of innovative approaches.

Murkowski (for DeMint) amendment No. 4015 (to amendment No. 3899), to authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project.

Murkowski (for DeMint) amendment No. 4066 (to amendment No. 3899), of a perfecting nature.

Murkowski (for DeMint) amendment No. 4070 (to amendment No. 3899), of a perfecting nature.

Murkowski (for DeMint) amendment No. 4073 (to amendment No. 3899), of a perfecting nature.

DeMint amendment No. 4080 (to amendment No. 4070), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the city of Berkeley, CA, and any entities located in such city, and to provide that such funds shall be transferred to the Operations and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that we have a cloture vote that will begin at 5:30 this evening. I know Senator DEMINT has two amendments he intends to offer this evening. We expect to have votes on those amendments. I have an opening statement I wish to give for a short period, and I will defer on that. Senator KYL wishes 10 minutes to speak, with 5 minutes on the bill and 5 minutes, I believe, in morning business. I don't want to disadvantage either of my colleagues. I want to comment about the legislation.

We are finally, at long last, going to pass an Indian Health Care Improvement Act. It has been 8 long years. It is long past due. By tomorrow midday, we will have disposed of all of the amendments, and having succeeded in invoking cloture, we will have finally done something that will give cause for millions of Americans to celebrate in this country for the first time in a long time—an improvement in Indian health and Indian health care.

Mr. President, Senator KYL has asked that he be allowed to speak for 5 minutes at this point. I ask unanimous consent that Senator KYL be recognized, following which I would like to speak—and I will make it short—and then Senator DEMINT will be recognized. I notice that the ranking member, Senator MURKOWSKI, is on the floor as well.

I yield the floor.

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

Mr. KYL. Mr. President, first of all, I will address an amendment to the underlying Indian health bill. It is amendment No. 3897, offered by my friend from Oregon. It is an amendment which I hope my colleagues will reject.

This is an amendment that deals with the way in which moneys are disbursed for health facility construction on Indian reservations. For those of us who represent the majority of our Native American population in the United States, this is a very important proposition because most of the construction, as you could imagine, is on the Indian reservations in the Southwest—in particular, Arizona, New Mexico, and, to a lesser extent, some of the other States. It is wrong, therefore, to try to change the formula by which funding is allocated for construction of these facilities to a broader based around-the-country formula rather than based upon the population we are trying to serve. As a result, I think my colleagues should oppose the amendment.

It is helpful that the amendment is not mandatory but, rather, provides that the Secretary can use what is called an ''innovative approach'' and distribute funding equally among the Indian health care regions rather than target funding to areas where the health care services are needed the most. But it still doesn't make sense to try to use this Indian construction funding as kind of a honey pot of money for everybody to share in equally when certain key areas have the bulk of the need based upon their population. I think this priority based upon need is a much more sensible way to serve our Indian population.

I disagree that the area distribution fund is the answer. It will turn the current process upside down. It would disrupt pending projects. While it may be well intentioned, the amendment doesn't ensure that Federal dollars will be appropriately allocated based upon the greatest health care needs of the individual members of the tribes. Therefore, I urge my colleagues to oppose that amendment.

THE FISA LEGISLATION

Mr. President, I wish to take 2 minutes to address the matter dealt with by my counterpart on the majority side a little while ago, legislation we will presumably have to deal with again—certainly the House of Representatives will—and that is the FISA Act legislation. I wish to put a couple of things in the RECORD. I will explain what they are, and then I will ask consent to do that.

As you know, the Senate has passed this important FISA legislation. The legislation will enable us to continue to collect foreign intelligence on our terrorist enemies. We are waiting for the House of Representatives to act on that legislation so that it can be sent to the President for signature.

There has been some confusion about what the effect of the failure of the

House to act really is, because the House allowed the current law to lapse. The person who ought to know what the effect is is Admiral McConnell, the Director of National Intelligence, who joined with Attorney General Mukasey in writing a letter to the chairman of the House Permanent Select Committee on Intelligence, dated February 22, in which he addressed the significant concerns we have, given the fact that there is no current law that enables us to appropriately collect this intelligence.

I ask unanimous consent that this letter be printed in the RECORD.

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

FEBRUARY 22, 2008.

Hon. SILVESTRE REYES,

Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMAN REYES: The President asked us to respond to your letter of February 14, 2008, concerning the urgent need to modernize the Foreign Intelligence Surveillance Act of 1978 (FISA). Your assertion that there is no harm, in allowing the temporary authorities provided by the Protect America Act to expire without enacting the Senate's FISA reform bill is inaccurate and based on a number of misunderstandings concerning our intelligence capabilities. We address those misunderstandings below. We hope that you find this letter helpful and that you will reconsider your opposition to the bill passed last week by a strong bipartisan majority in the Senate and, when Congress returns from its recess, support immediately bringing the Senate bill to the floor, where it enjoys the support of a majority of your fellow members. It is critical to our national security that Congress acts as soon as possible to pass the Senate bill.

INTELLIGENCE COLLECTION

Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to terrorist attack and other foreign threats. In our letter to Senator Reid on February 5, 2008, we explained that: ''the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information.'' That is exactly what has happened since the Protect America Act expired six days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillances of terrorist and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act. Although most partners intend to cooperate for the time being, they have expressed deep misgivings about doing so in light of the uncertainty and have indicated that they may well cease to cooperate if the uncertainty persists. We are working to mitigate these problems and are hopeful that our efforts will be successful. Nevertheless, the broader uncertainty caused by the Act's expiration will persist unless and until the bipartisan Senate bill is passed. This uncertainty may well continue to cause us to miss information that we otherwise would be collecting.

Thus, although it is correct that we can continue to conduct certain activities authorized by the Protect America Act for a period of one year from the time they were first authorized, the Act's expiration has and may well continue to adversely affect such activities. Any adverse effects will result in a weakening of critical tools necessary to protect the Nation. As we explained in our letter to Senator Reid, expiration would create uncertainty concerning: The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation; The continuing validity of liability of protection for those who assist us according to the procedures under the Protect America Act; The continuing validity of the judicial mechanism for compelling the assistance of private parties needed to protect our national security; The ability to cover intelligence gaps created by new communication paths or technologies.

Our experience in the past few days since the expiration of the Act demonstrates that these concerns are neither speculative nor theoretical: allowing the Act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.

It is imperative that our intelligence agencies retain the tools they need to collect vital intelligence information. As we have explained before, the core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential that Congress reauthorize the Act's core authorities while also extending liability protection to those companies who assisted our Nation following the attacks of September 11, 2001. Using the authorities provided in the Protect America Act, we have obtained information about efforts of an individual to become a suicide operative, efforts by terrorists to obtain guns and ammunition, and terrorists transferring money. Other information obtained using the authorities provided by the Protect America Act has led to the disruption of planned terrorist attacks. The bipartisan Senate bill would preserve these core authorities and improve on the Protect America Act in certain critical ways, including by providing liability protection to companies that assisted in defending the country after September 11.

In your letter, you assert that the Intelligence Community's ability to protect the Nation has not been weakened, because the Intelligence Community continues to have the ability to conduct surveillance abroad in accordance with Executive Order 12333. We respectfully disagree. Surveillance conducted under Executive Order 12333 in a manner that does not implicate FISA or the Protect America Act is not always as effective, efficient, or safe for our intelligence professionals as acquisitions conducted under the Protect America Act. And, in any event, surveillance under the Protect America Act served as an essential adjunct to our other intelligence tools. This is particularly true in light of the changes since 1978 in the manner in foreign targets with speed and agility. If we revert to a legal framework in which the Intelligence Community needs to make probable cause showings for foreign terrorists and other national security threats located overseas, we are certain to experience more intelligence gaps and miss collecting information.

You imply that the emergency authorization process under FISA is an adequate substitute for the legislative authorities that have lapsed. This assertion reflects a basic misunderstanding about FISA's emergency authorization provisions. Specifically, you assert that the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) ''may begin surveillance immediately'' in an emergency situation. FISA requires far more, and it would be illegal to proceed as you suggest. Before surveillance begins the Attorney General must determine that there is probable cause that the target of the surveillance is a foreign power or an agent of a foreign power and that FISA's other requirements are met. As explained above, the process of compiling the facts necessary for such a determination and preparing applications for emergency authorizations takes time and results in delays. Again, it makes no sense to impose this requirement in the context of foreign intelligence surveillance of targets located overseas. Because of the hurdles under FISA's emergency authorization provisions and the requirement to go to the FISA Court within 72 hours, our resource constraints limit our use of emergency authorizations to certain high-priority circumstances and cannot simply be employed for every foreign intelligence target.

It is also inaccurate to state that because Congress has amended FISA several times, there is no need to modernize FISA. This statement runs counter to the very basis for Congress's passage last August of the Protect America Act. It was not until the passage of this Act that Congress amended those provisions of FISA that had become outdated due to the communications revolution we have experienced since 1978. As we explained, those outdated provisions resulted in dangerous intelligence gaps by causing constitutional protections to be extended to foreign terrorists overseas. It is critical that Congress enact long-term FISA modernization to ensure that the Intelligence Community can collect effectively the foreign intelligence information it needs to protect the Nation. The bill passed by the Senate would achieve this goal, while safeguarding the privacy interests of Americans.

LIABILITY PROTECTION

Your assertion that the failure to provide liability protection for those private-sector firms that helped defend the Nation after the September 11 attacks does not affect our intelligence collection capability is inaccurate and contrary to the experience of intelligence professionals and to the conclusions the Senate Select Committee on Intelligence reached after careful study of the matter. It also ignores that providing liability protection to those companies sued for answering their country's call for assistance in the aftermath of September 11 is simply the right thing to do. Through briefings and documents, we have provided the members of your committee with access to the information that shows that immunity is the fair and just result.

Private party assistance is necessary and critical to ensuring that the Intelligence Community can collect the information needed to protect our country from attack. In its report on S. 2248, the Intelligence Committee stated that ''the intelligence community cannot obtain the intelligence it needs without assistance'' from electronic communication service providers. The Committee also concluded that ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible reduction in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' Senior intelligence officials also have testified regarding the importance of providing liability protection to such companies for this very reason.

Even prior to the expiration of the Protect America Act, we experienced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies. These difficulties have only grown since expiration of the Act without passage of the bipartisan Senate bill, which would provide fair and just liability protection. Exposing the private sector to the continued risk of billion-dollar class action suits for assisting in efforts to defend the country understandably makes the private sector much more reluctant to cooperate. Without their cooperation, our efforts to protect the country cannot succeed.

PENDING LEGISLATION

Finally, as you note, the House passed a bill in November to amend FISA, but we immediately made clear that the bill is unworkable and unacceptable. Over three months ago, the Administration issued a Statement of Administration Policy (SAP) that stated that the House bill ''falls far short of providing the Intelligence Community with the tools it needs to collect effectively the foreign intelligence information vital for the security of the Nation'' and that ''the Director of National Intelligence and the President's other senior advisers would recommend that the President veto the bill.'' We adhere to that view today.

The House bill has several grave deficiencies. First, although numerous senior intelligence officials have testified regarding the importance of affording liability protection for companies that assisted the Government in the aftermath of September 11, the House bill does not address the critical issue of liability protection. Second, the House bill contains certain provisions and serious technical flaws that would fatally undermine our ability to collect effectively the intelligence needed to protect the Nation. In contrast, the Senate bill deals with the issue of liability protection in a way that is fair and that protects the national security. In addition, the Senate bill is carefully drafted and has been amended to avoid technical flaws similar to the ones in the House bill. We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.

The Department of Justice and the Intelligence Community are taking the steps we can to try to keep the country safe during this current period of uncertainty. These measures are remedial at best, however, and do not provide the tools our intelligence professionals need to protect the Nation or the certainty needed by our intelligence professionals and our private partners. The Senate passed a strong and balanced bill by an overwhelming and bipartisan margin. That bill would modernize FISA, ensure the future cooperation of the private sector, and guard the civil liberties we value. We hope that you will support giving your fellow members the chance to vote on this bill.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

Mr. KYL. Mr. President, in addition to that, the Department of Justice has issued a news release dated February 23 that is titled ''Statement by the Department of Justice and the Office of the Director of National Intelligence Regarding Cooperation with Private Partners,'' which press release makes it very clear that we are having a very difficult time in dealing with the telecommunications companies that are assisting the U.S. Government in the absence of a law which properly provides for liability protection for them and sets out the ground rules for their intelligence collection.

I ask unanimous consent to have printed in the RECORD the statement to which I just referred.

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

STATEMENT BY THE DEPARTMENT OF JUSTICE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE REGARDING COOPERATION WITH PRIVATE PARTNERS

As stated in the joint letter from the Attorney General and the Director of National Intelligence dated February 22, the Department of Justice and the Intelligence Community have been working assiduously to mitigate the effects of the uncertainty caused by the failure to enact long-term modernization of the Foreign Intelligence Surveillance Act of 1978. We learned last night after sending this letter that, as a result of these efforts, new surveillances under existing directives issued pursuant to the Protect America Act will resume, at least for now. We appreciate the willingness of our private partners to cooperate despite the uncertainty. Unfortunately, the delay resulting from this discussion impaired our ability to cover foreign intelligence targets, which resulted in missed intelligence information. In addition, although our private partners are cooperating for the time being, they have expressed understandable misgivings about doing so in light of the on-going uncertainty and have indicated that they may well discontinue cooperation if the uncertainty persists. Even with the cooperation of these private partners under existing directives, our ability to gather information concerning the intentions and planning of terrorists and other foreign intelligence targets will continue to degrade because we have lost tools provided by the Protect America Act that enable us to adjust to changing circumstances. Other intelligence tools simply cannot replace these Protect America Act authorities. The bipartisan Senate bill contains these authorities, as well as liability protection for those companies who answered their country's call in the aftermath of September 11. We hope that the House will pass this bill soon and end the continuing problems the Intelligence Community faces in carrying out its mission to protect the country.

Mr. KYL. Finally, Mr. President, the Director of National Intelligence, Admiral McConnell, was on a television program in which he made some points related to this issue. Among other things, he said:

We cannot do this mission, we cannot do this activity without the help of the private sector.

Upon expiration of the Protect America Act ''the private sector partner said, 'Well, wait a minute, are we now protected?' So we went through a discussion for the entire week. Now, this is the problem. We may have the authority to conduct surveillance, and we do, for example, on al-Qaida, but you can't make that actionable if you don't have something specific to load in our systems to target. So when we wanted to load new information, the private partners said, 'We're not prepared to do that.' So we negotiated all week to be able to come to closure.''

The point he is making is, we are in a situation right now of grave vulnerability. Intelligence is not being collected, so there is no law under which it can be collected. The private parties with whom we must work to collect that intelligence are in a position of great vulnerability because of lack of liability protection, as a result of which there can undoubtedly arise a question as to whether they will continue to be able to perform this service for us. That is why we ask the House of Representatives to take up the Senate-passed legislation and to pass it as soon as possible and send it to the President so this vulnerability of which the Director has spoken can come to an end and we can resume collection of intelligence on our terrorist enemies.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will make a few comments, and then Senator DEMINT, by unanimous consent, will be recognized. He will have the time that he desires to speak about his two amendments that we will vote on this evening.

I begin quickly by saying that we have had a lot of help to get this bill this far: Senator REID, first of all, for allowing us and being persistent in getting this bill to the floor and to keep it here. Senator KYL has worked closely with us. Senator MURKOWSKI, the ranking member, has worked very hard to help me get this bill from our committee to the floor. Senator KENNEDY and Senator ENZI and so many others have worked with us to try to make a difference on this legislation.

Let me describe why there is an urgency. We have a trust responsibility for Indian health care. That is different from other responsibilities. A trust responsibility means we took the land from the indigenous Americans, from the first Americans. We took their land but signed treaties and said: Tell you what, we will give you a deal. Here is our responsibility: We will provide health care for you. That was interpreted much later as a trust responsibility.

Let me show what we do on Indian health care compared to other responsibilities we have. This describes how much we spend per person on Medicare, veterans, Medicaid, and so on. We actually spend twice as much money to provide health care for Federal prisoners, those incarcerated in Federal prisons, as we do to meet our responsibility for health care for American Indians. We have a responsibility for both, but we spend twice as much for Federal prisoners' health care as we do for American Indians.

It is not as if there is not a need. American Indians have a 600 percent higher rate of tuberculosis, a 510 percent rate of alcoholism, and diabetes is off the charts. There are about one-third of doctors for Indians versus other populations, and one-fourth of

nurses for Indians as other populations. There is a much higher rate of sudden infant death syndrome. Cervical cancer is four times higher. The suicide rate among Indian teens is 10 times higher in the northern Great Plains, and it is triple in the rest of the country. The statistics are endless. We have a full-scale health care crisis.

This bill in itself will not fix all that is wrong, but it is the first time in 8 years we are finally getting this bill reauthorized. It should have been done 8 years ago. It is now being done, and it is important.

I have described this bill through the eyes of two girls—one age 5, the other age 14, both dead. Let me describe them. Their relatives and parents have allowed me to use their names so that we understand what this is about and what this urgency is.

First, I will explain Ta'Shon Rain Littlelight, a beautiful 5-year-old Indian girl from the Crow Reservation in Montana. Ta'Shon Rain Littlelight died, and the last 3 months of her life was in unmedicated pain. This little girl went to an Indian health clinic again and again to be diagnosed as having a condition of depression, and she was treated for depression. It turns out she had terminal cancer. She was finally rushed to Billings, MT, then rushed to Denver, CO, and diagnosed as having terminal cancer when it was undiagnosed many months before, and it may well have been able to be treated.

When they finally diagnosed this 5-year-old girl, who loved to dance the Indian dances, as having terminal cancer, she asked her mom if she could go to Disney World and see Cinderella's castle and the Make-a-Wish Foundation allowed her to go to Orlando, FL, to see Cinderella's castle.

They got there and checked into a motel, and that evening, in her mother's arms, Ta'Shon Rain Littlelight said: Mommy, I'm sorry I'm sick. I will try to be better. She died that night in her mother's arms. She never got to see Cinderella's castle.

This little girl deserved health treatment, deserved a health system that we would expect for our children, a good diagnosis, first-class health treatment. She did not get it, and she is dead.

So is Avis Littlewind. Avis was 14. Avis Littlewind committed suicide. She lay in her bed for 90 days in a fetal position, missing school, missing everything. Her sister had committed suicide. Her dad took his own life. This young girl age 14 was lying in a fetal position for 3 months and somehow nobody missed her. No mental health treatment was available. Nobody seemed to identify this little girl was in trouble. And then she hung herself. She felt hopeless and helpless and took her life.

A 14-year-old girl is gone. A 5-year-old girl is gone. But it is thousands, thousands of people suffering with a health care system that is not working. It is not working the way we would expect it to work for us and for our families, and it does not work for Native Americans, the first Americans, for whom we have a trust responsibility and to whom we made a promise. That is why we must get this bill done. We will have a cloture vote at 5:30 p.m.

We will have two amendments this evening by Senator DEMINT, a couple of amendments tomorrow morning, and final passage, and there will be a celebration by people who have waited a long time for this legislation to move through the Senate.

Mr. President, I know my colleague, Senator DEMINT, has been waiting patiently. I yield the floor, and my guess is that Senator MURKOWSKI, the ranking member, will wish to be recognized following Senator DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate the words of the chairman on the need to improve Indian health care. It is clear from the Government Accounting Office study that there is no doubt Indian health is suffering and there are many reforms that are desperately needed. I wish to talk about several amendments we proposed that we think will help the bill. One is related to what Senator DORGAN was just talking about and the fact that there is just not enough money currently to provide the health care that is needed for many Indians across the country today.

Unlike a lot of other Federal support for health care, Indian health care provides 100 percent coverage to all members of tribes across the country, regardless of income level. The problem that creates at a time when we are offering new programs and reforms is we are not offering enough money to actually support all the programs that are in this new bill.

My amendment No. 4073, which we call the Indian gaming amendment, would allocate the scarce resources to the poorer tribes by excluding some of the richer tribes that benefit from class III or casino-style gambling.

Many of us have looked at the statistics. Revenues from Indian casino gambling have surpassed $12 billion, and many members of these tribes will receive income from these casinos from $30,000 to over $300,000. There are clear discrepancies in the income in the tribes across the country, and in designing Indian health care reform, it is important that we recognize that fact.

In 2001, there were 290 Indian casinos across 28 States that brought in more than $12.5 billion with more than $5 billion in profit. To put this in context, the average family in South Carolina makes around $50,000 a year. These families, sometimes on their own, sometimes through their employers, have to pay and help pay for their health care and many times deductibles and copays. The average income in the tribes that have casino gambling is generally much higher than that amount. Yet we are providing free health care for these tribes.

This amendment would exclude from the new programs in the underlying bill those tribes with casino gambling, class III gambling, which would take the money that is provided in the bill and allocate it to the poorer tribes, which uses just basic common sense. If we have a limited amount of money to go around, let's target those tribes with the greatest poverty and the greatest need and allow those tribes with the highest incomes to participate in purchasing their own health care. That is amendment No. 4073. We will vote on that amendment today.

Let me address another amendment that will be voted on today; that is, amendment No. 4070 which recognizes that some of the programs in the bill that are designed for injury prevention or safety have actually been used in the past by Government agencies to promote antifirearm programs, gun buyback programs, or programs that generally stigmatize the ownership of guns for collecting, hunting, or self-defense.

This amendment provides that none of the funds in the bill may be used to fund antifirearm programs, gun buyback programs, or programs aimed at discouraging or stigmatizing the private ownership of firearms for collecting, hunting, or self-defense. That is basically the language in the bill.

We know from programs we have looked at before—we have legislation, for instance, that we passed that would prohibit the Centers for Disease Control from doing exactly the same thing; that is, using money that is supposed to be used for safety programs or other injury prevention and actually use it to promote a political agenda which is an anti-second-amendment agenda. This is another amendment we will vote on today.

So two amendments we will be voting on today after the cloture motion vote is the Indian gaming amendment that would exclude those tribes that have the revenue from casinos, as well as the other amendment which would prohibit funds from being used to stigmatize the ownership of guns.

Mr. President, I wish to address another amendment which is pending to this bill, which is what we call the health savings account choice. This amendment would simply make another choice available to Indians in the purchase of their health care. Right now, they have most of the options that we have at the Federal level in our Federal employees plan, but they do not yet have a health savings account option which we have added to our Federal programs. This simply would allow Indians the same choice that we have. They could purchase a PPO or other plans—managed care, HMO, or with this amendment, they could also have a health savings account with a high-deductible plan.

I encourage my colleagues to support this amendment. I am actually working with the chairman on the possibility that this amendment could be accepted and avoid a vote on the amendment tomorrow; otherwise, we will be voting on it tomorrow before final passage.

I wish to make a few comments on a second-degree amendment that I added to one of these amendments the week before we left last week which we call the Semper Fi amendment. This is an amendment that is not germane and will fall after cloture but still deserves some comment. The Semper Fi amendment is named in honor of the marine motto, which means ''always faithful,'' and it is a bill which I introduced after the Berkeley, CA, city council voted to refer to our marines as unwelcome intruders and had proposed that they leave town—that their recruiting office actually leave town. When I heard of this, it immediately angered me and we developed this bill which would simply take away about $2 million of wasteful Federal earmarks, which were not voted on in the Senate or the House, but were added as what we call report language. We are not trying to take away all their Federal funding but simply to say, if they are not going to respect our marines or their mission, which part of it is recruiting, then certainly they should not be the beneficiary of taxpayer-funded earmarks, and certainly those that aren't necessary.

When I first introduced this bill, it was more to make a point and maybe rattle the cages of the city council, because I know all the people in Berkeley don't feel this way. If anyone looked at the video—and it was one of the most watched videos on YouTube—you could see person after person stepping up and maligning our marines and the job they are doing, not only in Iraq but throughout history, and referring to them as murderers and thugs, unthinkable things being said about the same marines who provided them their freedom of speech.

Some have said by my introducing this bill I am against freedom of speech, and that is not it at all. In fact, the anti-American group Code Pink had been demonstrating for months in front of the marine recruitment office there in Berkeley, and I have no problem with that. They have every right. But they wanted more than freedom of speech, they wanted the power of the local government behind them, to give them an advantage over those who supported the marines, supported their mission, and supported our country. So the city council voted to give Code Pink a free parking place in front of the marine recruitment office, and also voted to give them a permit to use a bullhorn, a megaphone, to shout down any who would want to come into that recruitment office. That is not free speech. That is a government-sponsored political agenda that took the side of a few liberal demonstrators against traditional Americans and the marines who have fought for our freedom of speech.

My amendment got a fair amount of attention and a lot of supporters here in the Senate, which I appreciate. The same bill was also introduced in the House by a number of Republicans. I have been surprised at the response we have gotten—literally thousands of phone calls and e-mails and letters. What this has exposed to me is it is not only a single event, but it has exposed a raw wound not only of our marines but everyone serving in uniform, and their families.

I have heard it when I have been in Iraq, more than once, when I ask our soldiers, marines, and airmen what they need, and the response has often been: Don't forget us. The letters and e-mails I have gotten have indicated the same thing, that finally some are standing up for those who are fighting for our freedoms.

I was surprised by the response. I have gotten letters at home from mothers who have sent me pictures of their marines, thanking those of us who have stood up for their marines. I have agonized over the fact that they need someone to stand up for them.

But when I go back and see what was said in this Chamber and the House Chamber, and what governments such as the city of Berkeley have done, it should come as no surprise to us that there are doubts in the minds of those who put on the uniform that we support them, that we believe in what they do, and that we support their constitutional mission to recruit and to talk about what we offer in our services. People—Americans—are concerned about this.

We have tried to get the Semper Fi act on the floor for an up-or-down vote, and we have not been able to do so. We tried to pass it by unanimous consent, which got 100 percent Republican support but was blocked on the Democratic side. I added it to an amendment to this bill, to try to get a vote, but it will fall after we vote for cloture.

I promise the marines and all those in uniform that I am going to continue to persist until we get a vote on this, because it is not just about this amendment, it is not just about those who support it, it is about letting those who put on the uniform and who are willing to fight for our freedoms know we stand behind them. When any government, at any level, takes a position against them, it is our responsibility here in the Congress to stand up for those marines and those fighting men and women and not to allow them to be taken advantage of and intimidated and bullied by some local government such as we saw in Berkeley.

I have been happy to see some local governments across the country actually pass resolutions in support of the marine recruiters, and I appreciate any across this country who stand and make a statement on behalf of those who are fighting for our freedom. Again, I emphasize that anyone who wants to speak out in protest against marine recruiters, against the Iraq war, or anything, it is their free right. But when government, whether it is a local government or a State government, takes a position against our Federal constitutional amendment to defend this country, which requires the recruitment of marines, soldiers, airmen, and Coast Guard, that is part of our job. It is not freedom of speech when a local government takes a position against what we are charged to do here at the Federal level.

I encourage all those parents, all those in uniform, that the majority of those here in the Senate, in the House, and across this country respect and appreciate what you are doing every day. I got back from Iraq last week, with 2 days on the ground, and I know I speak for all my colleagues when I say I was never prouder of my country and what I do here than when I stood with those in uniform who are sacrificing, in many instances, more than a year away from their family, and some on second and third tours. They are fighting for us and we need to stand up for them. I am going to continue to persist until my colleagues give me a chance to stand with our marines and to support the Semper Fi bill.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, at this time I yield 7 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Alaska.

I rise in support of renewing and reinvigorating the Indian health care programs. For too long we have neglected our duty to review this program and ensure that it continues to efficiently deliver high-quality health care. As part of that effort in the last Congress, Senator MCCAIN and I and Senator DORGAN and Senator MURKOWSKI introduced comprehensive legislation that would do that, and I am pleased that a great portion of the bill we are discussing today includes provisions of that bill, which was S. 4122.

In crafting that legislation last Congress, we kept in mind the 80/20 rule in working between the Health, Education, Labor and Pensions Committee and the Indian Affairs Committee. We used this 80/20 rule—or the 80-percent rule—which is that 80 percent of the time we are going to agree on a topic and it is only 20 percent of the time that we disagree. So to gain broad support we focused on that 80 percent to ensure it was a strong bipartisan piece of legislation. It is a piece that is long overdue. This should have been reauthorized years ago. It leaves out some important things that are necessary for the tribes in administering Indian health.

A few weeks ago, I did mention a few remaining concerns I had with the underlying Indian health care bill, and thankfully, due to the work of many in this Chamber, and particularly Senator DORGAN and Senator MURKOWSKI, I no longer have concerns with the underlying legislation. The improvements to the bill required minimal language changes, but they do have huge policy implications. I am glad we are better able to clarify the scope of Federal liability coverage. By doing so, we no longer imply that the Federal Government could be telling Americans how to practice their own religious beliefs. For this and the issue of urban Indians, we were able to find a third way, a middle ground, on the appropriate role for providing services to urban Indians.

I am also pleased to hear that at least two outstanding issues within the Finance Committee's title of this bill have also been resolved. I thank Senator KYL for all his efforts in the area to create better Medicaid copays and better citizenship documentation. I realize others may not see these compromises as the perfect solution. However, they are moving us in the right direction on these key topics. As I remind people around here a lot, there is no such thing as a perfect piece of legislation.

The 80 percent this bill contains will solve immense problems for tribes throughout the United States. It will move health care forward for all who are involved, and it will make a huge difference. It is past due. We still can work on other issues that are outstanding that we hear mentioned around the Chamber in the debate, but this piece of legislation needs to pass. It needs to pass now. It should have passed a year and a half ago.

We almost passed it at the end of that session, until we got the scoring, and the scoring used the wrong bill. They did not use the bill Senator MCCAIN and I and Senators MURKOWSKI and DORGAN put together. They used a different bill, and the cost came in extremely high. And it would, under that bill. It wasn't this bill. It wasn't what we worked on.

It has taken us another year and a half to get to the point where we can pass a bill that will solve the problems for the tribes and keep this program moving forward in a very positive way. I am glad we will be able to pass this legislation out of the Senate, and I look forward to working with others to get this bill signed into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments of my colleague from Wyoming, speaking to essentially the urgency of where we are, and the recognition that we have been working on this legislation, the Indian Health Care Improvement Act and its reauthorization—and as he mentioned, it should have passed a year and a half ago—but that we have been working on it for a good 10 years. It has been a collaborative effort of many leaders in the Senate. Senator MCCAIN has been mentioned, as the former chairman of the Indian Affairs Committee. Prior to his chairing that committee, it was Senator Ben Nighthorse Campbell who was leading the effort to move forward with this very important reauthorization.

I had the opportunity to go home to Alaska over this past recess, and it was a busy recess for me, as it was for, I know, many of my colleagues. I had an opportunity to visit Galena, which is the Athabascan Indian village on the Yukon River. I was in Fairbanks, Seward, Anchorage, and my hometown of Girdwood. I had a chance to visit with seven or eight Alaskan natives who are training under the dental health aide therapist program in Anchorage. This is a very unique partnership with the University of Washington School of Medicine. What we are doing in Alaska now is training Alaska natives as midlevel professional dental health aide therapists to go out and provide for the dental health needs of so many in our rural communities, in our villages around the State where they simply do not have any level of dental health care. I am not talking about a dentist who comes every other week. I am saying we don't have a dentist every other year practically in some of these villages. So we are providing a training opportunity that is unique to Alaska and is very important.

So even though it is tough to leave home and come back here to work, it is good to be back here knowing that we are working on the Indian Health Care Improvement Act, working to finish this very important legislation.

We have had many of our colleagues speak about the challenges of delivering quality health care to America's Native people and the funding environment that all have admitted is inadequate to support those needs.

Those challenges are not limited to the lack of funding, they also include the lack of trained personnel who are willing to live in some of the most remote places in which Indian health care is delivered. So that is one side of the coin. But there is also some very real innovation that is going on within the Indian health care delivery system.

As I listened to the debate that went on on the Senate floor in the past several weeks, it dawned on me that we saw a lot of focus, a lot of attention on some of the inadequacies but that we did not spend any time during that debate to recognize the people, the tribal leaders, the health care professionals who are unwilling to let the lack of funding stand in the way of excellence in health care delivery.

So as we move to conclude our debate on this very important piece of legislation for the health of our Native people, I wish to take a few moments this evening to focus on some of the ways, in my home State, our Native leaders and our Indian health care professionals have partnered to overcome what seemed to be insurmountable obstacles in their quest for excellence.

My focus now on these examples from Alaska is not intended to imply we are not seeing innovation in Indian health care delivery in other places of Indian Country, but I have chosen to speak about these programs because I know them, I believe in them.

In the State of Alaska, we have Native people who have lived in more than 200 traditional villages along the rivers and coasts for thousands of years, and Natives continue to occupy those villages today. But those are places, many of them are places where doctors and nurses and physicians assistants or the PAs, where they did not live, and they will not live.

But that does not mean Alaska's Native people lack access to basic medical care. If one gets sick or injured in a Native village which may be hundreds of miles from the nearest hospital, you need to know you are not alone. In our State, we faced up to the challenge of providing access to medical care in remote places by training Native people to serve as community health aide practitioners. This is a program that originated during the tuberculosis epidemics back in the 1950s. They had volunteer chemotherapy aides who gave out oral medicine in the village under the remote supervision of a physician.

In the 1960s, a structured training program was created to train Native people residing in the villages to function as the eyes and ears, the hands of medical personnel who may be hundreds of miles away.

At one point in time, this link between the village health aide and the doctor in the regional hospitals was carried out by a single-sideband radio similar to what the ham operators use. Then later it was carried out by telephone, subsequently e-mail. Now we have a state-of-the-art telemedicine backbone that connects the health aides and the supervising physicians.

Alaska's Community Health Aide/Practitioner Program was first recognized and funded by the Congress in 1968 and is 40 years old this year. It has earned the respect of the medical profession and has tremendously improved the health condition of Alaska's Native people. I mentioned earlier I had a chance to view those young people who are currently in the Dental Health Aide Therapist Program. This is an extension of this concept to improve the oral health condition of Native people who live in places where the dentists may visit once a year if they visit at all.

These are a few examples from my State of the kind of innovation we have seen going on in Indian health care delivery for some time. I wish to give you a more recent example. This is the Southcentral Foundation's patient-centered primary care initiative.

The initiative has transformed the quality of health care delivered to Native people residing in a service area of

150,000 square miles within south-central Alaska. The Southcentral Foundation is a tribal health provider which delivers health care under a self-governance compact with the IHS.

Our CEO of the Southcentral Foundation is Katherine Gottlieb, an Aleut. She was the first Alaskan ever to win the MacArthur Foundation Genius Award. She won that award for the patient-centered primary care initiative I will describe for you.

The initiative itself has been discussed in professional journals ranging from the Journal of the American Medical Association, the Family Practice Magazine published by the American Association of Family Physicians. It is the subject of a case study published by the Institute for Health Care Improvement in Boston, which is one of our Nation's foremost think tanks on health care quality.

In 1977, when Southcentral Foundation began to take over primary care delivery from the IHS, the average delay to schedule a routine appointment ranged from 4 weeks to several months. The no-show rate was about 25 percent for appointments, and patients did not have any idea who their primary care provider was. In 1999, Southcentral Foundation embarked on a massive effort to redesign their system.

Today, patients are guaranteed same-day access to their own primary care provider if they call by a certain point in the afternoon; they get to choose their own primary care provider. They get to change their provider if they do not like the one they have chosen. Use of the emergency room and urgent care for primary care is down 50 percent. Use of specialists is down 50 percent. Wait times have decreased across the system.

Customer satisfaction, 91 percent of customers rate their overall care favorably. That is pretty impressive. Staff satisfaction has improved immeasurably. This is a system where you have members of the medical team, the doctors, the nurses, the physicians assistants, their technicians, and they all come together, they all rely on one another. Everyone is expected to work at the highest level allowed by their professional license.

What we saw with this transformation of Southcentral Foundation was it was not just achieved by throwing more money at the problem, it was achieved by changing the values of the system, from a staff-centered system to a patient-centered system that basically went from kind of a big and impersonable crank-them-through-the-process place—and these are the words of the medical director, Doug Eby—to a customer-owned-and-directed system which operates in accordance with Native values, not necessarily bureaucratic principles.

That transformation began with the decision of Native leaders to exercise their rights of self-governance under the provisions of the Indian Self-Determination and Education Assistance Act.

These self-governance provisions allowed tribes to take over the responsibilities for the delivery of health care from the Federal Government. The bill that is before us today, the Indian Health Care Improvement Act, will provide self-governance providers, such as Southcentral Foundation, with the tools and the flexibilities they need to further expand these innovations.

We know the bill, S. 1200, was not written in an ivory tower; it was written primarily by Indian health care providers, tribal leaders who know the challenges we face in improving the health conditions of our Native people.

The leaders of our Alaska Native delivery system were key players in the process of formulating this legislation. For me, it is truly an honor and a privilege to be able to give voice to their ideas in the Senate. It is my sincere hope our colleagues today will vote to bring the debate on this important legislation to a close.

The process, as has been mentioned, of drafting this legislation began back in 1999. It has moved through the Indian Affairs Committee in so many different years—I mentioned, under the leadership of Senator Nighthorse Campbell, Senator MCCAIN, Senator Thomas before his death, Senator DORGAN, so many who have put so much time and effort into this very important legislation.

It is long time that Congress modernize the legislation which governs the Indian health care delivery system in a way that promotes exactly this type of innovation I have spoken to that we have seen in Alaska. It is long time that we give our Indian health care providers the tools they need in their quest for excellence.

I anticipate we will move this legislation to final passage. It is something that as I speak to my constituents back home and as we talk about those issues that are most important to them, so much seems to come back to health care and how we are providing health care within the State of Alaska or around the Nation.

So passage of the Indian Health Care Improvement Act is long overdue. I look forward to seeing the day the President will be able to enact these changes into law.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. I ask unanimous consent that the vote sequence beginning at 5:30 today be as follows:

Cloture on the Dorgan-Murkowski substitute amendment; DeMint amendment No. 4070; and DeMint amendment No. 4073.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the votes following the first vote be 10-minute votes, with 2 minutes equally divided for debate.

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

Mr. DORGAN. Let me explain that the legislation, the Indian Health Care Improvement Act, does a number of things. We have talked about the urgency for it, but it expands cancer screenings, for example; it expands monitoring and prevention programs for communicable and infectious diseases; it expands recruitment and scholarship programs for those nurses and doctors who serve American Indians; it seeks to address the epidemic of teenage suicides on some Indian reservations; it enhances and expands the current diabetes screening efforts; it tries to address the shortage of health care professionals; provides for home- and community-based services and hospice care; also authorizes convenient care services; and authorizes programs to address domestic violence and sexual abuse.

In short, it is a piece of legislation that attempts to modernize the Indian health care system that has been waiting to be reauthorized now for 8 years. So this is a piece of legislation that I think is going to make a difference in the lives of Americans who have expected and have been promised good health care and have, for a long time, not received it.

While we are waiting for colleagues who may wish to speak prior to 5:30, I ask unanimous consent to speak for 3 minutes in morning business.

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

STRATEGIC PETROLEUM RESERVE

Mr. DORGAN. Tomorrow, we have a hearing in the Senate Energy Committee that deals with the issue of the Strategic Petroleum Reserve, called SPR, and the Administration's oil fill policies. In the 1970s, we have created a Strategic Petroleum Reserve to put oil underground to save it in case of a national security concern. It would be for an emergency so we would have some that is saved and would be available to take out of the underground caverns and use it in these circumstances. This is the basis of our strategic petroleum reserve. It is now almost 97 percent filled. Over its 30-year lifetime, the barrels that have been put into the Strategic Petroleum Reserve have averaged about a $27 a barrel. Yet, right now, when oil is trading at $100 a barrel and gasoline prices are going through the roof, we are putting 50,000 to 60,000 barrels a day underground into the Strategic Petroleum Reserve that is already almost 97 percent full.

How are we doing that? Our Government carries that out through royalty-in-kind transfers. This oil is primarily coming from the Gulf of Mexico through the drilling and the production

that occurs there. We are receiving this oil in kind in lieu of royalties paid to the government for its production. So rather than put that oil into the supply system, get the money for it, and reduce the Federal deficit, we are effectively sticking that money underground in a hole. At a time when oil is $100 a barrel and gas is $3 to $3.50 a gallon, we are taking 50,000 to 60,000 barrels a day and sticking it underground. Is somebody missing a few tubes here? I don't understand it. The wiring must be wrong for people who think that is the right thing to do. This is exactly the wrong time to be sticking oil underground when oil is $100 a barrel. Yet I have tried very hard to get this changed, and I have been unable to do so.

We have a hearing tomorrow where we have representatives coming from the Department of Energy as well as other witnesses. I will have an opportunity, if I am not here on the floor—and I hope I am not—to question them. I have recently introduced legislation—S. 2598, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008. I will try very hard to move this bill on anything that moves, especially a supplemental appropriations bill, to make sure we stop this as soon as possible.

I chair the Senate Energy and Water Appropriations Subcommittee that funds the Department of Energy. When I write my bill this spring, I will be able to put a provision that stops filling the SPR in my bill. But that bill likely won't be effective until towards the end of the year. By that time, they will have continued to put all of this oil underground to its full capacity and also boost the gas prices for the American driver. I don't understand what they could be thinking.

As a part of this fill policy, they are putting underground a disproportionate amount of sweet light crude. That is a subset of the oil produced in the U.S. We had testimony before a joint Energy and Government Affairs/Homeland Committee hearing last year by an expert, Dr. Phillip Verleger, who said that even the small amount of sweet light crude they are putting underground is having a disproportionate impact on the markets and may be increasing the price of gasoline by 10 percent.

If there are some wires crossed someplace, I urge the Department of Energy to track those wires down and get them squared away. Let's start thinking straight. Do not be sticking oil underground when oil is $100 a barrel. That takes oil out of our supply. It means supply is diminished, even if it is a seemingly small amount as DOE contends. It means the price goes up.

This is a classic supply-demand question. All of us have studied economics. I taught economics in college ever so briefly. I was able to overcome that experience, nonetheless. But we all understand the supply-demand relationship. If you take oil out of what otherwise would be 50,000 or 60,000 additional barrels in the supply, you put upward pressure on gasoline prices. That is especially true if you take the subset of sweet light crude coming from the Gulf of Mexico and stick it underground at exactly the time it ought be to be in the supply pipeline.

Tomorrow, we will have the opportunity to have a public discussion with the Department of Energy and representatives with other opinions. If they don't do what is, in my judgment, obvious, I intend to move my legislation forward. I have introduced this bill with about six cosponsors. I certainly hope many others will join me to put the brakes on what the Department of Energy is now doing.

It is completely counterintuitive to anything one would expect that should be done at a time when oil is bouncing around at $100 a barrel and you have to get a loan to gas up your car these days. My hope is we can get the Department of Energy to think straight about this issue of putting oil underground in the SPR.

It felt good to say that because I have been thinking about it all weekend. There is so much we need to do that just represents a deep reservoir of common sense. This is one of those steps. My hope is we will make some progress on it.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor of the Indian Health Care Improvement Act.

Under the terms of many treaties and agreements, the U.S. Government has the responsibility to provide health care and other benefits to Native Americans.

The Indian Health Care Service estimates that it provides only about 60 percent of the health care that is needed in Indian Country: an amount that is less than half of what we spend on the health care needs of Federal prisoners. Tribes with the resources, attempt to make up the difference. In most cases, the result is inadequate to meet the needs of our Native American population.

In my State, the Mississippi Band of Choctaw Indians has made progress in improving its health care, and the overall health of its population, over the last 30 years. But, the sad fact is that health care on the reservation is not adequate.

There are 9,600 members of the tribe and there are only 4 doctors. Their small hospital has only 14 beds.

Over the last 5 years, there has been a 30.4-percent increase in the number of patients from the Mississippi Band of Choctaw Indians who accessed the health care system. During that same time period there was a 41.4-percent increase in the number of ambulatory visits.

According to the Centers for Disease Control, 7 percent of Americans have diabetes. By comparison, 20.5 percent of Choctaws have diabetes, one of the highest percentages of any tribe in the country. Over the last 5 years, there was a 62.3-percent increase in the number of patients diagnosed with diabetes.

Statistics for other tribes are similar. Some include alarming incidences of suicide, high infant mortality rates and practically nonexistent mental health care.

Some in the Senate have suggested that those tribes that have made progress with economic development initiatives, specifically through gaming, ought not be eligible for Indian Health Care Services. I don't agree. The tribe in my State should not be penalized for its modest economic success.

The tribe is responsible for the safety of not only its members but those who visit. It maintains roads, schools, courts, law enforcement, fire fighting, housing, and other services we expect from local and State governments.

It has a poverty rate of approximately 30 percent. Forty years ago there was a near 100 percent unemployment rate of tribal members.

There is no health care system near the tribe that has the capacity to serve tribal members. Even now, treatment facilities for dialysis, heart patients, and serious medical conditions are 80 miles away.

I urge the Senate to support the Indian Health Care Improvement Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan substitute amendment No. 3899 to S. 1200, the Indian Health Care Improvement Act Amendments.

Harry Reid, Russell D. Feingold, Kent Conrad, Richard Durbin, Amy Klobuchar, Patty Murray, Maria Cantwell, Jon Tester, Jeff Bingaman, Carl Levin, Max Baucus, Byron L. Dorgan, Barbara Boxer, Dianne Feinstein, Debbie Stabenow, Ken Salazar, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3899, offered by the Senator from North Dakota, Mr. DORGAN, to S. 1200, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. CARDIN) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The yeas and nays resulted—yeas 85, nays 2, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—85

Akaka	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	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	Sanders
Byrd	Inhofe	Schumer
Cantwell	Isakson	Sessions
Carper	Johnson	Shelby
Casey	Kennedy	Smith
Chambliss	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Voinovich
Craig	Lincoln	Webb
Crapo	Lugar	Whitehouse
Dodd	Martinez	Wyden
Dole	McCaskill	
Domenici	McConnell	

NAYS—2

DeMint	Vitter

NOT VOTING—13

Alexander	Inouye	Stabenow
Burr	Kerry	Warner
Cardin	Landrieu	Wicker
Clinton	McCain	
Cornyn	Obama	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4080

Mr. DORGAN. Mr. President, I make a point of order that the DeMint amendment No. 4080 is not germane postcloture.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 4070 TO AMENDMENT NO. 3899

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4070 offered by the Senator from South Carolina, Mr. DEMINT.

Who yields time?

Mr. DEMINT. Mr. President, the underlying Indian health care bill allows Federal funds to be used for certain health promotion activities which include injury prevention, personal safety, and violence prevention. My amendment would simply say that none of these funds in the bill may be used to fund any firearm programs, gun buyback programs, or programs aimed at discouraging or stigmatizing the private ownership of firearms for collecting, hunting, or self-defense purposes, which are important to the Indian community. So that is my amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I have no objection to the amendment. I know of no cases in which Indian health funds have been used for firearms programs. So I have no objection to the amendment and intend to vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The result was announced—yeas 78, nays 11, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—78

Akaka	Barrasso	Bayh
Allard	Baucus	Bennett
Bingaman	Ensign	McConnell
Bond	Enzi	Murkowski
Brown	Feingold	Murray
Brownback	Graham	Nelson (FL)
Bunning	Grassley	Nelson (NE)
Burr	Gregg	Pryor
Byrd	Hagel	Reid
Cantwell	Harkin	Roberts
Carper	Hatch	Rockefeller
Casey	Hutchison	Salazar
Chambliss	Inhofe	Sanders
Coburn	Isakson	Sessions
Cochran	Johnson	Shelby
Coleman	Kerry	Smith
Collins	Klobuchar	Snowe
Conrad	Kohl	Specter
Corker	Kyl	Stevens
Craig	Leahy	Sununu
Crapo	Levin	Tester
DeMint	Lieberman	Thune
Dodd	Lincoln	Vitter
Dole	Lugar	Voinovich
Domenici	Martinez	Webb
Dorgan	McCaskill	Wyden

NAYS—11

Biden	Kennedy	Reed
Boxer	Lautenberg	Schumer
Durbin	Menendez	Whitehouse
Feinstein	Mikulski	

NOT VOTING—11

Alexander	Inouye	Stabenow
Cardin	Landrieu	Warner
Clinton	McCain	Wicker
Cornyn	Obama	

The amendment (No. 4070) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4073 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4073 offered by the Senator from South Carolina, Mr. DEMINT.

Mr. DORGAN. Mr. President, on behalf of the sponsor, I ask unanimous consent that amendment No. 4073 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. DORGAN. Mr. President, with the withdrawal of the last amendment, there will be no further votes tonight. My understanding is the next vote starts at 10 tomorrow morning. The withdrawal of the second amendment on which we were going to have a recorded vote means there will be no further recorded votes necessary this evening.

Mr. REID. Mr. President, the only question is, I have not had a chance to confer with my distinguished Republican colleague, Senator MCCONNELL. We will make a decision as to what time we should start in the morning. There is a lot of committee business

going on, and I want to visit with Senator MCCONNELL first.

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

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

AMENDMENT NO. 3897

Mr. SMITH. Mr. President, I rise today to speak in favor of my amendment No. 3897. The amendment is cosponsored by Senators CANTWELL, MURRAY, CRAPO, and WYDEN. It clarifies section 301(F) of the Indian health bill regarding innovative approaches to funding Indian Health Services facilities construction.

The amendment would allow those innovative approaches to include an area distribution fund. Such a fund would allow the IHS to take a portion of facility construction dollars and cede that money to all 12 IHS areas throughout the country.

To be clear, my amendment neither creates an area distribution fund nor does it require the IHS to do so; rather, we are simply giving IHS the authority to do what is needed to bring equity to the system.

Currently, the vast majority of Federal funding for construction and modernization of tribal health care facilities goes to tribes in less than 10 States. In fact, my home State of Oregon, among many other States, has never received funds to build an Indian Health Services hospital. This is a function of the current flawed construction formula and of the regrettably low levels of funding for IHS, particularly its facilities construction budget.

These two wrongs, however, do not make a right. To correct this, it will take a two-part process: one part to increase funding for IHS and its construction budget, but this is an appropriations issue. Another is to amend the language in the Indian health bill to create some level of parity in the way IHS funds construction projects, and that is an authorizing issue.

As we debate today about the authorization of health care funding, I stand here to represent all the tribes that do not have access to funding to improve or build health care facilities because of an archaic formula. If tribes do not have access, no amount of appropriations will make a difference. We have to create the access, and my amendment would do just that. Again, it would authorize, not require, the IHS to use an area distribution fund.

The amendment would not rob one IHS area to pay for another. It simply allows other tribes across the Nation to also be eligible for funding. This area distribution fund is not the idea of a single Senator or a single region of the country. It is the product of years of work and compromise by the Indian Health Services and tribes after Congress recognized the need to create a more equitable facilities construction system.

This approach is supported by tribes and area health boards that cover IHS areas representing over 400 of the 562 federally recognized tribes that are based in 39 States. For Members and staff currently listening to my floor statement, allow me to read a list of the States where IHS areas want the type of flexibility provided by my amendment. To my colleagues in the Senate, if they have the privilege of representing Native Americans, I hope they will listen to find out if their State is mentioned because, right now, if they are mentioned, they are not getting any construction dollars. It is that simple.

The Nashville area, which serves 28 States, includes these States: Maine, Pennsylvania, Virginia, West Virginia, New Hampshire, Vermont, Maryland, Ohio, Massachusetts, Rhode Island, Connecticut, North Carolina, South Carolina, New York, New Jersey, Delaware, Kentucky, Indiana, Tennessee, Georgia, Florida, Alabama, Illinois, Missouri, Arkansas, Louisiana, Texas, and Mississippi. Then the Bemidji area which serves three States: Minnesota, Wisconsin, and Michigan; the Alaska-California areas which serve those States; the Oklahoma area which serves Oklahoma and Kansas; the Portland area which serves Oregon, Washington, and Idaho. Additionally, many tribes in Nevada also support this amendment.

The State of the Presiding Officer was mentioned, and so was mine. Mr. President, you are getting no construction dollars because of the way this is managed.

Last May, during an Indian Affairs Committee meeting, we were doing a markup on the Indian Health Care Improvement Act. I filed a much more prescriptive amendment which would have mandated funds for the area distribution fund. I withdrew that amendment in good faith because I wanted to work with the chairman and the vice chair and my other colleagues to find a win-win compromise on this issue. Since then tribes have put in hundreds of hours of work to find a compromise that could benefit all of Indian country. I have since scaled back my original amendment to reflect and recognize this compromise between the majority of the IHS areas.

Unfortunately, my efforts to reach a compromise before floor action were not successful. Yet I believe this issue is better left to the Indian Health Services than Members of Congress. That is why my amendment would simply give them the flexibility to work this out on their own in consultation with the tribes. Opposition to my amendment is based on the notion that IHS funds will remain at the slow drip they are now for the foreseeable future. I wish to change that. I want IHS facility funds to grow and to flow to every area that needs them. But then again, that is an appropriations issue and not an authorization issue, the business before us.

I have already written to the administration in support of increased IHS funding, and I intend to follow up on that request with the Appropriations Committee. I am hopeful that request will be met and that some of those funds would make their way to the 43 tribes in the Pacific Northwest or to the 25 tribes in the Nashville IHS area or the 40 tribes in the Oklahoma IHS area or the 109 tribes in the California IHS area, among others across the Nation. My amendment preserves that possibility for every State and every Native American in Indian Country.

On numerous occasions, Chairman DORGAN has invoked the words of Chief Joseph, who said: ''Good words do not last long unless they amount to something.'' Chief Joseph said those words after being chased by the U.S. Cavalry out of the Wallowa Valley of Oregon, through the States of Washington, Idaho, Wyoming, and Montana toward Canada. Chief Joseph also rightfully said: ''I am tired of talk that comes to nothing.''

I feel the same way. Eight years ago, Congress asked IHS and the tribes to revise the failed system for allocating facilities funding. The compromise they reached may amount to nothing without my amendment. That is why I feel so strongly about this issue. It is not just about one region or a group of regions, this amendment is about holding true to the government-to-government relationship the United States holds with all tribes.

I ask my fellow colleagues to support this amendment to ensure that all Native American Indians receive the health care they need—the health care they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me very briefly say that I understand the point Senator SMITH is making. There is not enough money for the facilities in these programs. There is a $3 billion backlog for facilities. I am not able to support his amendment, however, and the difficulty is to create an area-wide distribution fund right this moment, at a time when we have a priority list and some tribes have been waiting on that priority list for a long period of time for the construction that was to begin in their area. I think that would be the wrong approach.

But I do think we ought to, in a more comprehensive way, on the Indian Affairs Committee, with the help of Senator SMITH and Senator MURKOWSKI and my colleagues, we ought to try to work through this to figure out how we do a better job of getting the funding for the construction that is necessary. I have been to so many facilities that are terrible facilities in terrible disrepair, and they are desperately in need of reform and change and new

construction, and we have to get about the business of doing it. But I regret I can't support this amendment. He is raising the right question, just providing the wrong solution, in my judgment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, while we are waiting, I wish to make a few brief comments in reference to the amendment Senator SMITH has introduced regarding the area distribution fund.

Coming from the State of Alaska, I do support Senator SMITH's amendment, as we believe it will enable more Indian tribes to build the facilities and to address the inequities currently in the system. We recognize it has been under review, having been looked at for revision for years, but I think it is time to do something to create improvements to the system to get more facilities for the tribes.

Now, we recognize that funding is at the crux of this, but Senator SMITH's amendment does not mandate that the Secretary create this system. It says if funding is available, that opportunity exists. Furthermore—and I think this goes to the concern many have—that within the current priority system, if there is a change, somehow or other those who have made their way up to the top will somehow be displaced. We understand it doesn't impact the current health care facilities priority system. What we are attempting to do with this amendment is to enhance that system.

I appreciate Senator SMITH working with the committee, with the tribes, and with our colleagues on this issue. It is a very important issue, as Senator DORGAN has noted. So I do stand in support of Senator SMITH.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we were expecting to clear two unanimous consent requests, but I am told that, at the moment, the minority side has yet to clear them. If we are not able to clear them at the moment, perhaps we will be able to clear them first thing in the morning before we go to the votes that will be scheduled tomorrow.

I think we are at a point where we have about two or three votes remaining and then final passage tomorrow. And that should occur probably close to midday, which will be a pretty happy occasion for a lot of folks who have waited a long time for this legislation to pass the Senate.

I know a couple of my colleagues are waiting to do a colloquy, so if we are not yet cleared, I think we will try to clear both these unanimous consent requests tomorrow morning. Our colleagues, I believe, are not on this subject, so at this point I will defer and we will come back to this tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business and also to engage in a colloquy with my colleague from Oregon.

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

CHILDHOOD CANCER

Mr. REED. Mr. President, I initially wish to make a few comments, and then I will yield to my colleague from Oregon. Today, I rise to honor two young heroes and their families. Ben Haight of Rhode Island and Boey Byers of Oregon were two remarkable young people whose lives were cut short by cancer, but whose hopes were not.

Of course, when a child has cancer, it deeply affects the parents, siblings, friends, and extended family. In fact, a pediatric illness affects the entire family. Even those who don't bear the damage of the illness bear the pressures, the strains, and the frustrations over dealing with the serious illness of a child. These two young children were extraordinary. We mourn their loss and at the same time we celebrate their lives.

Ben Haight was only 4 years old when he was diagnosed with neuroblastoma. He fought valiantly, enduring chemotherapy, two bone marrow transplants, and total body radiation. Ben did not let cancer stop him from living life. I am told he would dictate his treatment schedules to his doctors: ''No treatments during science class; have to be out by 3 to go to Cub Scouts, baseball or soccer.''

Even at a young age, Ben knew a lot about what was important in life. He cared about others and wanted to help. He held a bandaid drive at school to donate colorful bandaids to the hospital, which used plain bandaids to save money. Ben knew that patients enjoyed picking out a ''cool'' bandaid and that this simple pleasure offered them a brief respite from the rigors of their disease.

Ben's cancer went into remission, but after 2 years it came back. The doctors gave him 3 months to live, but he was tough. He fought for 2 more years. Ben was 9 years old when he died.

I never had a chance to meet Ben, but I have had the honor of meeting his wonderful family. His family has turned the tragedy of losing their son into a message of hope for other families.

Just before Ben died, he and his family enjoyed a special activity together—swimming with dolphins. Now, the Haight family's mission is to do all they can to fight cancer and to provide one child a year with the opportunity to swim with dolphins.

I think there is a sort of symbolic link here between his family and these dolphins. His father was a career enlisted man in the U.S. Navy, a chief in our submarine service. Of course, submarines use the dolphins as the symbol of their service branch. This is a family who has served the Nation in uniform and who continues to serve the Nation by fighting hard for other families who are afflicted by childhood cancer.

Now, Boey Byers was, in her words, a warrior against cancer, and I was very saddened to learn she has recently passed way. A few months ago, I had the privilege of speaking with Boey over the phone. She was full of life and spirit and struck me as very polite, poised, and wise beyond her years. I wanted to thank Boey for all she was doing to try to help other kids with cancer. Her passion in life was to find a cure for her warrior friends, as she called them, so they didn't have to suffer anymore and so they could live out their dreams and contribute to this great country.

We must remember there are thousands of children like Ben and Boey across the country. Each year, there are about 9,500 new cases of pediatric cancer, the leading cause of death by disease among children in the United States. While the incidence of cancer in children is increasing, the causes are largely unknown.

The National Cancer Institute—the NCI—currently spends about $170 million a year on pediatric cancer research, but most of the money goes toward laboratory research and preclinical testing. While it is important to test treatments in a test tube, Petri dish, or on animals, it is equally important to test treatments on humans in clinical trials.

For example, a recent clinical trial found that for children with neuroblastoma, less intensive chemotherapy is as effective as more intensive and toxic chemotherapy.

In 2002, an NCI peer review group of scientists recommended about $50 million in funding for pediatric cancer clinical trials. That level was never funded, and since then it has been cut, despite biomedical inflation and the increasing incidence of childhood cancer. Unfortunately, declining funding has stopped promising clinical trials. Pediatric cancer researchers expect only flat funding for clinical trials this year.

We can do better. The Conquer Childhood Cancer Act invests $30 million a year to expand pediatric cancer research and develop pediatric cancer clinical investigators. The bill also creates a national childhood cancer registry to track pediatric cancer. Researchers would be able to contact patients within weeks, enroll them in research studies, and follow up with them over time. Similar registries are already in place in Europe. If Europe can do it, we can do it, and we should do it.

This bill awaits action by the full Senate. It recently reached a significant milestone, garnering its 51st cosponsor. So even before any vote, we know for sure a majority of the Senate supports the bill. It has broad bipartisan support, with 14 Republican cosponsors and the support of both the majority and minority leaders.

Regrettably, a small minority is blocking this bill, and I call on the Senate to carry out the will of the majority and pass the bill. It is my hope

that in doing so we will intensify our fight against childhood cancer, so that one day the hopes of Ben and Boey, and thousands of children like them, will be realized.

Mr. President, I yield now for the purpose of a colloquy with my colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, first, I wish to commend my friend from Rhode Island for persistently and energetically prosecuting this cause, because having gotten to know Boey at home and visiting her in the hospital, I think all of us will understand it is hard to conceive of anything more tragic than seeing a young person's life claimed by cancer.

Senator REED has been educating the Senate on this issue of importance, of research of this disease. I got to know Boey, and that is why I am glad he referred to her as a warrior. I would just tell my colleagues that if Boey had been an elected official, she would have been the chair of the Warrior Caucus because this very young child really did not know how to rest in the effort to try to get this legislation passed and to help our youngsters.

When she was taken from us, she had battled cancer not once but twice. The first time, she had beaten her cancer into remission. She lost her second battle, but she simply never rested. The day that I saw her last in the hospital, what we spent our time on was Boey and I walking down the halls with Boey trying to cheer up the other youngsters who were at the hospital. She put aside her own pain and fear that cancer would claim her life because she wanted to be, as Senator REED has noted so eloquently, a warrior for all of the other children who have been suffering.

I am pleased to be out here with Senator REED. I think this is another example of the entire country coming together to try to stand up for these kids. As Senator REED has noted, when cancer strikes, it strikes a whole family. That was the certainly the case with Boey. Her loving parents, Rob and Rachel, her older brothers, Chris and Joe—all of us have continued to think about Boey and all she did to brighten our lives and particularly stand up for our children.

So for purposes of this evening, I simply wanted to ask my friend one question. This Senate can certainly have spirited debates about a lot of issues. Senators can have differences of opinion on a variety of questions, and we come from different parts of the land. The Senator from Rhode Island represents a State 3,000 miles from mine where Boey lives. But I am still troubled why the Senate cannot come together and pass this legislation. I think Senator REED has made the case and made it well. He has clearly reached out to colleagues on both sides of the aisle. Surely, there should be nothing partisan about legislation such as this that will be so meaningful to children and their families.

For purposes of this evening, I wanted to get a sense from my colleague of what else he felt we ought to be trying to do to pass this important legislation and get it on its way to the President.

Mr. REED. I thank the Senator. One of the things we are doing this evening is once again highlighting the critical importance of this legislation, the impact it would make in the lives of children and families across the country. And your voice is a strong voice for not only this legislation but for issues affecting health care and children in this country.

I think we are picking up speed, but we need the cooperation of virtually all of our colleagues, not to pass the bill—we have 51 votes—but to get it on the floor. That is not something unusual here in the Senate. But I think this is the type of legislation that should not be caught up in the kind of procedural rules that we all use.

I am going to try to reach out and explain personally what is at stake, how we have tried to make changes, how we have pursued a bipartisan approach. I hope we can be persuasive enough to get this legislation on the floor for a vote. I do not think the opposition, frankly, is the concept and the mechanisms we are talking about. Certainly it is not opposition to helping families and children who have cancer. I think it is caught up in other issues. We would like to disentangle those issues and focus on what we can for children who have cancer.

I think that is one of Boey's works.

Mr. WYDEN. One of her many, and you can see her enthusiasm literally popping out of the drawing. She was an incredibly passionate woman. You have stated it well. I know of no Members of the Senate who get up in the morning and say they want to be hostile to children who are suffering this way. I think a piece of legislation such as this gets lost in the clutter of the Senate calendar and the business of the Senate.

All of us have staffers who handle health legislation and staffers who are serving as legislative directors. I think for purposes of tonight, particularly given your eloquent remarks, I hope the phone will ring off the hook in your office tomorrow with Senators and staffers calling and making clear they want to know more about this legislation and hopefully be cosponsors so we can get it passed.

Mr. REED. I am encouraged also. It is incumbent upon supporters like myself and yourself to begin to reach out, which I think we are both committed to doing, and doing it personally to try to get through. I think my sense is a lot like yours. It is not an issue that people are objecting to; it is caught up in bigger issues. And sometimes we just have to step back and understand that the big issues will still be there and the points can still be made, but we can get this bill done.

I noticed the warriors in Boey's drawing at the White House. My hope is one day the President in the White House is going to sign this bill. She will be there, and Ben will be there in spirit because they are the warriors, and the young men and women who are helping us in our mission.

So that is my hope. I think we can do that. We are going to try. If it is because we have not been as explicit or as communicative as we should have been with all of our colleagues, that is something we will correct very quickly.

Mr. WYDEN. I will do everything I can to help. I think the Senator has said it well. In a sense, his work acknowledges something we all see every time we are home, and that is that health care has always been the biggest issue here at home.

The Senator from Rhode Island is someone I admire in so many areas, relating to international affairs, with great expertise, and obviously there are many pressing concerns around the world. But the reality is, here at home, if our loved ones and our families do not have their health, it is hard to do anything else. I know in the case of Boey and the wonderful family, Rob and Rachel and her brothers, they were consumed by this. They all threw everything they had into trying to be there to comfort Boey, to get her the treatment she needed. So we ought to do this for the kids, and we ought to do this for the families. There are a lot of other issues we will be tackling both in health care and around the Senate schedule. This is something we ought to do now.

Mr. REED. I agree. I think it is something we can do. The effort is to bring people together and move from 51 to 61 to 71 to 100. I think we can.

Mr. WYDEN. Well said.

Mr. REED. We have begun in earnest months ago, and we are picking up the pace. I thank the Senator for his wise and kind words.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask consent to speak for 10 minutes in support of the Vitter amendment. I believe there is a time agreement for 30 minutes on each side of the Vitter amendment.

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

Mr. BROWNBACK. Mr. President, if my colleagues need to interrupt, I would be happy to yield to them.

I yield to the Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent that the vote sequence with respect to S. 1200 tomorrow be as follows: Vitter amendment No. 3896, Smith amendment No. 3897, DeMint amendment No. 4015, DeMint amendment 4066, and final passage of S. 1200; further, that the cloture motion with respect to S. 1200 be withdrawn, with no debate time in order except for 2 minutes prior to each vote; that after the first vote, vote time be limited to 10 minutes each; all other provisions of the previous order remaining in effect.

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

Mr. DORGAN. Mr. President, I further ask unanimous consent that on Tuesday, February 26, upon disposition of S. 1200, there be a period of morning business until 12:30 p.m., with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees, with Senator FEINGOLD controlling 20 minutes of the majority time, if available; that at 2:30 p.m., there be 20 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S. 2633, with the time divided and controlled between the leaders, with the majority leader controlling the final 10 minutes prior to the vote; that upon the use of that time, the Senate then vote on the motion to invoke cloture on the motion to proceed to S. 2633, with other provisions of the previous order remaining in effect.

My understanding is that this has been cleared on both sides.

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

Mr. DORGAN. Mr. President, let me do one small piece of business with the bill before the Senator from Kansas proceeds.

AMENDMENTS NOS. 4019, AS MODIFIED, AND 4021 TO AMENDMENT NO. 3899

Senator MURKOWSKI and I wish to have considered two unanimous consent requests that were originally to have been included in the previous unanimous consent by which we conducted business today. One is amendment No. 4021, and one is amendment No. 4019, as modified.

I send both amendments to the desk and ask that they be considered en bloc and agreed to.

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

The amendments (No. 4019, as modified, and 4021) were agreed to, as follows:

AMENDMENT NO. 4019, AS MODIFIED

On page 298, after line 25, insert the following:

"SEC. 71__. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL BY DIRECTOR.—

''(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

''(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

''(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

''(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.

AMENDMENT NO. 4021

(Purpose: To require a study of tribal justice systems)

On page 347, after line 24, add the following:

SEC. 104. GAO STUDY OF TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study of the tribal justice systems of Indian tribes located in the States of North Dakota and South Dakota.

(b) INCLUSIONS.—The study under subsection (a) shall include, with respect to the tribal system of each Indian tribe described in subsection (a) and the tribal justice system as a whole—

(1)(A) a description of how the tribal justice systems function, or are supposed to function; and

(B) a description of the components of the tribal justice systems, such as tribal trial courts, courts of appeal, applicable tribal law, judges, qualifications of judges, the selection and removal of judges, turnover of judges, the creation of precedent, the recording of precedent, the jurisdictional authority of the tribal court system, and the separation of powers between the tribal court system, the tribal council, and the head of the tribal government;

(2) a review of the origins of the tribal justice systems, such as the development of the systems pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the ''Indian Reorganization Act''), which promoted tribal constitutions and addressed the tribal court system;

(3) an analysis of the weaknesses of the tribal justice systems, including the adequacy of law enforcement personnel and detention facilities, in particular in relation to crime rates; and

(4) an analysis of the measures that tribal officials suggest could be carried out to improve the tribal justice systems, including an analysis of how Federal law could improve and stabilize the tribal court system.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3896

Mr. BROWNBACK. I rise to discuss the Vitter amendment to the Indian Health Care Improvement Act No. 3896. It is an important amendment. I am a cosponsor.

I want to give a bit of outline on this provision. This codified within the Indian Health Care Improvement Act a provision that is referred to as the Hyde amendment that has been public law for some 25 years. Congressman Henry Hyde, whom both the Presiding Officer and myself served with in the House of Representatives, who passed away last year, was a giant on the issue, bringing the issue of life to the Congress, to the country.

The so-called Hyde amendment prohibits taxpayer funding for abortions other than in case of rape, incest, and the life of the mother. This is a provision which has really not been contested for some period of the time because while we have a contentious debate about abortion in the United States, the level of the contention of the debate is much lower regarding taxpayer funding of abortion when it involves anything other than rape, incest, life of the mother. That has generally been agreed to in this body, that we should not use taxpayer money in those particular situations.

What the Vitter amendment does is take that particular provision and puts it in the Indian health care bill and says that we should not fund abortions through the Indian health care provisions or Indian health care facilities other than in cases of rape, incest, or the health of the mother. Federal taxpayer dollars should not be used. Most people agree. They may be pro-choice, they may be pro-life, but they are saying still—most people in this country do not want their Federal taxpayer dollars used for this purpose. And what we are doing in this particular provision is codifying within the Indian Health Care Improvement Act this provision. The Hyde amendment is normally put in the Labor-HHS appropriations bill. It has typically not been put within the Interior appropriations bill where Indian health care is normally funded.

Indian health care legislation being an authorizing piece of legislation, I think it is important that we codify this particular provision. This will be a key vote. It will be a key vote on people's views toward taxpayer funding of these types of abortions other than in cases of rape, incest and the life of the mother. I would hope that most of our colleagues would say, even if they are pro-choice: Well, I do not think that is something we should be doing with Federal taxpayer dollars. I would hope a number of people would look and say: This is such a contentious debate and so many people in the country do not agree with abortion and particularly do not want their dollars, their taxpayer dollars used to fund selective abortions, that people say: Okay, you are right, an individual may be pro-choice, but I do not think we ought to do that in this particular situation, and would then vote for the Vitter amendment.

It is very carefully drafted. It is narrowly cast. It is a policy issue where there has been agreement between the House, the Senate, and the President. There has been agreement on the Hyde amendment provision for over 20 years, particularly cast on this contentious issue.

That is why I hope colleagues will look at this carefully and say: I have supported Hyde amendment-type language in the past. This makes sense. It is a commonsense provision.

I hope my colleagues will support the Vitter amendment because of this particular provision and will agree that it makes sense to them as well.

Overall, it is a contentious issue, but this particular provision should not be. I urge my colleagues to look at it carefully and see if they could not support the Vitter amendment. I strongly urge its passage.

I ask unanimous consent that any time I did not use be kept on the Vitter amendment.

I yield the floor and suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I am pleased we are making headway and are approaching finality and conclusion in regard to the Indian Health Care Improvement Act. I give great credit to Senator DORGAN from North Dakota and Senator MURKOWSKI from Alaska for their persistence in working with the leaders on both sides to get this legislation moved and ultimately adopted.

It has been a long time since we have had the Indian Health Care Improvement Act reauthorized. I think it goes back to about 2001. So this is a long overdue step toward attempting to improve health care throughout Indian Country, and I applaud the work that has been done. I hope tomorrow we can dispose of the final amendments that remain and get to a final vote on this legislation so we can begin to address what are some very serious needs regarding Indian Country and health care.

I wish to specifically acknowledge a couple of amendments—one that is still pending and one that has been adopted.

AMENDMENT NO. 3896

First, Mr. President, I wish to speak to the Vitter amendment, which is going to be voted on tomorrow. If adopted, this amendment would codify longstanding policy against the funding of abortions with Federal Indian Health Service funds.

Senator VITTER's amendment would permanently apply to the IHS the policy set forth by the Hyde amendment, which prohibits the Federal funding of abortions and has been national policy since 1976. For over 30 years, Democratic and Republican administrations, the U.S. Supreme Court, and bipartisan Congresses have all upheld and affirmed this essential policy. In addition to maintaining this legislative precedent, amendment No. 3896 includes important exceptions to save the life of the mother or in cases of rape or incest.

Now, some of my colleagues may ask why statutory codification of this policy is necessary. Let me assure them it is necessary to ensure this decades-long legislative precedent does not fall needlessly through procedural and political cracks.

Without this amendment, there is no true assurance that Federal IHS funds will not be used to pay for abortions on demand in the future. As everyone in this Chamber knows, the language of future HHS appropriations bills depends upon a host of political and legislative contingencies which can shift suddenly and unpredictably.

This amendment would extend and codify good policy—policy that protects the vulnerable rather than restricting rights. The Federal Register contains scores of national policies that are in place to protect women, young children, and citizens of minority status from harm.

Abortion is a practice that can harm women physically, emotionally, and spiritually. Statistics clearly demonstrate that abortion in this country falls disproportionately on minority populations, including Native Americans.

By supporting this amendment, we affirm life. As a nation we have come a long way in protecting the unborn since the Supreme Court's decision in Roe v. Wade. However, we still have a long way to go in the fight to protect life in this country. I believe there is an essential human dignity attached to all persons, including the unborn, and I will continue working with my colleagues in the Congress to promote a culture of life in this Nation.

As a cosponsor of this amendment, I offer my strong support of amendment No. 3896, and I urge my colleagues to support it.

I hope when the vote comes up tomorrow, we will have a good, strong bipartisan vote in support of this amendment.

Mr. President, I see the majority leader has come on the floor. I yield to him at this time. I assume he has some business to dispose of.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I very much thank my distinguished friend from the State of South Dakota who has, certainly, intimate knowledge of Native Americans. His State, I think, has one of the largest reservations in the country and one of the poorest all at the same time.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for not more than 10 minutes each.

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

BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, I rise today in recognition and support of one of the most important months of the year that should be celebrated year round: Black History Month.

Dr. Carter G. Woodson, a prominent African-American historian, author, and journalist, founded ''Negro History Week'' in 1926 to establish a sense of pride in African Americans who had been ignored or misrepresented in traditional American History lessons. ''Negro History Week'' later evolved into Black History Month, a celebration of the people, history, culture, and contributions of persons with African heritage.

In part because of Black History Month, many are familiar with prominent African Americans who have changed the course of history: Martin Luther King, Jr., and Rosa Parks were at the forefront of the civil rights movement, Shirley Chisholm was the first African-American woman elected to Congress, and Jackie Robinson was the first African American to play major league baseball. But let's not overlook people such as the Golden Thirteen, the first African Americans to receive officer's training by the U.S. Navy.

At the Great Lakes Naval Training Station in my home State of Illinois, these young men worked and studied together for the comprehensive exam that would allow them entry into Officer Candidate School. Not only did they pass the exam and go on to become commissioned officers in the Navy, they earned the highest grades ever recorded in Navy history. In fact, their record has yet to be broken. Though they were often denied the privilege and respect afforded White naval officers, they served with distinction in World War II and knocked down the walls of Jim Crow in the process.

Illinois, in fact, has produced some of the greatest contributors to Black history, including jazz musician Miles Davis, Olympic track and field runner Jackie Joyner Kersee, famed composer Quincy Jones, and countless others. Illinois also has the unique distinction of electing two of the five African Americans who have served in the U.S. Senate: our very own Senator BARACK OBAMA and former Senator Carol Moseley-Braun.

During the past 400 years, against all odds and in spite of numerous roadblocks, African Americans have woven themselves into the fabric of this country. Through academics, government, music, art, food, sports, America would not be what she is without the contributions of her African-American population.

HONORING OUR ARMED FORCES

SPECIALIST CHAD D. GROEPPER

Mr. GRASSLEY. Mr. President, today I pay tribute to an American hero who was killed on February 17, 2008, in Diyala Province, Iraq, while supporting Operation Iraqi Freedom. His bravery and selflessness will not be forgotten. I extend my thoughts and prayers to his wife Stephanie, his daughter Clarissa, and all his family and friends.

Chad Groepper was raised in Kingsley, IA, and graduated from Kingsley-Pierson Community High School in 2004. He enlisted shortly after his graduation. Chad was known for his ability to put smiles on faces, make people laugh, and for being involved with outside sports such as dirt biking and

four-wheeling. He met his wife while stationed at Fort Lewis, WA, and their daughter is only 4 months old.

Specialist Groepper was assigned to Headquarters and Headquarters Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division out of Fort Lewis, WA. He will be remembered for his courageous sacrifice and energetic personality. Kingsley mayor Wayne Plendl describes Groepper as ''a nice, nice young man who was highly thought of.'' He will be greatly missed. I ask my colleagues here in the Senate and all Americans to remember with gratitude and appreciation a heroic soldier, SPC Chad D. Groepper.

ASSURED FUNDING FOR VETERANS HEALTH CARE ACT

Mr. JOHNSON. Mr. President, on February 14, 2008, I was pleased to introduce the Assured Funding for Veterans Health Care Act, along with my colleague Senator SNOWE. This legislation is the companion bill to legislation introduced in the House by Representative Phil Hare, with a number of cosponsors.

This bill will make spending for the VA health care system mandatory, rather than discretionary. Under this legislation, the base-line funding year would be 130 percent of the fiscal year 2006 VA health care budget. This amount would be adjusted annually to reflect the total number of veterans participating in the VA health care system and would account for the annual rise in the cost of providing health care services.

From 1996 to 2003, the enrolled VA patient population increased 134 percent. Appropriated funding, however, only increased 44 percent. These discrepancies are intolerable. We must give the VA the funding it needs to provide our service men and women with the quality health care they deserve and were promised.

As chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee, I was pleased to help secure full funding for the VA for the first time in 21 years. The Assured Funding for Veterans Health Care Act is needed, however, to ensure that this is a regular occurrence. Our veterans deserve to know that Congress will provide for their health care needs and will not subject them to the whims of the annual appropriations process.

This legislation enjoys the support of every major military and veterans association, including the American Legion, the Disabled American Veterans, the Paralyzed Veterans of American, and the Veterans of Foreign Wars. I commend this legislation to the attention of my colleagues and urge them to lend their support by cosponsoring this bill.

THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 12, 2008, Lawrence King, an eighth grader in Ventura County, CA, was shot at school allegedly for being gay. He was known by classmates as an outcast who often came to school in high heels, jewelry, and makeup. He had come out just weeks before the shooting. King was working in a computer lab along with 20 other students that day when, witnesses say, 14-year-old classmate Brandon McInerney approached Lawrence and shot him in the head with a handgun. King was rushed to a local hospital where he was later declared brain dead. Once the victim died, prosecutors charged McInerney with murder as a premeditated hate crime and gun possession. He will be tried as an adult.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

100TH ANNIVERSARY OF THE U.S. ARMY RESERVE

Mrs. BOXER. Mr. President, I take this opportunity to observe the 100th anniversary of the U.S. Army Reserve and to recognize its installations in California that comprise the U.S. Army Combat Support Training Center, CSTC.

Initially established by Congress in 1908 to provide a reserve force of medical officers, today's Army Reserve is a vital operational component in the world's most powerful and sophisticated Army. The Army Reserve provides the specialized skills and manpower the Army depends on and currently assists the Army in locations worldwide, including Iraq, Afghanistan, the Horn of Africa, the Philippines, and Latin America. As a result of their extensive peacetime and wartime accomplishments over the last 100 years, the men and women who have served and continue to volunteer to serve in the U.S. Army Reserve deserve the greatest respect and admiration.

Established in June 2005, CSTC is the Army's newest training center and the first of its kind to serve as a premier training center for Army Reserve soldiers in the Western United States. CSTC provides ranges, training areas, and facilities to prepare and train Army Reserve soldiers and encompasses four geographically separated installations throughout northern and central California: Moffett Field in the city of Mountain View, B.T. Collins Army Reserve Center in the city of Sacramento, Camp Parks in the city of Dublin, and Fort Hunter Liggett in southern Monterey County.

Until 1993, Camp Parks and Fort Hunter Liggett were separate installations under the control of the U.S. Army Reserve Command, USARC. However, in 1995, USARC placed these two posts under Fort McCoy, WI, which in turn developed the original CSTC concept. With headquarters at Camp Parks, which oversees the base operations, training facilities, and housing assets of Fort Hunter Liggett and Camp Parks, the CSTC also provides military housing at Moffett Field and lodging and dining facilities at the B.T. Collins Army Reserve Center.

I commend the CSTC for its success in providing the training grounds, facilities, and support to Army Reserve soldiers. The world-class support and training reservists receive at CSTC is worthy of the utmost praise. I commend the U.S. Army Reserve for 100 years of stellar service to our State and Nation. I will continue to support the Army Reserve as a vital component of America's national defense.

HONORING THE PEACE CORPS

Mr. PRYOR. Mr. President, today I wish to honor National Peace Corps Week and the 47th anniversary of the Peace Corps. I add my voice to celebrate the hard working men and women who volunteer for Peace Corps service.

As an Arkansan and a believer in Senator J. William Fulbright's legacy, I consider this program to be one of the most important mechanisms we have to encourage international cooperation, peace, and security. I believe we are morally obliged to help those in need around the world and work to reduce poverty in order to fight global epidemics, to enhance education, and to reduce hunger.

I am continually heartened by the good works of Arkansans in the State, Nation, and abroad. Our State has a storied history of service, and I am pleased that there are 36 Arkansans currently serving as Peace Corps volunteers in Africa, Eastern Europe, Asia, and Latin America. I am proud to say that Arkansas is also home to one of the pioneering families of the Peace Corps, Carolyn and the late Bob Moffett. Inspired by President Kennedy's challenge to the American people, Bob entered into service as a volunteer in the summer of 1962. Carolyn was with Bob every step of the way and devoted her life to taking care of her family and the other volunteers; hosting holidays, weddings, and even funerals.

But Bob and Carolyn are just one story in the 47 years of Peace Corps history. Working in the fields of education, health and HIV/AIDS, the environment, youth, agriculture, information technology, and business development, 190,000 brave men and women, serving in 139 countries, have dedicated over 2 years of their lives to make significant achievements, enriching the lives of others and serving their country.

In these uncertain times, Peace Corps volunteers remain committed to the goals of international peace, friendship, and understanding by sharing their unparalleled experience to those back home. I pray that the good work of these and other Peace Corps volunteers will raise awareness and that others will be called to follow their good example.

For the record, I would like to submit the names of the 36 Arkansans currently serving in the Peace Corps. They are John Armstrong, Amanda Barker, Anthony Barnum, Melanie Berman, Susan Boswell Pierce, Robert Bryant, Allyson Carr, Adam Carson, Garrard Conley, Erin Gibbs, Jared Gillis, Laurel Gladish, Allison Green, Rebecca Hedges, Cameron Highsmith, Brian Hilburn, Joseph Hill, James Hollins, Jenny Hurst, Julia Jones, Adelia Kittrell, Nicholas Klinger, Theodis Lever, Tara Loftis, Stanley Luker, Jennifer Lusk, Daniel McGinley, Joshua Mosley, Danielle Rinke, Mary Rinnert, Rebecca Robinson, Deborah Romes, Christin Spradley, Kristen Straw, Jackson Taylor, Nikolette Williams. I thank them all for their devoted service to their country and steadfast dedication to improving the lives of the disadvantaged.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING DEAMONTE DRIVER

• Mr. CARDIN. Mr. President, today I come to the floor to mark the 1-year anniversary of Deamonte Driver's death.

Deamonte was a 12-year-old from Prince George's County, MD. He died at Children's Hospital here in Washington as the result of a brain infection brought on by an untreated tooth abscess.

The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved into a temporary shelter and their paperwork fell through the cracks. When advocates for the family tried to help, it took more than 20 calls just to find a dentist who would treat him.

Deamonte began to complain about a headache on January 11. But an evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures, and he then required a second operation.

Even though he received additional treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25, 2007.

At the end, the total cost of his treatment exceeded a quarter of a million dollars—more than three thousand times the $80 it would have cost for a tooth extraction.

When his case was brought to light, I believe that it served as a wake-up call for our Nation. Many of my colleagues also came to the Senate floor to speak about the lessons of this case. Senators BINGAMAN, COLLINS, SNOWE, and SANDERS, and many others, have been outspoken about these issues for years, and I want to acknowledge and thank them for their efforts.

We talked about the realities of access to dental care in this country. Here are some basic facts:

According to the American Academy of Pediatric Dentistry, dental decay is the most common chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds. Tooth decay is five times more common than asthma among school-age children. Children living in poverty suffer twice as much tooth decay as middle- and upper-income children; 39 percent of Black children have untreated tooth decay in their permanent teeth; 11 percent of the Nation's rural population have never visited a dentist; and an estimated 25 million people live in areas that lack adequate dental care services.

Today the Senate is moving toward completion of the Indian Health Care Amendments Act of 2007, a bill that I support. According to a study released this week in the Journal of the American Academy of Pediatrics, of all groups in this country, Native American children had the worst access to dental care, and double the odds of White children of having their dental needs unmet.

At the end of January, a survey from the Maryland Department of Health and Mental Hygiene showed that fewer than one-third of Maryland kindergarten and third grade students have dental sealants. This report also shows that a third of these students also have untreated dental disease. These results correspond with the findings of a Dental Action Committee that our Health Secretary convened last year.

As we move forward, I want to emphasize that this is not just about dental care. This is a question of whether we are truly committed to improving the overall health of our children. Our former Surgeon General C. Everett Koop, once said, ''There is no health without oral health.''

Medical researchers have discovered the important linkage between plaque and heart disease; that chewing stimulates brain cell growth; and that gum disease can signal diabetes, liver ailments and hormone imbalances. They have learned the vital connection between oral research and advanced treatments like gene therapy, which can help patients with chronic renal failure. They determined that a pregnant woman who has periodontal disease can be as much as seven times more likely to give birth to a premature or low-birthweight baby.

We heard the call to action in the 110th Congress, and demonstrated strong support for efforts to improve dental care for children in our Nation.

One year ago, I said that I hoped that Congress would include a dental guarantee in the CHIP reauthorization bill. We did that in a fiscally responsible way with bipartisan support. We also added provisions to improve the availability of information about dental coverage and participating dentists. But the President chose to veto that bill. We will keep trying because we know how important these provisions are to the overall health of our Nation's children.

We will also continue to work to increase funding for grants to States and expand training opportunities for pediatric dentists. We do not have enough professionals who are trained and available to treat children with dental problems, and it is a Federal responsibility to fix that. And we must improve public reimbursements to dental providers in offices and clinics so that no child who needs treatment will be turned away.

February is National Children's Dental Health Month. And so, this is a sad anniversary, but it is also our opportunity to recommit ourselves to addressing one of the most pressing health care issues facing our children. It is our duty to do so. We will never forget Deamonte Driver and we will never forget our responsibility to improving dental care for America's children.•

IN MEMORY OF OFFICER RANDAL SIMMONS

• Mrs. BOXER. Mr. President, the city of Los Angeles and the nationwide law enforcement community has lost an exemplary leader. Officer Randal Simmons, a 27-year veteran of the Los Angeles Police Department and 20-year member of the department's elite Special Weapons and Tactics Team, SWAT, is the first officer in the team's four-decade history to die in the line of duty. I would like to take a few moments to recognize Officer Randal Simmons' many important accomplishments and the tremendous impact he made as a leader in both his personal and professional life.

Originally from New York City, Simmons' family moved to southern California early in his life. He graduated from Fairfax High School in 1974 and then attended Washington State University where he studied criminology

and was a member of the University's football team.

After college, Simmons returned to the city of Los Angeles and became a member of the Los Angeles Police Department. During his career, Simmons served in many high-crime areas where he worked to not only protect the local community but also to combat gang activity. His dedication to serving the residents of Los Angeles was well recognized when he earned the distinction of becoming a member of the department's elite SWAT Team.

Simmons was not only a leader to his fellow officers but also a highly respected leader in his community. Serving as an ordained minister, he was an active member of his church and helped to build a community gymnasium. He volunteered much of his time to lead a group ministry that served nearly 1,500 children and also found time to serve as coach for his son's football team. His presence in the community will truly be missed.

I invite all of my colleagues to join me in recognizing and honoring Officer Randal Simmons for his guidance and leadership in fighting to improve the lives of all Angelinos. He is survived by his wife Lisa and their two children, to whom I send my heartfelt condolence. Officer Simmons leaves a lasting legacy of caring and compassion that serves as a model to us all.●

REMEMBERING VADA SHEID

● Mr. PRYOR. Mr. President, today I wish to celebrate the life and accomplishments of a great Arkansan, Mrs. Vada Webb Sheid. Mrs. Sheid was a civil servant; she was an entrepreneur; she was an inspiration. After a long battle with Alzheimer's, Vada Sheid passed away on February 11, 2008, at the age of 91. She will be sorely missed.

Born and raised in rural Arkansas near Calico Rock in the north central part of the State, she became known as one of the Twin Lakes area's biggest movers and shakers. She came from a rare breed of politicians, one marked with sincere intentions and a sense of duty. Starting as the Izard County Welfare Director at the young age of 19, her public service career stretched across five decades. Her love of public service, the area, and the people of her area was apparent in her work.

She understood the needs of her constituents and committed her time and efforts to addressing them. From the time she was first elected in 1966, she set out to replace the ferry system on Norfork Lake by building bridges across it. After nearly 20 years of unwavering pursuit, the Norfork Lake bridges were constructed, an act credited as her crowning achievement.

Education was another cornerstone of her tenure. As a supporter of the Arkansas Freedom of Information Act, Mrs. Sheid donated her papers to the University of Arkansas Special Collections in 1989 so that they may be shared and studied for generations to come. North Central Arkansas did not have much to offer as a means of college education prior to the work of Vada. During her tenure, she introduced a measure that established the North Arkansas Community College in Harrison and was a key factor to the creation of the Arkansas State University at Mountain Home.

Vada and my father, David Pryor, were dear friends and had a close relationship during their many years of public service in Arkansas. I had the privilege of serving with her in the Arkansas House of Representatives. She had this calming influence about her that led her to become a mentor to many of us. Given her reputation, she was trusted as a sounding board across the State on key issues and new ideas. There is not really a story I could tell about Vada Sheid to encompass the person she was. Her story was filled with a lifetime of integrity and a steadfast passion for public service.

Her accomplishments and passion for public service continue to be an inspiration to me. I recognize the value and impact of her work in Arkansas, and during my time in the Senate, I have worked to secure Federal funding for the Vada Sheid Community Center on the Arkansas State University at Mountain Home campus. With the groundbreaking set for April 11, I am committed, now more than ever, to working with stakeholders to complete this project as a tribute to Mrs. Sheid.

Arkansas has a rich heritage of powerful, groundbreaking women. Vada Sheid's accomplishments place her in the ranks of historic greats like Hattie Caraway, Judge Elsijane Trimble Roy, my dear colleague, Senator Blanche Lambert Lincoln, and my grandmother, Susie Newton Pryor. This woman rose above the times and crossed milestones in so many of her endeavors. She was the first woman to be elected in her own right to the Arkansas Senate, and the first woman to serve in both Chambers of the Arkansas General Assembly.

My heart goes out to her family, friends, and Arkansans alike as we mourn this loss. Vada left Arkansas and the world a better place than when she found it and her legacy will continue to live on for generations to come.●

RECOGNIZING THE LADY BULLDOGS

● Mr. THUNE. Mr. President today I wish to honor the Madison High School gymnastics team for winning their 14th consecutive South Dakota State Gymnastics title and breaking the national record for most consecutive State gymnastics team titles. This is truly an impressive accomplishment, and I am proud to have such fine athletes representing the State of South Dakota.

Last year, the Madison High School Bulldogs were tied with Sehome High School from Bellingham, WA, for most consecutive championship wins. However, as a result of their countless hours of hard work and dedication, the Bulldogs have shown to the Nation their outstanding athletic talent and determination by winning the 2008 State Championship and clinching the national record.

Not only did the Lady Bulldogs top the national record for most consecutive State wins, they also beat their State-best score from last year. Madison had four of the top scores in the vault, the top three in the balance beam, three of the top five in the uneven bars, and two of the top three in the floor exercise. This is evidence of the team's ability to perform well and work together in all of the categories of the championship.

The Lady Bulldogs sealed their 14th win with a final score of 141.896 points. I would like to congratulate all the young women who have worked so hard this year to win the State championship. The gymnasts of the Lady Bulldogs for the 2007–2008 season, in alphabetical order, are as follows: Laura Blom, Danielle Bloom, Katie Breuer, Kassie Finck, Lexi Finck, Theresa Knapp, Katie Mackenzie, Heidi Mogck, Mara Riedel, Sara Rogers, Jessica Strom, Kaitlyn Walker, and Heather Williams.

This remarkable accomplishment would not have been possible without the guidance and encouragement of the team's excellent coaching staff, head coach Maridee Dossett and assistant coach Kindra Wiese. Coach Dossett has been a Lady Bulldog since 1995, first as an athlete and now as a coach. She was part of the team when they won their first State title in 1995. Upon graduation, she has continued to contribute to the team and spur them on to continued success.

Bud Postma, the athletic director of the Lady Bulldogs, said the streak was a testament to past gymnasts and coaches at Madison. Linda Collignon was the coach who started the record-breaking streak 14 years ago. This national record was made possible by the dedication of the gymnasts and coaching staff of the Madison High School gymnastics team throughout the years.

I would also like to acknowledge the support and devotion of the families of the Madison Gymnastics team members and the community of Madison. Without the encouragement and sacrifice from the gymnasts' families and the dedicated support of the Madison community, this amazing accomplishment would not have been possible.

On behalf of the State of South Dakota, I am pleased to congratulate the Lady Bulldogs Gymnastics team on their recordbreaking national accomplishment and wish them the best of luck for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which were previously signed by the Speaker pro tempore (Mr. HOYER) of the House:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for her purposes.

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2570. An act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1834. An act to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

H.R. 4169. An act to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

At 6:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on February 19, 2008, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) had signed the following enrolled bills:)

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4137. An act to amend and extend the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5478. An act to provide for the continued minting and issuance of certain $1 coins in 2008.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1834. An act to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

S. 2664. A bill to extend the provisions of the Protect America Act of 2007.

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5117. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Add Mauritius to the List of Regions Where African Swine Fever Exists'' (Docket No. APHIS-2007-0151) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5118. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas'' (Docket No. APHIS-2008-0004) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5119. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly; Designation of Portion of San Diego County, CA, as a Quarantined Area'' (Docket No. APHIS-2008-0005) received on February 20, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5120. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2008 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carfentrazone-ethyl; Pesticide Tolerance'' (FRL No. 8349-4) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mesotrione; Pesticide Tolerance'' (FRL No. 8349-7) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5123. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Formetanate Hydrochloride; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8343-6) received on February 15, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5124. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a public-private competition that was completed at the Defense Logistics Agency on July 26, 2007; to the Committee on Armed Services.

EC–5125. A communication from the Chief of the Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to a public-private competition that was conducted at Nellis Air Force Base in Nevada; to the Committee on Armed Services.

EC–5126. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Home Equity Conversion Mortgages: Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans'' (RIN2502–AI49) received on February 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5127. A communication from the Secretary of the Commerce, transmitting, pursuant to law, an annual report relative to

the Emergency Oil and Gas Guaranteed Loan Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5128. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–5129. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Atwater, CA'' ((RIN2120–AA66) (Docket No. 07–AWP–3)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5130. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Castle Airport, Atwater, CA'' ((RIN2120–AA66) (Docket No. 07–AWP–3)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5131. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Springfield, CO'' ((RIN2120–AA66) (Docket No. 07–ANM–4)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5132. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of VOR Federal Airway 363, CA'' ((RIN2120–AA66) (Docket No. 04–AWP–08)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5133. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Helena, MT'' ((RIN2120–AA66) (Docket No. 07–ANM–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5134. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mooresville, NC'' ((RIN2120–AA66) (Docket No. 07–ASO–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5135. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Poplar Bluff, MO'' ((RIN2120–AA66) (Docket No. 07–ACE–9)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursyant to law, the report of a rule entitled ''Establishment and Amendment of Class D and E Airspace; Easton, MD'' ((RIN2120–AA66) (Docket No. 07–AEA–02)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Montrose, PA'' ((RIN2120–AA66) (Docket No. 07–AEA–11)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Honesdale, PA'' ((RIN2120–AA66) (Docket No. 07–AEA–12)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; McGrath, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–15)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Soldotna, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–16)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewiston, ME'' ((RIN2120–AA66) (Docket No. 07–ANE–95)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Farmington, ME'' ((RIN2120–AA66) (Docket No. 07–ANE–93)) received on February 15,2008; to the Committee on Commerce, Science, and Transportation.

EC–5143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Selawik, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–05)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Buckland, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–12)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Chevak, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–13)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kenai, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–14)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5147. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Model400A Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–106)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 99–NE–01)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–091)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5150. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller Inc. Model HC–E5N–3(), HC–E5N–3()(L), and HC–E5B–5() Propellers'' ((RIN2120–AA64) (Docket No. 2007–NE–31)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5151. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE GMBH AND CO KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders'' ((RIN2120–AA64) (Docket No. 2007–CE–060)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5152. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Societe de Motorisations Aeronautiques SR305–230 and SR305–230–1 Reciprocating Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–36)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5153. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2S1 and 2S2 Turboshaft Engines'' ((RIN2120–AA64) (Docket No. 2007–NE–17)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5154. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 768–60, 772–60, and 772B–60 Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2006–NE–30)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5155. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–241)) received on February 15, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5156. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Confidential Business Information'' (RIN2127–AJ95) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5157. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Theft Prevention Standard Update to Appendix A'' (RIN2127–AJ97) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5158. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Response to Petitions for Reconsideration on 5th Percentile Dummy Belted Barrier Crash Test Procedures'' (RIN2127–AK03) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5159. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Joint Amendment 27 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico and Amendment 14 to the FMP for the Shrimp Fishery of the Gulf of Mexico'' (RIN0648–AT87) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5160. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Correction to the Final Rule for Expansion of the Pacific Coast Groundfish Fishery Vessel Monitoring System'' (RIN0648–AU08) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5161. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska'' (RIN0648–XF23) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5162. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Georges Bank Yellowtail Flounder Possession Prohibition'' (RIN0648–XF04) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5163. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF21) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5164. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XF21) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5165. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XF34) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5166. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (MB Docket No. 07–143) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5167. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notification of 2008 No-Harvest Guideline for the Northwestern Hawaiian Islands Crustaceans Fishery'' (RIN0648–XF19) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5168. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to a statistical program on trade in services; to the Committee on Commerce, Science, and Transportation.

EC–5169. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Administrative Rewrite of FMVSS No. 108; Lamps, Reflective Devices, and Associated Equipment'' (RIN2127–AJ75) received on February 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5170. A communication from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Cross-Waiver of Liability'' (RIN2700–AB51) received on February 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5171. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC–5172. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities'' (RIN3150–AH59) received on February 21, 2008; to the Committee on Environment and Public Works.

EC–5173. A communication from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting, pursuant to law, a report entitled ''Transportation for Tomorrow''; to the Committee on Environment and Public Works.

EC–5174. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus Magdalenae var. peirsonii'' (RIN1018–AU98) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5175. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Berberis nevinii'' (RIN1018–AU84) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5176. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Vitamin E, d-alpha tocopherol, dl-alpha tocopherol, d-alpha tocopheryl acetate, and dl-alpha tocopheryl acetate; Inert Ingredients; Exemption from the Requirement of a Tolerance'' (FRL No. 8347–8) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5177. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations'' (FRL No. 8529–8) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5178. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1-Propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]-monosodium salt, polymer with ethenol and ethenyl acetate; Exemption from the Requirement of a Tolerance'' (FRL No. 8344–7) received on February 15, 2008; to the Committee on Environment and Public Works.

EC–5179. A communication from the Secretary of Health and Human Services, transmitting, proposed legislation to respond to the warning that was issued in April 2007 relative to Medicare funding; to the Committee on Finance.

EC–5180. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payments from the Primary Matching Payment Account'' ((RIN1545–BH41)(TD9382)) received on February 20, 2008; to the Committee on Finance.

EC–5181. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payments from the Presidential Primary Matching Payment Account'' (Rev. Proc. 2008–15) received on February 20, 2008; to the Committee on Finance.

EC–5182. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Advanced Coal Project Program—Special Allocation Round'' (Notice 2008–26) received on February 20, 2008; to the Committee on Finance.

EC–5183. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TIPRA Amendments to Section 199'' ((RIN1545–BF79)(TD 9381)) received on February 20, 2008; to the Committee on Finance.

EC–5184. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''GO Zone Bonus Depreciation Recapture'' (Notice 2008–25) received on February 15, 2008; to the Committee on Finance.

EC–5185. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works'' ((RIN1545–BG35)(TD 9379)) received on February 15, 2008; to the Committee on Finance.

EC–5186. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the sale of Sikorsky Model S–70A Helicopters for the United Arab Emirates Armed Forces; to the Committee on Foreign Relations.

EC–5187. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–10—2008–17); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 14, 2008, the following reports of committees were submitted on February 22, 2008:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2324. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes (Rept. No. 110–262).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with amendments:

S. 2142. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes (Rept. No. 110–263).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine (Rept. No. 110–264).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes (Rept. No. 110–265).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS RECEIVED DURING RECESS

On February 15, 2008, under the authority of the order of the Senate of February 14, 2008, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:

S. 2655. A bill to provide relief for veterans with a disability rated as total; to the Committee on Finance under authority of the order of the Senate of 02/14/2008.

By Mr. SALAZAR:

S. 2656. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location; to the Committee on Armed Services under authority of the order of the Senate of 02/14/2008.

By Mr, KERRY:

S. 2657. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation under authority of the order of the Senate of 02/14/2008.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 2658. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member from the Armed Forces from active duty during which the member is protected from mortgage foreclosure; to the Committee on Veterans' Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2659. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that all trailers or mobile homes purchased by the Federal Emergency Management Agency meet the safety standards established by the Secretary of Housing and Urban Development for housing used in programs of the Department of Housing and Urban Development; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. KENNEDY, and Mr. LEAHY):

S. 2660. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, and Mr. STEVENS):

S. 2661. A bill to prohibit the collection of identifying information of individuals by false, fraudulent, or deceptive means through the Internet, a practice known as ''phishing'', to provide the Federal Trade Commission the necessary authority to enforce such prohibition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GREGG) (by request):

S. 2662. A bill to respond to a medicare funding warning; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. INOUYE, Ms. COLLINS, Mr. NELSON of Florida, and Ms. KLOBUCHAR):

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; read the first time.

By Mr. REID:

S. 2664. A bill to extend the provisions of the Protect America Act of 2007; read the first time.

By Mr. REID:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009; read the first time.

By Ms. CANTWELL (for herself, Mr. SMITH, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. HATCH):

S. Res. 458. A resolution expressing the condolences of the Senate to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois; considered and agreed to.

By Mr. LUGAR (for himself and Mr. VOINOVICH):

S. Res. 459. A resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 460. A resolution to authorize representation by the Senate Legal Counsel in the case of National Association of Manufacturers v. Taylor, et al; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 243

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 243, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system

places on the health care delivery system.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 950

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 950, a bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1125

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1181

At the request of Mr. REED, his name was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1287

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1287, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1494

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1572

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1572, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1707

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1707, a bill to reduce the duty on certain golf club components.

S. 1738

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1901

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1901, a bill to amend Public Law 98–513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Illinois (Mr. OBAMA) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2144

At the request of Mr. COLEMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2279, a bill to combat international violence against women and girls.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2323

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2323, a bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2433

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2439

At the request of Mr. MENENDEZ, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2460

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2523

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2560

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2560, a bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes.

S. 2569

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2596

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2596, a bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting.

S. 2618

At the request of Ms. KLOBUCHAR, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2631

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2631, a bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2631, supra.

S. 2633

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. DODD), the Senator from New York

(Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2633, a bill to provide for the safe redeployment of United States troops from Iraq.

S. 2634

At the request of Mr. FEINGOLD, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2634, a bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

S. 2636

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Mr. OBAMA), the Senator from Maryland (Mr. CARDIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2636, a bill to provide needed housing reform.

S. 2643

At the request of Mr. SUNUNU, his name was added as a cosponsor of S. 2643, a bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

S. 2650

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2650, a bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses.

S. RES. 454

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 454, a resolution designating the month of March 2008 as ''MRSA Awareness Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS RECEIVED DURING RECESS

By Mr. SALAZAR:

S. 2656. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location; to the Committee on Armed Services under authority of the order of the Senate of 02/14/2008.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation that will help us achieve swift and safe destruction of the chemical weapons stored at the Pueblo Chemical Depot in Colorado. Congressman JOHN SALAZAR and Congressman MARK UDALL are introducing similar legislation today in the House.

The Pueblo Chemical Depot is home to 780,000 munitions filled with over 2,600 tons of liquid mustard agent—around 8.5 percent of the original U.S. chemical stockpile. The munitions sit in 96 high security igloos as they await disassembly and destruction.

The congressionally ratified Chemical Weapons Convention mandates that these munitions be destroyed by 2012. Unfortunately, the Department of Defense is woefully behind in fulfilling its responsibilities because it consistently underfunds a program that is essential to our national security and to the safety of nearby communities.

Every year we have to fight to put money back into the Assembled Chemical Weapons Alternatives, ACWA, program, the authority that is overseeing the destruction operation at Pueblo and at the Blue Grass Army Depot, in Kentucky. But, thanks to Congressional intervention, we have succeeded in getting the program moving. Last year Congress allocated over $400 million for weapons destruction at the Pueblo Chemical Depot and the Blue Grass Army Depot. I want to thank Chairman LEVIN and Ranking Member MCCAIN of the Armed Services Committee, Chairman INOUYE and Ranking Member STEVENS of the Defense Appropriations Subcommittee, and Chairman DORGAN and Ranking Member HUTCHISON of the Military Construction and Veterans Affairs Appropriations Subcommittee for all their help.

If you visit the Pueblo Chemical Depot today, you will see that contractors have begun to lay the utilities and foundations for the processing facility that will treat the agent. And you will see that they have begun construction of the biotreatment facility, which will treat the hydrolysate that is the by-product of the mustard neutralization process. It is a welcome sight to finally see earth moving. In addition to the funding that Congress restored in fiscal year 2008 for chemical weapons destruction, we also passed legislation to set a hard deadline of 2017 for the Department of Defense to complete all chemical weapons destruction activities.

It is no secret that DOD is going to miss the 2012 treaty deadline for weapons destruction at Pueblo. That's what happens when you drag your feet and fail to put adequate resources behind a program. But the law we passed last year says that even if they miss the 2012 deadline, the Department of Defense shall complete work on the destruction of the entire stockpile of lethal chemical agents and munitions absolutely no later than 2017. Every six months, the department has to report to Congress on the progress they are making, what resources are needed, and how much funding is programmed to fulfill this requirement.

For those of us who have been fighting this fight for the Pueblo site, the hard deadline of 2017 is a dramatic improvement. At the pace that we were moving under administration's funding projections last year, destruction activities there were expected to be completed sometime in 2021. 2021.

This is absurd, especially with DOD's own admission that with higher funding levels they could complete destruction at Pueblo a full five years earlier than that.

I am proud that this 2017 deadline has been signed into law and I look forward to working with the Department of Defense to ensure that the U.S. Government meets this legal obligation.

Unfortunately, we still have more work to do to see that these chemical weapons are destroyed as swiftly and safely as possible. For one thing, we will have to continue to hold DOD's feet to the fire to ensure that they are devoting adequate resources to chemical weapons destruction.

We will also have to work to help make the chemical weapons destruction process proceed as smoothly, safely, and expeditiously as possible. This means watching to make sure that DOD does not get bogged down in bureaucracy or red tape that could cause delays.

There is a real danger of this at the Pueblo Site, where the Department of Defense is yet again studying whether it should ship hydrolysate, a byproduct of neutralizing mustard agent, to an off-site location for destruction. Hydrolysate is a hazardous waste that must be subjected to a biotreatment process to make it non-hazardous.

At Pueblo, they have already begun construction of an on site biotreatment facility to neutralize the hydrolysate. This is great news. It is the simplest solution and, according to two recent studies, the fastest way to treat all the hydrolysate.

These two studies, completed in 2007, both concluded that shipping hydrolysate off-site would yield few, if any, cost-savings and would likely result in litigation, strong public opposition, and potential delays to chemical weapons destruction. An analysis conducted by Mitretek found that ''a decision for off-site treatment will probably result in litigation of the CD at Pueblo, resulting in extensive delays. Every month of delay costs roughly $15–$16 million. Any delay over 6 months, regardless of cause, would be expected to erase all possible savings, even under the most optimistic assumptions.''

The report by Lean Six Sigma concluded that off-site destruction would actually cost more and could result in as much as a five-year delay in chemical weapons destruction at Pueblo.

Given the conclusions of these recent studies on hydrolysate destruction, I am perplexed that the Department is conducting yet another study on the potential cost savings of hydrolysate destruction. It is unclear to me what questions remain unanswered. These studies clearly show that shipping hydrolysate off-site raises risks of permitting delays or litigation. With a 2017 deadline to meet, the Department of Defense can't afford a permitting delay that sets the project off course.

The bill I am introducing today is very simple. It prohibits the Secretary of Defense from shipping hydrolysate at the Pueblo Chemical Depot off-site for treatment. This will ensure that DOD can continue to proceed on its current path toward treating hydrolysate on-site. It will help the U.S. Government meet its legal obligation to complete chemical weapons destruction by 2017. And it will provide some certainty to the communities that have waited so long for these chemical weapons to be safely destroyed.

We need to put this potentially costly and dilatory issue behind us and proceed with the safe and swift destruction of our Nation's stockpile of chemical weapons.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2658. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member from the Armed Forces from active duty during which the member is protected from mortgage foreclosure; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, in the Congress and in Washington these last years, there has been a tragic disconnect between the words spoken about keeping faith with those who wear the uniform of our country, and the actions actually taken to make those words count.

From the tragic conditions at Walter Reed to the backlog of claims at the Veterans Administration, there has been a long list of problems unaddressed—and of problems that arose because someone, somewhere didn't plan ahead to prevent problems for those who sacrifice for all of us.

Today we know from VA estimates that nearly 200,000 veterans are homeless on any given night and that nearly 400,000 veterans experience homelessness over the course of a year—a national disgrace to consider that in the richest country on the planet perhaps one out of every three homeless men sleeping in a doorway, alley or box once wore the uniform of our country.

We also know from the Bush administration's own U.S. Labor Department, that, for example, in 2006, the unemployment rate for young veterans of the wars in Iraq and Afghanistan was 15 percent, more than triple the national average back then. We know that too many unemployed veterans are National Guard or Reserve troops who were called to duty but found when they came home that their old jobs were gone, that they'd lost their place in line in the local economy, or that the small businesses they'd left behind to serve overseas were in dire straits when they came home.

We know these two challenges—the homeless rates for veterans and the unemployment numbers for veterans—demand big solutions, and we are working to provide them.

But we should also know by now that the least we can do is stop these problems from becoming worse. We have seen a wave of foreclosures send a ripple effect across the economy. By late 2007, 2.5 million mortgages were in default—a 40 percent increase from just 2 years earlier. Last month, foreclosures in Massachusetts alone were up 128 percent from the previous January. In fact, in 2007 alone 1.6 million Americans defaulted on their home loans, and as many as 3.5 million more are expected to do the same by mid–2010.

Every U.S. Senator would agree that the thought of our men and women in uniform being thrown out of their homes because of mortgage foreclosures is miles beyond unacceptable. The question is, in the middle of a national housing crisis and a subprime mortgage collapse, what can be done—done at a minimum—to ensure that Washington acts to shield veterans from becoming the faces of the foreclosure crisis, and from making today's Iraq and Afghanistan veterans the faces of tomorrows' homeless and jobless populations.

We know that the soaring and staggering foreclosure statistics are directly affecting Americans from all walks of life, and our military is not exempt from the pain. The least we can do today is make it clear that we will pay some small measure of respect to veterans by helping them avoid foreclosure. They need more time and greater flexibility as they return to civilian life. The Commission on the National Guard and Reserves has urged us to take preventative action. The Commission found that the transition from military to civilian life extends well beyond the current timelines which forces many service members to focus their attention on imminent foreclosure instead of first locating a competitive job or addressing any mental or physical health concerns that they may be facing.

That is why today I am introducing commonsense legislation that would protect servicemembers and veterans involved in the wars in Iraq and Afghanistan by securing a longer grace period for payment. My bill would extend the time from 90 days to 1 year the time period that a servicemember is protected from foreclosure. By extending the deadline to 1 year, I hope we can take one small step to prevent future homelessness throughout the veteran's community.

If America's leaders truly support our troops, we owe them more than a polite thank you and best wishes. We owe them action. We cannot tolerate a pattern in Washington that has persisted for too long—provide lip service about supporting the troops but not the lifesaving body armor they need; talk a good game about veterans but cut funding for their healthcare. It is wrong, and it is time for it to end. We should act now to ensure that those saddled with the burden of the mortgage crisis are not those who have carried the greatest responsibility for America overseas in the fight for freedom. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORTGAGE FORECLOSURE PROTECTION PERIOD FOR SERVICEMEMBERS.

(a) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking ''90 days'' and inserting ''one year''.

(b) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section (50 U.S.C. App. 533(b)) is amended by striking ''90 days'' and inserting ''one year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to individuals performing a period of military service (as that term is defined in section 101(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(3))) that begins on or after October 7, 2001.

By Mr. SANDERS (for himself, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. KENNEDY, and Mr. LEAHY):

S. 2660. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SANDERS. Mr. President, today I am introducing legislation to help protect consumers from high electricity prices that have followed deregulation of electricity markets. I am honored to have many of my colleagues joining me in offering this legislation—Senator SNOWE, Senator KERRY, Senator COLLINS, Senator KENNEDY, and Senator LEAHY.

Market pricing of electricity promised to bring lower costs to consumers. Unfortunately, consumers in organized market regions—those that have a Regional Transmission Organization or

Independent System Operator, RTOs or ISOs as they are called—are experiencing just the opposite: substantial, across-the-board problems with spiraling costs, unaccountable governance, and a chronic lack of oversight. Increasingly, RTOs/ISOs are adopting questionable, unproven, and expensive market mechanisms, and there seems to be little interest at the Federal Energy Regulatory Commission, FERC, or the RTOs/ISOs to question any of the economic theories behind these mechanisms. I note that on February 21, 2008, FERC finally took a step toward acknowledging that the markets are not working by issuing a proposed rule that would address some concerns. I believe, however, that the legislation I am introducing today will focus FERC on consumer issues, which were not adequately addressed in the proposed rule.

The goal of lowering costs to consumers has been lost in the race to create competitive electricity markets. In fact, something as simple as keeping costs to consumers as low as reasonably possible is not even part of the mandate, or mission statement, of any of the Nation's ISOs or RTOs! In New England, we have seen what can happen—there have been several instances in which ISO-New England has implemented expensive market mechanisms, over the objection of significant segments of electric stakeholders, without either conducting a cost-benefit analysis or comparing the costs of the proposed initiative with alternative means of achieving the desired results.

Showing the strong interest in this issue in the New England region, the legislation is supported by the Northeast Public Power Association, the Vermont Public Power Supply Authority, the Burlington Electric Department, Kennebunk Light & Power District, the Massachusetts Municipal Wholesale Electric Company, Connecticut Municipal Electric Energy Cooperative, the Connecticut Office of Consumer Counsel, and the Pascoag Utility District. The Ohio Consumers' Counsel, the Maryland Office of People's Counsel, Electricity Consumers Resource Council, and the Utility Consumers' Action Network support the legislation as well.

The legislation I am introducing today would refocus FERC on the consumer cost impacts of RTO/ISO actions. Consistent with existing law, the bill makes explicit that, when FERC considers the lawfulness of RTO/ISO rates, it must assess whether those rates will ensure that consumer costs are as low as reasonably possible consistent with the provision of reliable service. Also, in recognition of the uniquely important roles played by RTOs and ISOs, this bill requires FERC to make both goals—cost minimization and reliability—a part of each RTO or ISO's mission. These changes clarify and amplify existing law as applied to these important organizations, but do not alter, diminish, or imply an absence of similar requirements with respect to other public utilities regulated by FERC.

I believe these simple, commonsense issues, when posed by FERC to an RTO/ISO that is seeking approval for a rate, charge, or rule, will instill a much stronger sense of cost accountability. The bottom line, as I see it, is that this simple bill will likely yield substantial benefits for consumers and for many regional economies.

I urge my colleagues to join me in pushing for adoption of the Consumer Protection and Cost Accountability Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumer Protection and Cost Accountability Act''.

SEC. 2. REQUIREMENTS RELATING TO TRANSMISSION ORGANIZATIONS.

(a) DEFINITIONS.—In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LOWEST REASONABLE COST.—The term ''lowest reasonable cost'' means the lowest total delivered cost to consumers consistent with the provision of reliable service.

(3) TRANSMISSION ORGANIZATION.—The term ''Transmission Organization'' has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) RATE AND CHARGES; SCHEDULES; SUSPENSION OF NEW RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

''(g) REQUIREMENTS RELATING TO TRANSMISSION ORGANIZATIONS.—

''(1) DEFINITION OF LOWEST REASONABLE COST.—In this subsection, the term 'lowest reasonable cost' means the lowest total delivered cost to consumers consistent with the provision of reliable service.

''(2) CONSIDERATION OF TRANSMISSION ORGANIZATION RATES.—With respect to determining whether a rate or charge made, demanded, or received (including any rule or regulation promulgated by a Transmission Organization relating to a rate or charge made, demanded, or received) is consistent with each requirement described in subsection (a) or section 206, as applicable, the Commission shall consider whether the rate or charge (including each rule or regulation relating to the rate or charge) would enable the Transmission Organization to provide, or facilitate the provision of, reliable service to consumers at the lowest reasonable cost.

''(3) CONSIDERATION OF TRANSMISSION ORGANIZATION RATE CHANGES.—In determining whether any filing by a Transmission Organization to establish or change a rate or charge made, demanded, or received (including any rule or regulation promulgated by a Transmission Organization relating to a rate or charge made, demanded, or received) is consistent with each requirement described in subsection (a), the Commission shall consider whether the rate or charge (including each rule or regulation relating to the rate or charge) would—

''(A) provide consumer benefits that outweigh any anticipated direct or indirect costs to consumers, as demonstrated by a cost-benefit analysis to be submitted by the Transmission Organization to the Commission; or

''(B) have only a de minimus impact on the total delivered costs to consumer.

''(4) BIENNIAL AUDITS.—The Commission shall ensure that each Transmission Organization is subject to biennial, independent audits that—

''(A) include—

''(i) an assessment of the performance of the Transmission Organization; and

''(ii) recommendations to lower the costs and improve the performance of the Transmission Organization; and

''(B) are made available to the public.''.

(c) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commission shall submit to the appropriate committees of Congress a report describing each determination of the Commission with respect to whether each Transmission Organization provides, or facilitates the provision of, reliable service at the lowest reasonable cost to consumers.

By Ms. SNOWE (for herself, Mr. NELSON of Florida, and Mr. STEVENS):

S. 2661. A bill to prohibit the collection of identifying information on individuals by false, fraudulent, or deceptive means through the Internet, a practice known as ''phishing'', to provide the Federal Trade Commission the necessary authority to enforce such prohibition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that focuses on eliminating online fraud and identity theft that is facilitated through the use of phishing schemes, as well as deceptive and misleading domain names. Phishing is a method of online identity theft that takes the form of fraudulent e-mails or fake Web sites in order to deceive the recipient into giving personal or financial account information. In addition to victimizing unsuspecting consumers, phishing scams maliciously exploit the trust that legitimate businesses have worked so hard to establish with consumers.

The Anti-Phishing Consumer Protection Act of 2008 would prohibit the practice of phishing—the deceptive solicitation of a consumer's personal information through the use of e-mails, instant messages, and misleading Web sites that trick recipients into divulging their information to identity thieves. The legislation would also prohibit related abuses, such as the practice of using fraudulent or misleading domain names, by defining them as deceptive practices under the FTC Act.

Additionally, the legislation seeks to solidify the integrity of domain name registration, a longtime goal for the Federal Trade Commission, by making it illegal for a domain name registrant to provide false or misleading identifying contact information in a WHOIS database when registering a domain name. Too often law enforcement officials have been hindered in their pursuit of phishers and other online scams

because the person responsible is hiding behind the anonymity of false registration information—this legislation would put an end to that practice by requiring accurate registration information about those that own Web sites and domain names that are used to harm consumers.

The reason it is imperative to address this through legislation is because online fraud and, more specifically, phishing scams are running rampant. A December 2007 New York Times article reported that more than 3.5 million Americans lost money to phishing schemes and online identity theft over a 12-month period ending in August 2007—this is a 57-percent increase over the previous year. The total amount lost by the victims, $3.2 billion dollars. The Anti-Phishing Working Group found, in November 2007, that 178 corporate identities and brands were hijacked and used for phishing scams, which is the highest number ever reported. All of these figures are very disconcerting and will only increase if we don't put greater effort on curtailing this online fraud.

Phishing and other forms of identity theft continue to have a detrimental effect on e-commerce by eroding consumers' confidence in online transactions. According to a 2007 Javelin Strategy & Research study, 80 percent of Internet users are concerned about being victims of online identity theft. What is more, a 2006 Zogby Interactive poll found that 78 percent of small business owners polled stated that a less reliable Internet would damage their business. While consumer confidence is critical in any commerce activity, it is paramount for online transactions. Phishing and other online fraud activities directly undermine that vital trust.

Phishing schemes aren't just isolated to individuals and e-commerce. Companies, organizations, and government agencies are also targets. A form of phishing known as spear phishing targets these entities to gain unauthorized access to the organization's computer system in order to steal financial information, trade secrets, or even top-secret military information. The security risks that phishing poses in the world of cyberterrorism is very significant.

But one doesn't have to look to some distant country to find the origin of traditional phishing schemes. The United States only until recently was consistently the top country that hosted the most phishing Web sites. While China now holds that claim, the United States is a very close second—hosting approximately 24 percent of phishing Web sites. So we can definitively do more within our borders to make the Internet notably safer.

Since President Bush signed the stimulus package into law earlier this month, millions of Americans will be expecting to receive tax rebate checks this May. But before those checks arrive, taxpayers should also expect to be targets of numerous phishing schemes between now and then. Many of these scams involve official-looking e-mail messages that try to trick the recipient into entering their personal information at a fake IRS Web site by stating in the e-mail that they are eligible for a refund check. This is not the first time the IRS identity has been misused for phishing scams, and it will continue if we don't do more to go after phishers.

And this is what the Anti-Phishing Consumer Protection Act of 2008 does. It looks to make the Internet safer and more reliable. It also facilitates the restoration of trust and consumer confidence that has been eroded by the prevalence of deceptive e-mails and Web sites, which has, in part, mired the Internet from achieving its full potential. That is why I sincerely hope that my colleagues join Senators BILL NELSON, STEVENS, and me in supporting the critical legislation.

By Mr. BAUCUS (for himself and Mr. GREGG) (by request):

S. 2662. a bill to respond to a Medicare funding warning; to the Committee on Finance.

Mr. BAUCUS. Mr. President, under a provision of the 2003 Medicare bill, the Medicare trustees are required to determine the point at which general revenues will finance at least 45 percent of Medicare's total outlays. If for 2 consecutive years, the trustees predict that this 45 percent threshold will be exceeded in the next 6 years, they are required to issue a ''Medicare Funding Warning,'' which they did last April. As a result, the law requires the President to submit and Congress to receive a legislative proposal to reduce general revenues as a share of total Medicare spending.

The President has now submitted proposed legislation to Congress in response to the funding warning, and I am therefore required to introduce the President's proposal. So today, Senator GREGG and I will introduce a bill to respond to a Medicare funding warning. But I do so while emphasizing that the President's proposal, contained in this very bill, is not the answer to the Medicare program's problems.

Everyone agrees that Medicare faces a serious long-term financing problem that must be addressed. But the challenge facing Medicare is not what share of its funding comes from general revenues—the problem is rising health care costs in the health care system as a whole. Medicare's costs are increasing because costs throughout the health care system are skyrocketing. Addressing the causes of these system-wide costs will be the key to addressing Medicare's long-term financing.

With health care costs increasing much faster than wages and inflation, Congress must find ways to control these rising costs in order to ensure the long-term financial viability of the Medicare program. We must also address current Medicare policies—such as overpayments in the Medicare Advantage program—that exacerbate the problem.

While I am statutorily required to introduce the President's Medicare bill at this time, I still fully intend to pursue real Medicare reform legislation in the coming weeks. That bill will increase access to preventive benefits and primary care, and will improve the quality of care delivered under the program. I will also seek to help low-income seniors with the costs of rising Medicare premiums, and to offer timely, appropriate improvements for the prescription drug benefit.

Beyond advancing a more realistic Medicare reform bill this year, I also intend for the Finance Committee to launch an aggressive look at comprehensive health care reform. Working together, my colleagues and I will examine the underlying causes of rising health care costs in the entire health care system and explore solutions that can be the foundation for system-wide reform—the only way truly to control costs in the Medicare program.

I am required by law to introduce the White House's legislation on Medicare today, but I am compelled by my commitment to America's seniors to insist on better solutions. Where the President's bill cobbles together ill-conceived or premature proposals to check the box on curbing Medicare costs, I intend for the Senate to consider a carefully crafted, thoughtful package of real improvements to the Medicare program overall—and to spend the rest of this year preparing for a time when real health reform is within our grasp. Working together, we can do better by America's seniors.

By Mr. PRYOR (for himself, Mr. STEVENS, Mr. INOUYE, Ms. COLLINS, Mr. NELSON of Florida, and Ms. KLOBUCHAR):

S. 2663. A bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; read the first time.

Mr. PRYOR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''CPSC Reform Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

SEC. 3. REAUTHORIZATION.

(a) IN GENERAL.—Section 32 (15 U.S.C. 2081) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $88,500,000 for fiscal year 2009;
''(2) $96,800,000 for fiscal year 2010;
''(3) $106,480,000 for fiscal year 2011;
''(4) $117,128,000 for fiscal year 2012;
''(5) $128,841,000 for fiscal year 2013;
''(6) $141,725,000 for fiscal year 2014.
''(7) $155,900,000 for fiscal year 2015.

''(b) There are authorized to be appropriated to the Commission for the Office of Inspector General—

''(1) $1,600,000 for fiscal year 2009;
''(2) $1,770,000 for fiscal year 2010;
''(3) $1,936,000 for fiscal year 2011;
''(4) $2,129,600 for fiscal year 2012;
''(5) $2,342,560 for fiscal year 2013;
''(6) $2,576,820 for fiscal year 2014; and
''(7) $2,834,500 for fiscal year 2015.

''(c) There are authorized to be appropriated to the Commission for the purpose of renovation, repair, construction, equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards), $40,000,000 for fiscal years 2009 and 2010.

''(d) There are authorized to be appropriated to the Commission for research, in cooperation with the National Institute of Science and Technology, the Food and Drug Administration, and other relevant Federal agencies into safety issues related to the use of nanotechnology in consumer products, $1,000,000 for fiscal years 2009 and 2010.''.

SEC. 4. PERSONNEL.

(a) PROFESSIONAL STAFF.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall increase the number of fulltime personnel employed by the Commission to at least 500 by October 1, 2013, subject to the availability of appropriations.

(2) PORTS OF ENTRY; OVERSEAS INSPECTORS.—The Consumer Product Safety Commission shall hire at least 50 additional personnel to be assigned to duty stations at United States ports of entry, or to inspect overseas production facilities, by October 1, 2010, subject to the availability of appropriations.

(b) PROFESSIONAL CAREER PATH.—The Commission shall develop and implement a professional career development program for professional staff to encourage retention of career personnel and provide professional development opportunities for Commission employees.

SEC. 5. FULL COMMISSION REQUIREMENT; INTERIM QUORUM.

(a) NUMBER OF COMMISSIONERS.—

(1) IN GENERAL.—The Congress finds that it is necessary, in order for the Consumer Product Safety Commission to function effectively and carry out the purposes for which the Consumer Product Safety Act was enacted, for the full complement of 5 members of the Commission to serve and participate in the business of the Commission and urges the President to nominate members to fill any vacancy in the membership of the Commission as expeditiously as practicable.

(2) REPEAL OF LIMITATION.—Title III of Public Law 102–389 is amended by striking the first proviso in the item captioned ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' (15 U.S.C. 2053 note).

(b) TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 9-month period beginning on the date of enactment of this Act.

SEC. 6. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 7. PUBLIC DISCLOSURE OF INFORMATION.

Section 6 (15 U.S.C. 2055) is amended—

(1) by inserting ''A manufacturer or private labeler shall submit any such mark within 15 calendar days after the date on which it receives the Commission's offer.'' after ''paragraph (2).'' in subsection (a)(3);

(2) by striking ''30 days'' in subsection (b)(1) and inserting ''15 days'';

(3) by striking ''finds that the public'' in subsection (b)(1) and inserting ''publishes a finding that the public'';

(4) by striking ''notice and publishes such a finding in the Federal Register),'' in subsection (b)(1) and inserting ''notice),'';

(5) by striking ''10 days'' in subsection (b)(2) and inserting ''5 days'';

(6) by striking ''finds that the public'' in subsection (b)(2) and inserting ''publishes a finding that the public'';

(7) by striking ''notice and publishes such a finding in the Federal Register.'' in subsection (b)(2) and inserting ''notice.'';

(8) in subsection (b)—

(A) by striking ''(3)'' and inserting ''(3)(A)''; and

(B) by adding at the end thereof the following:

''(B) If the Commission determines that the public health and safety requires expedited consideration of an action brought under subparagraph (A), the Commission may file a request with the District Court for such expedited consideration. If the Commission files such a request, the District Court shall—

''(i) assign the matter for hearing at the earliest possible date;

''(ii) give precedence to the matter, to the greatest extent practicable, over all other matters pending on the docket of the court at the time;

''(iii) expedite consideration of the matter to the greatest extent practicable; and

''(iv) grant or deny the requested injunction within 30 days after the date on which the Commission's request was filed with the court.'';

(9) by striking ''section 19 (related to prohibited acts);'' in subsection (b)(4) and inserting ''any consumer product safety rule or provision of this Act or similar rule or provision of any other Act enforced by the Commission;'';

(10) by striking ''or'' after the semicolon in subsection (b)(5)(B);

(11) by striking ''disclosure.'' in subsection (b)(5)(C) and inserting ''disclosure; or'';

(12) by inserting in subsection (b)(5) after subparagraph (C) the following:

''(D) the Commission publishes a finding that the public health and safety requires public disclosure with a lesser period of notice than is required under paragraph (1).'';

(13) in the matter following subparagraph (D) of subsection (b)(5) (as added by paragraph (12) of this section), by striking ''section 19(a),'' and inserting ''any consumer product safety rule or provision under this Act or similar rule or provision of any other Act enforced by the Commission,''; and

(14) by adding at the end of subsection (b) the following:

''(9) PUBLICLY AVAILABLE DATABASE OF REPORTED DEATHS, INJURIES, ILLNESS, AND RISK OF SUCH INCIDENTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site. The database shall include any reports of injuries, illness, death, or risk of such injury, illness, or death related to the use of consumer products received by the Commission from—

''(i) consumers;

''(ii) local, State, or Federal government agencies;

''(iii) health care professionals, including physicians, hospitals, and coroners;

''(iv) child service providers;

''(v) public safety entities, including police and fire fighters; and

''(vi) other non-governmental sources, other than information provided to the Commission by retailers, manufacturers, or private labelers pursuant to a voluntary or required submission under section 15 or other mandatory or voluntary program.

''(B) ADDITIONAL CONTENTS.—In addition to the reports described in subparagraph (A), the Commission may include in the database any additional information it determines to be in the public interest.

''(C) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, product, manufacturer, the model of the product, and any other category the Commission determines to be in the public interest.

''(D) TIMING.—The Commission shall make such reports available on the Commission website no later than 15 days after the date on which they are received.

''(E) REMOVAL OF INACCURATE OR INCORRECT INFORMATION.—If the Commission determines, after investigation, that information made available on the database is incorrect the Commission shall promptly remove it from the database.

''(F) MANUFACTURER COMMENTS.—A manufacturer, private labeler, or retailer shall be given an opportunity to comment on any information involving a product manufactured by that manufacturer, or distributed by that private labeler or retailer, as the case may be. Any such comments may be included in the database alongside the information involving such product if requested by the manufacturer, private labeler, or retailer.

''(G) DISCLOSURE.—The Commission may not disclose the names or addresses of consumers pursuant to its authority under this subsection.

''(H) APPLICATION WITH OTHER PROVISIONS.—Subsection (a) and the preceding paragraphs of this subsection do not apply to the public disclosure of information received by the Commission under subparagraph (A) of this paragraph.''.

SEC. 8. RULEMAKING.

(a) ANPR REQUIREMENT.—

(1) IN GENERAL.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice,''; and

(E) by striking ''Register.'' in the matter following paragraph (4) of subsection (c) and inserting ''Register. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed consumer product safety standard.''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)) is amended to read as follows:

''(a) RULEMAKING.—

''(1) IN GENERAL.—Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which it finds meets the requirements of section 2(f)(1)(A).

''(2) PROCEDURE.—Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(2) PROCEDURE.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(3) ANPR REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) OTHER CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking paragraphs (c) and (d) of section 2 and inserting the following:

''(c) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in sections 5(c)(6)(D)(i) and 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and 1273(b)) , and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission'';

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1) (15 U.S.C. 1275(a)(1)); and

(J) by striking paragraph (5) of section 18(b) (15 U.S.C. 1261 note).

(c) RULEMAKING UNDER FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' in subsection (g) and inserting ''may be commenced by a notice of proposed rulemaking or''; and

(B) by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' in subsection (i) and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking paragraph (i) of section 2 (15 U.S.C. 1191(i)) and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''Commission'';

(C) by striking ''Secretary'' each place it appears and inserting ''Commission'', except in sections 9 and 14 (15 U.S.C. 1198 and 1201);

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking paragraph (5) of section 4(e) (15 U.S.C. 1193(e)) and redesignating paragraph (6) as paragraph (5);

(F) by striking ''Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')'' in section 15 (15 U.S.C. 1202) and inserting ''Commission'';

(G) by striking section 16(d) (15 U.S.C. 1203(d)) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related material, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) by striking ''Consumer Product Safety Commission'' in section 17 (15 U.S.C. 1204) and inserting ''Commission''.

SEC. 9. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 10. THIRD PARTY CERTIFICATION OF CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5);

(2) by striking ''Every manufacturer'' in paragraph (1) and inserting ''Except as provided in paragraph (2), every manufacturer'';

(3) by designating the second and third sentences of subsection (a) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

''(2) Beginning 60 days after the date on which the Commission publishes notice of an interim procedure designated under subsection (d)(2) of this section, every manufacturer, or its designee, of a children's product (and the private labeler, or its designee, of such product if it bears a private label) manufactured or imported after such 60th day that is subject to a children's product safety standard shall—

''(A) have the product tested by a third party laboratory qualified to perform such tests or testing programs; and

''(B) issue a certification which shall—

''(i) certify that such product meets that standard; and

''(ii) specify the applicable children's product safety standard.'';

(5) by striking ''Such certificate shall'' in paragraph (3) as redesignated by paragraph (1) and inserting ''A certificate required under this subsection shall''; and

(6) in paragraph (5), as redesignated by paragraph (1)—

(A) by striking ''required by paragraph (1) of this subsection,'' and inserting ''required by paragraph (1) or (2) (as the case may be),''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) TESTING PROGRAMS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by inserting ''(1)'' before the first sentence;

(2) by designating the second sentence as paragraph (2); and

(3) in paragraph (2), as so designated, by striking ''Any test or'' and inserting ''Except as provided in subsection (a)(2), any test or''.

(c) CHILDREN'S PRODUCTS; TESTING BY INDEPENDENT THIRD LABORATORIES; CERTIFICATION.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) APPLICATION TO OTHER CONSUMER PRODUCTS; CERTIFIER STANDARDS; AUDIT.—

''(1) IN GENERAL.—The Commission—

''(A) within 1 year after the date of enactment of the CPSC Reform Act shall by rule—

''(i) establish protocols and standards—

''(I) for acceptance of certification or continuing guarantees of compliance by manufacturers under this section; and

''(II) for verifying that products tested by third party laboratories comply with applicable standards under this Act and other Acts enforced by the Commission;

''(ii) prescribe standards for accreditation of third party laboratories, either by the Commission or by 1 or more independent standard-setting organizations to which the Commission delegates authority, to engage in certifying compliance under subsection (a)(2) for children's products or products to which the Commission extends the certification requirements of that subsection;

''(iii) establish requirements, or delegate authority to 1 or more independent standard-setting organizations, for third party laboratory testing, as the Commission determines to be necessary to ensure compliance with any applicable rule or order, of random samples of products certified under this section to determine whether they meet the requirements for certification;

''(iv) establish requirements for periodic audits of third party laboratories by an independent standard-setting organization as a condition for accreditation of such laboratories under this section; and

''(v) establish a program by which manufacturers may label products as compliant with the certification requirements of subsection (a)(2); and

''(B) may by rule extend the certification requirements of subsection (a)(2) to other consumer products or to classes or categories of consumer products.

''(2) INTERIM PROCEDURE.—Within 30 days after the date of enactment of the CPSC Reform Act, the Commission shall—

''(A) consider existing laboratory testing certification procedures established by independent standard-setting organizations; and

''(B) designate an existing procedure, or existing procedures, for manufacturers of children's products to follow until the Commission issues a final rule under paragraph (1)(A).

''(e) DEFINITIONS.—In this section:

''(1) CHILDREN'S PRODUCT.—The term 'children's product' means a product (other than a medication, drug, or food) designed or intended for use by, or care of, a child 7 years of age or younger that is introduced into the interstate stream of commerce. In determining whether a product is intended for use by a child 7 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product, if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 7 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by a child 7 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission in September 2002 and any subsequent version of such Guideline.

''(2) CHILDREN'S PRODUCT SAFETY STANDARD.—The term 'children's product safety standard' means a consumer product safety rule or standard under this Act or any other Act enforced by the Commission, or a rule or classification under this Act or any other Act enforced by the Commission declaring a consumer product to be a banned hazardous product or substance.

''(3) THIRD PARTY LABORATORY.—

''(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

''(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

''(ii) except as provided in subparagraph (C), is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

''(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

''(C) FIREWALLED PROPRIETARY LABORATORIES.—Upon request, the Commission may certify a laboratory that is owned, managed, or controlled by the manufacturer or private labeler as a third party laboratory if the Commission—

''(i) finds that certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(ii) establishes procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(iii) establishes procedures for confidential reporting of allegations of undue influence to the Commission.

''(D) PROVISIONAL CERTIFICATION.—

''(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (C) of this paragraph, or a laboratory described in subparagraph (A) of this paragraph, upon a showing that the laboratory—

''(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

''(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

''(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

''(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

''(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

''(E) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory (including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph) if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''consumer products which are subject to consumer product safety standards'' and inserting ''a consumer product that is subject to a consumer product safety standard, a children's product that is subject to a children's product safety standard, or either such product that is subject to any other rule under this Act (or a similar rule under any other Act enforced by the Commission)''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

(e) LABEL AND CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall prescribe a rule in accordance with section 14(a)(5) and (d) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(5) and (d)) for children's products (as defined in subsection (e) of such section).

(f) PROHIBITION ON IMPORTS OF CHILDREN'S PRODUCTS WITHOUT THIRD PARTY

TESTING CERTIFICATION.—Section 17(a) (15 U.S.C. 2066(a)) is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking ''(g).'' in paragraph (5) and inserting a ''(g); or''; and

(3) by adding at the end the following:

''(6) is a children's product, as that term is defined in section 14(e), or a product for which the Commission, under section 14(d)(1), has required certification under section 14(a)(2), that is not accompanied by a certificate from a third party as required by section 14(a)(2).''.

(g) CPSC CONSIDERATION OF EXISTING REQUIREMENTS.—In establishing standards for laboratories certified to perform testing under section 14 of the Consumer Product Safety Act, as amended by this section, the Consumer Product Safety Commission may consider standards and protocols for certification of such laboratories by independent standard-setting organizations that are in effect on the date of enactment of this Act, but shall ensure that the final rule prescribed under subsections (a)(2) and (d) of that section incorporates, as the standard for certification, the most current scientific and technological standards and techniques available.

SEC. 11. TRACKING LABELS FOR PRODUCTS FOR CHILDREN.

(a) LABELING REQUIREMENT FOR INTERNET AND CATALOGUE ADVERTISING OF CERTAIN TOYS AND GAMES.—Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—

''(A) CAUTIONARY STATEMENT.—Any advertisement posted by a manufacturer, retailer, distributor, private labeler, or licensor for any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including any advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. A manufacturer, distributor, private labeler, or licensor that uses a retailer to advertise a product shall inform the retailer of any cautionary statement that may apply to such products in any communication to the retailer that contains information about the products to be advertised. The requirement imposed by the preceding sentence shall only apply to advertisements by the retailer if the manufacturer, importer, distributor, private labeler, or licensor affirmatively informs the retailer that such cautionary statement is required for the product.

''(B) DISPLAY.—The cautionary statement described in subparagraph (A) shall be prominently displayed—

''(i) in the primary language used in the advertisement, catalogue, or Internet website;

''(ii) in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in such advertisement; and

''(iii) in a manner consistent with part 1500 of title 16, Code of Federal Regulations.

''(C) DEFINITIONS.—In this paragraph, the terms 'manufacturer, retailer, distributor, private labeler, and licensor'—

''(i) mean any individual who, by such individual's occupation holds himself or herself out as having knowledge or skill peculiar to consumer products, including any person who is in the business of manufacturing, selling, distributing, labeling, licensing, or otherwise placing in the stream of commerce consumer products; but

''(ii) do not include an individual whose selling activity is intermittent and does not constitute a trade or business.

''(2) ENFORCEMENT.—The requirement under paragraph (1) shall be treated as a consumer product safety standard promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). The publication or distribution of any advertisement that is not in compliance with paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).''.

(b) TRACKING LABELS FOR PRODUCTS FOR CHILDREN.—Section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)), as amended by section 10(a) of this Act, is further amended by adding at the end thereof the following:

''(6) Effective 1 year after the date of enactment of the CPSC Reform Act, the manufacturer of a children's product or other consumer product (as may be required by the Commission in its discretion after a rulemaking proceeding) shall place distinguishing marks on the product and its packaging, to the extent practicable, that will enable the ultimate purchaser to ascertain the manufacturer, production time period, and cohort (including the batch, run number, or other identifying characteristic) of production of the product by reference to those marks.''.

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended—

(1) by striking ''(c) The'' and inserting ''(c)(1) The'';

(2) by striking ''rule)—'' and inserting ''rule):'';

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by indenting the sentence beginning ''Such labels'' and inserting ''(2)'' before ''Such labels''; and

(5) by adding at the end thereof the following:

''(4) If an advertisement, label, or package contains a reference to a consumer product safety standard, a statement with respect to whether the product meets all applicable requirements of that standard.''.

SEC. 12. SUBSTANTIAL PRODUCT HAZARD REPORTING REQUIREMENT.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by striking ''consumer product distributed in commerce,'' and inserting ''consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) distributed in commerce,'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

''(2) fails to comply with any rule or standard promulgated by the Commission under this or any other Act;''.

SEC. 13. CORRECTIVE ACTION PLANS.

Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''whichever of the following actions the person to whom the order is directed elects:'' and inserting ''any one or more of the following actions it determines to be in the public interest:'';

(6) by indenting the sentence beginning ''An order'' and inserting ''(2)'' before ''An order'';

(7) by striking ''satisfactory to the Commission,'' and inserting ''for approval by the Commission,'';

(8) by striking ''described in paragraph (3).'' and inserting ''described in paragraph (1)(C).''; and

(9) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may by order amend, or require amendment of, the action plan.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan. The manufacturer, retailer, or distributor to which the action plan applies may not distribute the product to which the action plan relates in commerce after receipt of notice of a revocation of the action plan.''.

SEC. 14. IDENTIFICATION OF MANUFACTURER BY IMPORTERS, RETAILERS, AND DISTRIBUTORS.

Section 16 (15 U.S.C. 2065) is amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request to the extent that the information is known, or can be determined, by the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which it directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication of such product or substance; and

''(C) each subcontractor from which it obtained a component thereof.''.

SEC. 15. PROHIBITED ACTS.

(a) SALE OF RECALLED PRODUCTS.—Section 19(a) (15 U.S.C. 2068(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, but only if the seller, distributor, or manufacturer knew or should have known of such voluntary corrective action; or

''(C) subject to an order issued under section 12 or 15 of this Act, designated a banned

hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8);

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''; and

(5) by striking ''18(b).'' in paragraph (10) and inserting ''18(b); or''.

(b) EXPORT OF RECALLED PRODUCTS.—

(1) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end thereof the following:

''(c) Notwithstanding any other provision of law, the Commission may prohibit a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under this Act of any other Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety standard under this Act or with a similar rule under any such other Act and does not violate applicable safety standards established by the importing country;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this Act or any other Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer, except that the Commission may permit such a product to be exported if it meets applicable safety standards established by the importing country.''.

(2) PENALTY.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (a) of this section, is further amended—

(A) by striking ''or'' after the semicolon in paragraph (10);

(B) by striking ''37.'' in paragraph (11) and inserting ''37; or''; and

(C) by adding at the end thereof the following:

''(12) violate an order of the Commission under section 18(c).''.

(3) CONFORMING AMENDMENTS TO OTHER ACTS.—

(A) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States,'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(B) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end thereof the following:

''(d)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), the Consumer Product Safety Commission may prohibit a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(A) is not in conformity with an applicable consumer product safety standard under the Consumer Product Safety Act or with a rule under this Act;

''(B) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(C) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this or another Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer.

''(2) The Commmission may permit the exportation of a fabric, related material, or product described in paragraph (1) if it meets applicable safety standards of the country to which it is being exported.''.

(c) FALSE CERTIFICATION OF COMPLIANCE WITH TESTING LABORATORY STANDARD.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (b)(2) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (11);

(2) by striking ''18(c).'' in paragraph (12) and inserting ''18(c); or''; and

(3) by adding at the end thereof the following:

''(13) sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark.''.

(d) MISREPRESENTATION OF INFORMATION IN INVESTIGATION.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (c) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (12);

(2) by striking ''false.'' in paragraph (13) and inserting ''false; or''; and

(3) by adding at the end thereof the following:

''(14) misrepresent to any officer or employee of the Commission the scope of consumer products subject to an action required under section 12 or 15, or to make a material misrepresentation to such an officer or employee in the course of an investigation under this Act or any other Act enforced by the Commission.''.

(e) CERTIFICATES OF COMPLIANCE WITH MANDATORY STANDARDS.—Section 19(a)(6) (15 U.S.C. 2068(a)(6)) is amended to read as follows:

''(6) fail to furnish a certificate required by this Act or any other Act enforced by the Commission, or to issue a false certificate if such person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c);''.

(f) UNDUE INFLUENCE ON THIRD PARTY LABORATORIES.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (d) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (13);

(2) by striking ''Commission.'' in paragraph (14) and inserting ''Commission; or''; and

(3) by adding at the end thereof the following:

''(15) exercise, or attempt to exercise, undue influence on a third party laboratory (as defined in section 14(e)(2)) with respect to the testing, or reporting of the results of testing, of any product for compliance with a standard under this Act or any other Act enforced by the Commission.''.

SEC. 16. PENALTIES.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 20(a) (15 U.S.C. 2069(a)) is amended—

(A) by striking ''$5,000'' and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (3)(B) and inserting ''December 1, 2011,''.

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (6)(B) and inserting ''December 1, 2011,''.

(3) FLAMMABLE FABRICS ACT.—Section 5(e) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (5)(B) and inserting ''December 1, 2011,''.

(4) MAXIMUM PENALTY FOR CERTAIN VIOLATIONS.—Section 20(a)(1) (15 U.S.C. 2069(a)), section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)), and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) are each amended by inserting ''The Commission shall impose civil penalties exceeding $10,000,000 under this paragraph only when issuing a finding of aggravated circumstances.'' after ''violations.''.

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 21(a) (15 U.S.C. 2070(a)) is amended to read as follows:

''(a) Violation of section 19 of this Act is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(2) DIRECTORS, OFFICERS, AND AGENTS.—Section 21(b) (15 U.S.C. 2070(b)) is amended by striking ''19, and who has knowledge of notice of noncompliance received by the corporation from the Commission,'' and inserting ''19''.

(3) UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(a)) is amended by striking ''one year, or a fine of not more than $3,000, or both such imprisonment and fine.'' and inserting ''5 years, a fine determined under section 3571 of title 18, United States Code, or both.''.

(4) UNDER THE FLAMMABLE FABRICS ACT.—Section 7 of the Flammable Fabrics Act (15 U.S.C. 1196) is amended to read as follows:

''PENALTIES

''SEC. 7. Violation of section 3 or 8(b) of this Act, or failure to comply with section 15(c) of this Act, is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(c) CIVIL PENALTY CRITERIA.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall initiate a rulemaking in accordance with section 553 of title 5, United States Code, to establish criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as

repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

(d) CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.—Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalties provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act or any other Act enforced by the Commission for which the violator is sentenced to pay a fine, be imprisoned, or both.''.

SEC. 17. PREEMPTION.

The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively)), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261 note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation.

SEC. 18. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end thereof the following:

''(f)(1) The Commission may make information obtained by the Commission under section 6 available to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) the foreign government agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) Except as provided in paragraph (3) of this subsection, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(A) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(B) any material reflecting a consumer complaint obtained from any other foreign source, if the foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(C) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(3) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) The Commission may terminate a memorandum of understanding or other agreement with another agency if it determines that the other agency has not handled information made available by the Commission under paragraph (1) or has failed to maintain confidentiality with respect to the information.

''(5) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).''.

SEC. 19. FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

''FINANCIAL RESPONSIBILITY

''SEC. 39. (a) The Commission, in a rulemaking proceeding, may establish procedures to require the posting of an escrow, proof of insurance, or security acceptable to the Commission by—

''(1) a person that has committed multiple significant violations of this Act or any rule or Act enforced by the Commission;

''(2) the manufacturer or distributor of a category or class of consumer products; or

''(3) the manufacturer or distributor of any consumer product or any product or substance regulated under any other Act enforced by the Commission.

''(b) AMOUNT.—The escrow, proof of insurance, or security required by the Commission under subsection (a) shall be in an amount sufficient—

''(1) to cover the costs of an effective recall of the product or substance; or

''(2) to cover the costs of holding the product and the destruction of the product should such action be required by the Commission under this Act or any other act enforced by the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents is amended by striking the item relating to section 10 and inserting the following:

''Sec. 10. [Repealed].''.

(2) The table of contents is amended by inserting after the item relating to section 34 the following:

''Sec. 35. Interim cellulose insulation safety standard.
''Sec. 36. Congressional veto of consumer product safety rules.
''Sec. 37. Information reporting.
''Sec. 38. Low-speed electric bicycles.
''Sec. 39. Financial responsibility.''.

SEC. 20. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 26 the following:

''ENFORCEMENT BY STATE ATTORNEYS GENERAL

''SEC. 26A. (a) Except as provided in subsection (f), whenever the attorney general of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer product safety rule, regulation, standard, certification or labeling requirement, or order prescribed under this Act or any other Act enforced by the Commission (including the sale of a voluntarily or mandatorily recalled product or of a banned hazardous substance or product), the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief provided under such Act.

''(b) The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

''(c) Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

''(1) be heard on all matters arising in such civil action; and

''(2) file petitions for appeal of a decision in such civil action.

''(d) Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

''(e) In a civil action brought under subsection (a)—

''(1) the venue shall be a judicial district in which—

''(A) the manufacturer, distributor, or retailer operates; or

''(B) the manufacturer, distributor, or retailer is authorized to do business;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

''(3) a person who participated with a manufacturer, distributor, or retailer in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(f) If the Commission has instituted a civil action or an administrative action for violation of this Act or any other Act enforced by the Commission, no State attorney

general, or other official or agency of a State, may bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

''(g) If the attorney general of the State prevails in any civil action under subsection (a), it can recover reasonable costs and attorney fees from the manufacturer, distributor, or retailer.''.

(b) CONFORMING AMENDMENT.—The table of contents is amended by inserting after the item relating to section 26 the following:

''Sec. 26A. Enforcement by state attorneys general.''.

SEC. 21. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 19, is further amended by adding at the end the following:

''WHISTLEBLOWER PROTECTION

''SEC. 40. (a) No manufacturer, private labeler, distributor, or retailer, nor any Federal, State, or local government agency, may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission.

''(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all appropriate relief to the employee available by law or equity, including injunctive relief, compensatory and consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages up to $250,000.

''(5)(A) Any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) Subsection (a) shall not apply with respect to an employee of a manufacturer, private labeler, distributor, or retailer who, acting without direction from such manufacturer, private labeler, distributor, or retailer (or such person's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, regulation, or consumer product safety standard under this Act or any other law enforced by the Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 19 of this Act, is further amended by inserting after the item relating to section 39 the following:

''Sec. 40. Whistleblower protection.''.

SEC. 22. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, any children's product (as defined in section 14(e) of the Consumer Product Safety Act (15 U.S.C. 2063(e))) that contains lead shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(b) TRACE AMOUNTS OF LEAD.—

(1) INITIAL STANDARD.—For purposes of subsection (a), a children's product shall be considered to contain lead if any part of the product contains lead or lead compounds and the lead content of such part (calculated as lead metal) is greater than 0.03 percent by weight of the total weight of such part (or such lesser amount as may be established by the Commission by regulation).

(2) REDUCED THRESHOLD.—

(A) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this Act, paragraph (1) shall be applied by substituting ''0.01 percent'' for ''0.03 percent'' unless the Consumer Product Safety Commission determines that a standard of 0.01 percent is not technologically feasible. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(B) ALTERNATIVE REDUCTION.—If the Commission determines under subparagraph (A) that the 0.01 percent standard is not technologically feasible, the Commission shall, by regulation, establish a lesser amount that is the lowest amount of lead, lower than 0.03 percent by weight, the Commission determines to be technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 0.03 percent standard under paragraph (1) beginning on the date that is 3 years after the date of enactment of this Act.

(c) EXCEPTIONS.—

(1) INACCESSIBLE COMPONENTS.—After notice and a hearing, the Commission may determine that subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product. In making its determination under this paragraph, the Commission may not consider paint, coatings, or electroplating to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(2) ELECTRONICS.—If the Commission determines that it is not feasible for certain electronic devices, including batteries, to comply with subsection (a) at the time the regulations take effect, the Commission shall, by regulation—

(A) issue standards to reduce the exposure of and accessibility to lead in such electronic devices; and

(B) establish a schedule by which such electronic devices shall be in full compliance with the regulations prescribed under subsection (a).

(d) REGULATIONS.—Notwithstanding the provisions of subsection (b), the Commission may by regulation establish such lower thresholds for lead content in children's products than those set forth in subsection (b) as the Commission finds to be technologically feasible.

(e) PAINT STANDARD FOR ALL PRODUCTS.—Effective on the date that is 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall modify section 1303.1 of its regulations (16 C.F.R. 1303.1) by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section.

(f) APPLICATION WITH ASTM F963.—To the extent that any standard or rule promulgated by the Consumer Product Safety Commission under this section (or any section of the Consumer Product Safety Act or any other Act enforced by the Commission, as such Acts are affected by this section) is inconsistent with the ASTM F963 standard, such promulgated standard or rule shall supersede the ASTM F963 standard to the extent of the inconsistency.

SEC. 23. ALTERNATIVE MEASURES OF LEAD CONTENT.

The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall report its findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Commission's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission $500,000 for purposes of carrying out this section for fiscal year 2009.

SEC. 25. COST–BENEFIT ANALYSIS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970.

Section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472) is amended by adding at the end thereof the following:

''(e) Nothing in this Act shall be construed to require the Secretary, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.''.

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and

(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SEC. 27. PUBLIC INTERNET WEBSITE LINKS.

Not later than 30 days after the date of enactment of this Act, the Consumer Product Safety Commission shall establish and maintain—

(1) a direct link on the homepage of its Internet website to the Internet website of the Commission's Office of Inspector General; and

(2) a mechanism on the homepage of the Office of Inspector General's Internet website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Commission.

SEC. 28. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.

(a) CONSUMER PRODUCT SAFETY RULE.—

(1) ESTABLISHMENT.—There is established, as a consumer product safety rule promulgated by the Commission in accordance with section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), a requirement that each portable gasoline container for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517-05, issued by ASTM International.

(b) REVISION OF RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, after the date of the enactment of this Act, ASTM International proposes to revise the child resistance requirements of ASTM F2517-05—

(A) ASTM International shall notify the Commission of the proposed revision; and

(B) the proposed revision shall be incorporated in the consumer product safety rule established by subsection (a).

(2) EXCEPTION.—If, not later than 60 days after the date of the notice described in paragraph (1)(A), the Commission notifies ASTM International that the Commission has determined that such revision is inconsistent with subsection (a), the requirement of paragraph (1)(B) shall not apply.

(c) IMPLEMENTING REGULATIONS.—With respect to the promulgation of any regulations by the Commission to implement the requirements of this section—

(1) section 553 of title 5, United States Code, shall apply; and

(2) sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report on—

(1) the degree of industry compliance with the consumer product safety rule established by subsection (a);

(2) any enforcement actions brought by the Commission to enforce such rule; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the rule established by subsection (a)).

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) PORTABLE GASOLINE CONTAINER.—The term ''portable gasoline container'' means any portable gasoline container intended for use by consumers.

(f) EFFECTIVE DATE.—The rule established by subsection (a) shall apply to portable gasoline containers manufactured on or after the date that is 6 months after the date of enactment of this Act.

SEC. 29. TOY SAFETY STANDARD.

(a) IN GENERAL.—Beginning 60 days after the date of enactment of this Act, ASTM–International Standard F963–07, Consumer Safety Specifications for Toy Safety, as it exists on the date of enactment of this Act shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) REVISIONS.—If more than 60 days after the date of enactment of this Act, ASTM–International proposes to revise Standard F963–07, Consumer Safety Specifications for Toy Safety, or a successor standard, it shall notify the Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule. The revised standard shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 30 days after the date on which ASTM–International notifies the Commission of the revision unless, within 60 days after receiving that notice, the Commission notifies ASTM–International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM–International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.

SEC. 30. ALL-TERRAIN VEHICLE SAFETY STANDARD.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 21 of this Act, is further amended by adding at the end thereof the following:

''ALL-TERRAIN VEHICLE SAFETY STANDARD

''SEC. 41. (a) IN GENERAL.—

''(1) MANDATORY STANDARD.—Notwithstanding any other provision of law, within 90 days after the date of enactment of the CPSC Reform Act the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2007). The standard shall take effect 150 days after it is published.

''(2) COMPLIANCE WITH STANDARD.—After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless—

''(A) the vehicle complies with each applicable provision of the standard;

''(B) the vehicle is subject to an ATV action plan filed with the Commission before the date of enactment of the CPSC Reform Act, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer or private labeler and the ATV action plan to which it is subject; and

''(C) the manufacturer or distributor is in compliance with all provisions of the applicable ATV action plan.

''(3) VIOLATION.—The failure to comply with any requirement of paragraph (2) shall be deemed to be a failure to comply with a consumer product safety rule under this Act and subject to all of the penalties and remedies available under this Act.

''(4) COMPLIANT MODELS WITH ADDITIONAL FEATURES.—Paragraph (2) shall not be construed to prohibit the distribution in interstate commerce of new all-terrain vehicles that comply with the requirements of that paragraph but also incorporate characteristics or components that are not covered by those requirements. Any such characteristics or components shall be subject to the requirements of section 15 of this Act.

''(b) MODIFICATION OF ALL-TERRAIN VEHICLE SAFETY STANDARD.—

''(1) ANSI REVISIONS.—If the American National Standard ANSI/SVIA–1–2007 is revised through the applicable consensus standards development process after the date on which the product safety standard for all-terrain vehicles is published in the Federal Register, the American National Standards Institute shall notify the Commission of the revision.

''(2) COMMISSION ACTION.—Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for all-terrain vehicles to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles, and notify the Institute of any provision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for all-terrain vehicles within 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

''(3) UNREASONABLE RISK OF INJURY.—Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for all-terrain vehicles to include any additional provision that the Commission determines is reasonably necessary to reduce an unreasonable risk of injury associated with the performance of all-terrain vehicles.

''(4) CERTAIN PROVISIONS NOT APPLICABLE.—Sections 7, 9, 11, and 30(d) of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.

''(c) REQUIREMENTS FOR 3-WHEELED ALL-TERRAIN VEHICLES.—Until a mandatory consumer product safety rule applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this Act is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 19(a)(1) of this Act and may also be enforced under section 17 of this Act.

''(d) FURTHER PROCEEDINGS.—

''(1) DEADLINE.—The Commission shall issue a final rule in its proceeding entitled 'Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles'.

''(2) CATEGORIES OF YOUTH ATVS.—In the final rule, the Commission may provide for a multiple factor method of categorization that, at a minimum, takes into account—

''(A) the weight of the vehicle;

''(B) the maximum speed of the vehicle;

''(C) the velocity at which a vehicle of a given weight is traveling at the maximum speed of the vehicle;

''(D) the age of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle; and

''(E) the average weight of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle.

''(e) DEFINITIONS.—In this section:

''(1) ALL-TERRAIN VEHICLE OR ATV.—The term 'all-terrain vehicle' or 'ATV' means—

''(A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but

''(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

''(2) ATV ACTION PLAN.—The term 'ATV action plan' means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the vehicles, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading The Undertakings of the Companies in the Commission Notice published in the Federal Register on September 9, 1998 (63 FR 48199-48204).''.

(b) GAO STUDY.—The Comptroller General shall conduct a study of the utility, recreational, and other benefits of all-terrain vehicles to which section 38 of the Consumer Product Safety Act (15 U.S.C. 2085) applies, and the costs associated with all-terrain vehicle-related accidents and injuries.

(c) CONFORMING AMENDMENT.—The table of contents, as amended by section 21 of this Act, is further amended by inserting after the item relating to section 40 the following:

''Sec. 41. All-terrain vehicle safety standard.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 31. GARAGE DOOR OPENER STANDARD.

Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety–UL 325, all automatic garage door openers that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

SEC. 32. REDUCING DEATHS AND INJURIES FROM CARBON MONOXIDE POISONING.

(a) IN GENERAL.—The Consumer Product Safety Commission shall issue a final rule in its proceeding entitled ''Portable Generators'' for which the Commission issued an advance notice of proposed rulemaking on December 12, 2006 (71 Fed. Reg. 74472), no later than 18 months after the date of enactment of this Act.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Consumer Product Safety Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation that—

(1) reviews the effectiveness of its labeling requirements for charcoal briquettes (16 C.F.R. 1500.14(b)(6)) during the windstorm that struck the Pacific Northwest beginning on December 14, 2006;

(2) identifies any specific challenges faced by non-English speaking populations with use of the current standards; and

(3) contains recommendations for improving the labels on charcoal briquettes.

SEC. 33. COMPLETION OF CIGARETTE LIGHTER RULEMAKING.

The Consumer Product Safety Commission shall issue a final rule mandating general safety standards for cigarette lighters in its proceedings entitled ''Safety Standard for cigarette Lighters'' for which the Commission issued an advance notice of proposed rulemaking on April 11, 2005 (68 Fed. Reg. 11339) no later than 24 months after the date of enactment of this Act.

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS.

(a) CONSUMER PRODUCT REGISTRATION FORMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate final consumer product safety rules that require manufacturers of durable infant or toddler products—

(A) in accordance with paragraph (2), to provide consumers with postage-paid consumer registration forms with each such product;

(B) in accordance with paragraph (5), to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to place permanently the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORMS.—

(A) IN GENERAL.—The registration forms required by paragraph (1)(A) shall provide space sufficiently large to permit easy, legible recording of the information specified in subparagraph (B)(i).

(B) ELEMENTS.—Such forms shall include the following:

(i) Spaces for a consumer to provide the following:

(I) The consumer's name.

(II) The consumer's postal address.

(III) The consumer's telephone number.

(IV) The consumer's e-mail address.

(ii) The manufacturer's name.

(iii) The model name and number for the product.

(iv) The date of manufacture of the product.

(v) A message that—

(I) explains the purpose of the registration; and

(II) is designed to encourage consumers to complete the registration.

(vi) A statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

(vii) A message that explains the option to register via the Internet, as required by paragraph (4).

(C) PLACEMENT.—Such form shall be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer will notice and handle the form after purchasing the product.

(3) TEXT AND FORMAT OF REGISTRATION FORMS.—In promulgating regulations under paragraph (1), the Commission may prescribe the exact text and format of such form.

(4) INTERNET REGISTRATION.—In promulgating regulations under paragraph (1), the Commission shall require manufacturers of durable infant or toddler products to provide a mechanism for consumers to submit to the manufacturer via the Internet electronic versions of the registration forms required by paragraph (1)(A).

(5) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—The rules promulgated under paragraph (1) shall require each manufacturer of a durable infant or toddler product—

(i) to maintain a record of consumers who register for such product that includes all of the information provided by such consumers; and

(ii) to use such information to notify such consumers in the event of a voluntary or involuntary recall of, or safety alert regarding, such product.

(B) PERIOD OF MAINTENANCE.—Such rules shall require such manufacturers of durable infant or toddler products to maintain the records described in subparagraph (A)(i) for a period of not less than 6 years after the date of manufacture of the product concerned.

(C) LIMITATION ON USE OF INFORMATION COLLECTED.—The rules promulgated under paragraph (1) shall prohibit manufacturers from using or disseminating to any other party the information collected by the manufacturer under this subsection for any purpose other than notification to the consumer concerned in the event of a product recall or safety alert regarding the product concerned.

(D) RESERVATION.—Nothing in this section requires a manufacturer to collect, retain, or use any information unless it is provided by the consumer.

(b) REPORT AND STUDY.—Not later than 4 years after the date of enactment of this Act, the Commission shall—

(1) conduct a study on the effectiveness of the rules promulgated under subsection (a) in facilitating product recalls; and

(2) submit to Congress a report on the findings of the Commission with respect to the study required by paragraph (1).

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term ''durable infant or toddler product'' means a durable product intended for use by, or that may be reasonably expected to be used by, children younger than the age of 5 years, including the following:

(A) Full-size cribs and nonfull-size cribs.

(B) Toddler beds.

(C) High chairs, booster chairs, and hook-on chairs.

(D) Bath seats.

(E) Gates and other enclosures for confining a child.

(F) Play yards.

(G) Stationary activity centers.

(H) Infant carriers.

(I) Strollers.

(J) Walkers.

(K) Swings.

(L) Bassinets and cradles.

SEC. 35. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 36. CONSUMER PRODUCT SAFETY COMMISSION PRESENCE AT NATIONAL TARGETING CENTER OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall enter into a memorandum of understanding with the Secretary of Homeland Security for the assignment by the Commission of not less than 1 full-time equivalent personnel to work at the National Targeting Center of U.S. Customs and Border Protection.

(b) RESPONSIBILITIES.—Any personnel assigned under subsection (a) shall, in cooperation with other personnel working at the National Targeting Center, identify products, before such products are imported into the customs territory of the United States, that—

(1) are intended for importation into such customs territory; and

(2) pose a high risk to consumer safety.

(c) WAIVER.—The Consumer Product Safety Commission may waive the requirement of subsection (a) if the Commission determines that an assignment under subsection (a) would not improve the effectiveness of the Commission in identifying products described in subsection (b) before such products

are imported into the customs territory of the United States.

SEC. 37. DEVELOPMENT OF RISK ASSESSMENT METHODOLOGY TO IDENTIFY SHIPMENTS OF CONSUMER PRODUCTS THAT ARE LIKELY TO CONTAIN CONSUMER PRODUCTS IN VIOLATION OF SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall develop a risk assessment methodology for identification of shipments of consumer products that are—

(1) intended for import into the customs territory of the United States; and

(2) are likely to include consumer products that would be refused admission into such customs territory under section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)).

(b) USE OF INTERNATIONAL TRADE DATA SYSTEM.—The methodology developed under subsection (a) shall, as far as practicable, use the International Trade Data System (ITDS) established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States before such shipments enter such customs territory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 38. SEIZURE AND DESTRUCTION OF IMPORTED PRODUCTS IN VIOLATION OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) LIST OF PRODUCT DEFECTS THAT CONSTITUTE A SUBSTANTIAL PRODUCT HAZARD.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall publish a list of product defects that constitute a substantial product hazard (as defined in section 15 of the Consumer Product Safety Act (15 U.S.C. 2064)).

(2) UPDATES.—The Consumer Product Safety Commission shall, as the Commission considers appropriate—

(A) update the list required by paragraph (1); and

(B) provide a copy of the updated list to the Secretary of Homeland Security.

(b) DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.—Section 17(e) (15 U.S.C. 2066(e)) is amended to read as follows:

''(e) PRODUCT DESTRUCTION.—The Secretary of Homeland Security shall ensure the destruction of any product refused admission into the customs territory of the United States under this section unless such product is exported, under regulations prescribed by the Secretary or the Commission, as appropriate, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.''.

(c) INSPECTION AND RECORDKEEPING REQUIREMENTS AS CONDITIONS ON IMPORTATION.—Section 17(g) (15 U.S.C. 2066(g)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(d) PROVISION OF INFORMATION TO COOPERATING AGENCIES.—Section 17(h)(2) (15 U.S.C. 2066(h)(2)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(e) CONSTRUCTION.—Section 17 (15 U.S.C. 2066) is amended by adding at the end the following:

''(i) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security from prohibiting entry or directing the destruction or export of a consumer product under any other provision of law.''.

(f) CONFORMING AMENDMENTS.—Such section 17 is further amended—

(1) in subsection (a), by striking ''Any consumer'' and inserting ''REFUSAL OF ADMISSION.—Any consumer'';

(2) in subsection (b), by striking ''The'' in the first sentence and inserting ''SAMPLES.—The'';

(3) in subsection (c), by striking ''If'' and inserting ''MODIFICATION.—If'';

(4) in subsection (d), by striking ''All actions'' in the first sentence and inserting ''SUPERVISION OF MODIFICATIONS.—All actions'';

(5) in subsection (f), by striking ''All expenses'' in the first sentence and inserting ''PAYMENT OF EXPENSES OCCASIONED BY REFUSAL OF ADMISSION.—All expenses'';

(6) in subsection (g), by striking ''The Commission'' and inserting ''IMPORTATION CONDITIONED UPON MANUFACTURER'S COMPLIANCE.—The Commission'';

(7) in subsection (h), by striking ''(h)(1) The Commission'' and inserting ''(h) PRODUCT SURVEILLANCE PROGRAM.—(1) The Commission''.

(g) TECHNICAL AMENDMENTS.—Such section 17 is further amended—

(1) by striking ''Secretary of the Treasury'' each place it occurs and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Department of the Treasury'' each place it occurs and inserting ''Department of Homeland Security''.

SEC. 39. DATABASE OF MANUFACTURING FACILITIES AND SUPPLIERS INVOLVED IN VIOLATIONS OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) DOCUMENTATION OF ACTS AND OMISSIONS.—If the Consumer Product Safety Commission discovers evidence that a violation of a consumer product safety rule was the result of an act or omission by a manufacturing facility or supplier, the Commission shall document the following:

(1) The date on which the violation occurred.

(2) A description of the violation and the circumstances that led to the violation.

(3) Details of the act or omission and the relation of such act or omission to the violation.

(4) Identifying information about the manufacturing facility or supplier, including the name and address of such manufacturing facility or supplier.

(b) DATABASE.—The Consumer Product Safety Commission shall establish and maintain a database that contains the following:

(1) All of the information documented under subsection (a).

(2) Any information submitted under subsection (d).

(c) NOTICE.—The Commission shall take reasonable steps to provide notice to each manufacturing facility or supplier documented in the database required by subsection (b) of the inclusion of such manufacturing facility or supplier in such database and the reasons for such inclusion.

(d) COMMENTS.—The Commission shall establish a process by which a manufacturing facility or supplier included in the database required by subsection (b) for an act or omission described in subsection (a) may submit information to the Commission for inclusion in the database. Such information may consist of—

(1) evidence refuting evidence contained in the database that a violation described in subsection (a) was the result of an act or omission by such manufacturing facility or supplier; and

(2) evidence of remedial measures taken by such manufacturing facility or supplier to correct such act or omission.

Information submitted under this subsection shall be treated the same as information in the database for purposes of subsections (g) and (h).

(e) AVAILABILITY OF DATABASE TO U.S. CUSTOMS AND BORDER PROTECTION.—The Consumer Product Safety Commission shall make the database established under subsection (b) available on a real-time basis to the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(f) USE OF DATABASE BY U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall use the information stored in the database required by subsection (b) in determining—

(1) whether a container being imported into the United States contains consumer products that are in violation of a consumer product safety standard of the Commission; and

(2) whether action should be taken with respect to any consumer products in such container under section 17 of the Consumer Product Safety Act (15 U.S.C. 2066).

(g) LIMITATION ON DISCLOSURE OF INFORMATION IN DATABASE.—

(1) IN GENERAL.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall not disclose any information contained in or provide access to the database required by subsection (b) to any person except as provided in paragraph (2), provided that this limitation does not apply to the disclosure of information that was collected, received, or maintained by the Commission for purpose other than inclusion in the database.

(2) EXCEPTION FOR LAW ENFORCEMENT AND NATIONAL SECURITY.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may disclose information contained in and provide access to the database required by subsection (b) to a law enforcement agency or an intelligence agency of the United States if the Commission or the Commissioner determine that such disclosure is necessary—

(A) to prevent a crime; or

(B) to detect, prevent, or respond to a threat to national security.

(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT DISCLOSURE REQUIREMENTS.—The database required by subsection (b) shall not be subject to the disclosure requirements of section 552 or 552A of title 5, United States Code.

(h) LIMITATION ON USE OF INFORMATION IN DATABASE FOR CERTAIN CIVIL OR CRIMINAL PENALTIES.—

(1) PROHIBITION ON IMPOSITION BY CONSUMER PRODUCT SAFETY COMMISSION OF PENALTIES SOLELY ON BASIS OF DATABASE.—The Consumer Product Safety Commission may not impose any penalty under section 20 or 21 of the Consumer Product Safety Act (15 U.S.C. 2069, 2070) on any person solely on the inclusion of information on a person in the database required by subsection (b).

(2) PROHIBITION ON IMPOSITION BY U.S. CUSTOMS AND BORDER PROTECTION OF PENALTIES SOLELY ON BASIS OF DATABASE.—Notwithstanding any other provision of law, the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may not impose any civil or criminal penalty on any person solely on the inclusion of information on a person in the database required by subsection (b).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. REID:

S. 2664. A bill to extend the provisions of the Protect America Act of 2007; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protect America Short-term Extension Act''.

SEC. 2. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note), as amended by section 1 of the Act to Extend the Protect America Act of 2007 for 15 Days (Public Law 110–182), is amended by striking ''195 days after the date of the enactment of this Act'' and inserting ''on the date that is 30 days after the date of the enactment of the Protect America Short-term Extension Act''.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect as if enacted on February 15, 2008.

By Mr. REID:

S. 2665. A bill to extend the provisions of the Protect America Act of 2007 until July 1, 2009; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protect America Long-term Extension Act''.

SEC. 2. EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Subsection (c) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note), as amended by section 1 of the Act to Extend the Protect America Act of 2007 for 15 Days (Public Law 110–182), is amended by striking ''195 days after the date of the enactment of this Act'' and inserting ''on July 1, 2009''.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect as if enacted on February 15, 2008.

By Ms. CANTWELL (for herself, Mr. SMITH, Mr. KERRY, Mr. COLEMAN, and Mr. SALAZAR):

S. 2666. A bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, the issues of housing are very much on the minds of the American people and those of us in Congress. While we focus on the challenges that homeowners currently are facing, we must not fail to recognize that there are a lot of families that dare not dream of owning their own home; they dream simply of having access to safe, affordable rental housing in our communities.

Today, I am pleased to introduce the Affordable Housing Investment Act, a bill that will update and modernize the low-income housing tax credit program—a program that we all know has been tremendously successful in helping construct needed affordable housing in communities across our country.

We often find ourselves reacting to Government programs that are broken; this bill is about a Government program that works but can be improved upon. The low-income housing tax credit program was created as part of the Tax Reform Act of 1986 and made permanent in 1993. Designed as a public/private funding partnership, largely administered by the States, this program has become the most successful housing production program in existence.

These tax credits make it attractive for investors to forego highly profitable luxury residences, in order to provide housing for those most in need. Without affordable housing, many low-income Americans would find themselves on the street. Instead, these families can provide shelter to their children and have a secure place to live near where they work and go to school.

State agencies award housing tax credits to housing developers, who turn the credits into construction funds by selling them to investors. There funds allow developers to borrow less money and pass through the savings in lower rental rates for low-income tenants. Investors, in turn, receive a 10–year tax credit based on the cost of constructing or rehabilitating apartments that cannot be rented to anyone whose median income is higher than 60 percent of the median income in the area.

Each State's annual housing credit allocation is capped. In 2007, the cap is $1.95 per capita, with a minimum of $2.275 million. States put each development through three separate, rigorous evaluations to make sure it receives only enough housing credits to make it viable as low-income housing for the long term.

Since its inception, this program has created nearly 2 million homes for low-income families at restricted rents for terms of at least 30 years—housing that would not have occurred without the tax credit.

The credit is responsive to the needs of local communities. It works for new construction, rehabilitation, and preservation of affordable housing. It works in cities, suburbs, and rural areas. It revitalizes low-income communities. It serves families, the elderly, the disabled, and the homeless. Each State sets its own housing priorities, and developers compete aggressively to meet these priorities.

The program is cost efficient and has a high compliance rate. The marketplace imposes discipline on the program so that taxpayers' dollars are well-spent. Investors receive their tax credits only if housing is built on time and on budget, operates successfully within local housing markets, and is well maintained over time. The annual failure rate for housing credit properties is 0.02 percent annually, well below that for other housing or commercial real estate.

As successful as the housing tax credit program is, it could benefit significantly from updating.

The Affordable Housing Investment Act of 2008, which I am introducing with Senators SMITH, KERRY, COLEMAN and SALAZAR, modernizes the tax credit rules in order to make it even more useful.

First, it eliminates the penalties for combining housing credits with other Federal housing programs. The bill proposes to remove various restrictions that make it hard to coordinate housing credits with other Federal policies and programs. These restrictions frustrate efforts to address local needs and add unnecessary legal and accounting costs. In some cases, these restrictions were set many years ago to prevent properties from receiving excessive subsidies. Such restrictions are no longer needed because States examine each project at three points to ensure that it needs the amount of housing credits allocated to it. In addition, the high demand for housing credits and other subsidies motivates all subsidy providers to limit subsidies to the minimum amount necessary.

Second, the bill helps foster low-income community revitalization by facilitating the construction of child care, primary health care, recreation and other community service facilities and aiding with the specific needs for housing in rural areas.

Third, the bill preserves existing affordable housing by easing restrictions on rehabilitation of older properties.

Finally, the bill eliminates unneeded inefficiencies in the tax laws that serve no public policy purpose.

The legislation has been endorsed by the National Council of State Housing Agencies, the Affordable Housing Tax Credit Coalition, the Housing Development Consortium, Local Initiatives Support Corporation and Impact Capital, National Association of State and Local Equity Funds, Seattle Housing Authority, and the Washington State Housing Finance Commission.

The tax credit program may be invisible to the people that now have a roof over their head, but it is indispensable to our ability to meet the growing demand—and diminishing supply—for affordable housing.

For example, Port Orchard Vista—a 42-unit apartment building for low-income seniors—would not have been built without the tax credit program. One resident, a 62-year-old grandmother named Jackie, would be homeless if this project had not been built. Jackie's Social Security check is $600 per month. Her rent was $605, not including utilities—or groceries! She was selling her furniture and her mom's old

cookbooks to make up the difference. She was just a few months away from being homeless.

Thanks to the tax credits, the Kitsap County Consolidated Housing Authority was able to get this project built and keep Jackie off the street. Today, Jackie's rent is $200—including utilities.

The Village at Overlake Station in Redmond, Washington, was built in 2001 and offers beautiful public spaces and apartment homes. Sarah, a single mother, came to Overlake Station in late 2005 after spending that summer and fall living out of her vehicle with her two children. She was extremely grateful to find a suitable, affordable apartment before the cold weather came. She and her children were forced to huddle together in the backseat of her car to stay warm as they slept and she was concerned about their safety. Though she tried to be cautious, she just knew she should find a better way to take care of her children.

Sarah and her children have proudly lived at Overlake for 2 years. Soon they will move into a new house, thanks to Habitat for Humanity. In two years, Sarah has gone from homelessness to homeownership—thanks to the Low-Income Housing Tax Credit program.

These stories can be replicated in every community in my State and across the country.

In 2002, the Millennial Housing Commission said in its final report to the Congress:

Securing access to decent, affordable housing is fundamental to the American Dream. All Americans want to live in good-quality homes they can afford without sacrificing other basic needs. All Americans want to live in safe communities with ready access to job opportunities, good schools, and amenities. All parents want their children to grow up with positive role models and peer influences nearby. And the overwhelming majority of Americans want to purchase a home as a way to build wealth.

By leveraging private capital to build affordable housing units, we are also helping our local communities. People left with no affordable housing options join the ranks of the homeless and then become the responsibility of our cash-strapped communities. We can alleviate some of the community responsibilities of caring for the homeless, the disabled, and other vulnerable low-income families by helping to provide these people an affordable place to call home. I encourage my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Affordable Housing Investment Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FACILITATE DEVELOPMENT OF HOUSING CREDIT PROPERTY

SEC. 101. RENAMING THE LOW-INCOME HOUSING CREDIT AS THE AFFORDABLE HOUSING CREDIT.

(a) IN GENERAL.—The heading of section 42 (relating to low-income housing credit) is amended by striking ''low-income'' and inserting ''affordable''.

(b) CONFORMING AMENDMENTS.—

(1) Sections 38(b)(5), 42(a), 772(a)(7), and 772(d)(5) are each amended by striking ''low-income'' and inserting ''affordable''.

(2) The headings of subparagraphs (3)(D) and (6)(B) of section 469(i) are each amended by striking ''LOW-INCOME'' and inserting ''AFFORDABLE''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 42 and inserting the following:

''Sec. 42. Affordable housing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. MODIFICATION OF RULES FOR DETERMINING APPLICABLE PERCENTAGE.

(a) IN GENERAL.—Subsection (b) of section 42 is amended—

(1) by striking the semicolon and all that follows to the period in the heading,

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) IN GENERAL.—For purposes of this section, the term 'applicable percentage' means the greater of the alternative applicable percentage determined under paragraph (2) or—

''(A) 9 percent in the case of any building to which subparagraph (B) does not apply, and

''(B) 4 percent in the case of—

''(i) any existing building, and

''(ii) any new building if, at any time during the taxable year or any prior taxable year, there is or was outstanding any obligation—

''(I) not taken into account under section 146,

''(II) which is exempt from tax under section 103, and

''(III) the proceeds of which are or were used (directly or indirectly) with respect to such building or the operation thereof.'',

(3) by striking ''BUILDINGS PLACED IN SERVICE AFTER 1987'' in the heading for paragraph (2) and inserting ''ALTERNATIVE APPLICABLE PERCENTAGE'', and

(4) by striking ''In the case of any qualified low-income building placed in service by the taxpayer after 1987, the term 'applicable percentage' means'' in paragraph (2)(A) and inserting ''For purposes of paragraph (1), the term 'alternative applicable percentage' means''.

(b) MODIFICATION OF RULES RELATED TO FEDERAL SUBSIDIES.—

(1) IN GENERAL.—Paragraph (2) of section 42(i) (relating to determination of whether building is Federally subsidized) is amended to read as follows:

''(2) EXCEPTIONS FOR CERTAIN NEW BUILDINGS OTHERWISE SUBJECT TO 4 PERCENT CREDIT LIMITATION.—

''(A) ELECTION TO REDUCE ELIGIBLE BASIS BY PROCEEDS OF OBLIGATIONS.—A tax-exempt obligation shall not be taken into account under subsection (b)(1)(B)(ii) if the taxpayer elects to exclude the proceeds of such obligation from the eligible basis of the building for purposes of subsection (d).

''(B) SPECIAL RULE FOR SUBSIDIZED CONSTRUCTION FINANCING.—A tax-exempt obligation used to provide construction financing for any building shall not be taken into account under subsection (b)(1)(B)(ii) if—

''(i) such obligation (when issued) identified the building for which the proceeds of such obligation would be used, and

''(ii) such obligation is redeemed before such building is placed in service.''.

(2) CONFORMING AMENDMENT.—Section 1400N(c)(6) is amended by striking ''December 31, 2010'' and inserting ''the date of the enactment of the Affordable Housing Investment Act of 2008''.

SEC. 103. INCREASE IN CREDIT FOR BUILDINGS IN STATE DESIGNATED AREAS.

(a) IN GENERAL.—Clause (i) of section 42(d)(5)(C) (relating to increase in credit for buildings in high cost areas) is amended by striking ''or difficult development area'' and inserting '', difficult development area, or State designated project''.

(b) STATE DESIGNATED PROJECT.—Subparagraph (C) of section 42(d)(5) is amended by adding at the end the following new clause:

''(v) STATE DESIGNATED PROJECT.—For purposes of this subparagraph, the term 'State designated project' means any project published as part of a State's qualified allocation plan (as defined in subsection (m)(1)(B)) and designated by the housing credit agency as meeting such criteria for designation under this clause as the State in which such project is located may specify. The rules of clauses (ii)(II) and (iii)(II) shall not apply for purposes designations made under this clause.''.

(c) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 42(d)(5) is amended by striking ''BUILDINGS IN HIGH COST AREAS'' and inserting ''CERTAIN BUILDINGS''.

SEC. 104. MODIFICATION OF SCATTERED SITE RULE.

Paragraph (7) of section 42(g) (relating to scattered site projects) is amended to read as follows:

''(7) SCATTERED SITE PROJECTS.—Buildings which would (but for their lack of proximity) be treated as a project for purposes of this section shall be so treated if the rent-restricted (within the meaning of paragraph (2)) residential units of such project are distributed among such buildings in proportion to the number of residential units in each building.''.

SEC. 105. TREATMENT OF RURAL PROJECTS.

Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income.''.

SEC. 106. EXPANSION OF ALLOWABLE BASIS FOR COMMUNITY SERVICE FACILITIES.

Section 42(d)(4)(C) (relating to inclusion of basis of property used to provide services for certain nontenants) is amended—

(1) by striking ''10 percent of the eligible basis'' in clause (ii)and inserting ''20 percent of the first $5,000,000 in eligible basis plus 10 percent of the remaining eligible basis'', and

(2) by adding at the end the following new flush sentences:

''For each calendar year beginning after 2008, the dollar amount in clause (ii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3), determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof. If any amount adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the next lowest multiple of $100,000.''.

TITLE II—IMPROVE COORDINATION WITH OTHER FEDERAL HOUSING PROGRAMS

SEC. 201. AFFORDABLE HOUSING CREDITS ALLOWED FOR SECTION 8 MODERATE REHABILITATION DEVELOPMENTS.

Paragraph (2) of section 42(c) (relating to qualified low-income building) is amended by striking the last sentence.

SEC. 202. MODIFICATION TO LOW-INCOME HOUSING CREDIT RULES FOR REDUCTION OF ELIGIBLE BASIS BY GRANTS RECEIVED.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.42–16(b) to provide that none of the following shall be considered a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986:

(1) Rental assistance under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a).

(2) Assistance under section 538(f)(5) of the Housing Act of 1949 (42 U.S.C. 1490p–2(f)(5)).

(3) Interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1).

(4) Rental assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(5) Rental assistance under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

(6) Modernization, operating, and rental assistance pursuant to section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132).

(7) Assistance under title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.).

(8) Tenant-based rental assistance under section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742).

(9) Assistance under the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.).

(10) Per diem payments under section 2012 of title 38, United States Code.

(11) Rent supplements under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

(12) Assistance under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r).

(13) Any other ongoing payment used to enable the property to be rented to low-income tenants.

(b) EFFECTIVE DATE.—The modifications required by this section shall take effect on the date of the enactment of this Act.

(c) NO INFERENCE.—Nothing contained in subsection (a) may be construed to create any inference with respect to the consideration of any program specified under subsection (a) as a grant made with respect to a building or its operation for purposes of section 42(d)(5)(A) of the Internal Revenue Code of 1986 as in effect on the day before such date of enactment.

TITLE III—FACILITATE PRIVATE INVESTMENT CAPITAL TO INCREASE THE EFFICIENCY OF AFFORDABLE HOUSING INVESTMENT

SEC. 301. REPEAL OF RECAPTURE BOND RULE.

(a) IN GENERAL.—Paragraph (6) of section 42(j) (relating to recapture of credit) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING (OR INTEREST THEREIN) REASONABLY EXPECTED TO CONTINUE AS A QUALIFIED LOW-INCOME BUILDING.—

''(A) IN GENERAL.—In the case of a disposition of a building or an interest therein, the taxpayer shall be discharged from liability for any additional tax under this subsection by reason of such disposition if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—

''(i) EXTENSION OF PERIOD.—The period for assessing a deficiency attributable to the application of subparagraph (A) with respect to a building (or interest therein) during the compliance period with respect to such building shall not expire before the expiration of 3 years after the end of such compliance period.

''(ii) ASSESSMENT.—Such deficiency may be assessed before the expiration of the 3-year period referred to in clause (i) notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENT OF LOW-INCOME HOUSING CREDIT REPAYMENT AMOUNT.

''(a) REQUIREMENT OF REPORTING.—Every person who, at any time during the taxable year, is an owner of a building (or an interest therein)—

''(1) which is in the compliance period at any time during such year, and

''(2) with respect to which recapture is required by section 42(j),

shall, at such time as the Secretary may prescribe, make the return described in subsection (b).

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of each person who, with respect to such building or interest, was formerly an investor in such owner at any time during the compliance period,

''(B) the amount (if any) of any credit recapture amount required under section 42(j), and

''(C) such other information as the Secretary may prescribe.

''(c) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

''(2) the information required to be shown on the return with respect to such person.

The written statement required under the preceding sentence shall be furnished on or before March 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(d) COMPLIANCE PERIOD.—For purposes of this section, the term 'compliance period' has the meaning given such term by section 42(i).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by inserting after clause (xxi) the following new clause:

''(xxii) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount),''.

(B) Paragraph (2) of section 6724(d) is amended by striking ''or'' at the end of subparagraph (BB), by striking the period at the end of subparagraph (CC) and inserting '', or'', and by adding after subparagraph (CC) the following new subparagraph:

''(DD) section 6050W (relating to returns relating to payment of low-income housing credit repayment amount).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Returns relating to payment of low-income housing credit repayment amount.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to any liability for the credit recapture amount under section 42(j) of the Internal Revenue Code of 1986 that arises after the date of the enactment of this Act.

(2) SPECIAL RULE FOR LOW-INCOME HOUSING BUILDINGS SOLD BEFORE DATE OF ENACTMENT OF THIS ACT.—In the case of a building disposed of before the date of the enactment of this Act with respect to which the taxpayer posted a bond (or alternative form of security) under section 42(j) of the Internal Revenue Code of 1986 (as in effect before such date of enactment), the taxpayer may elect (by notifying the Secretary of the Treasury in writing)—

(A) to cease to be subject to the bond requirements under section 42(j)(6) of such Code, as in effect before such date of enactment, and

(B) to be subject to the requirements of section 42(j) of such Code, as amended by this section.

SEC. 302. AFFORDABLE HOUSING CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4) (relating to special rules for specified credits) is amended by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively, and by inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42(a),''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. INTEREST ON QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS EXEMPT FROM ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) (relating to exception for qualified 501(c)(3) bonds) is amended to read as follows:

''(ii) EXCEPTION FOR CERTAIN BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145);

''(II) any qualified mortgage bond (as defined in section 143(a));

''(III) any qualified veterans' mortgage bond (as defined in section 143(b)); and

''(IV) any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds originally issued after the date of the enactment of this Act.

TITLE IV—HELP PRESERVE EXISTING AFFORDABLE HOUSING

SEC. 401. REPEAL OF 10-YEAR RULE FOR ACQUISITION HOUSING CREDITS.

(a) IN GENERAL.—Subparagraph (B) of section 42(d)(2) (relating to existing buildings) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(b) CONFORMING AMENDMENT.—Section 42(d) is amended by striking paragraph (6) and by redesignating paragraph (7) as paragraph (6).

SEC. 402. MODIFICATION OF RELATED PERSON RULE FOR AFFORDABLE HOUSING CREDIT.

(a) IN GENERAL.—Clause (iii) of section 42(d)(2)(D) (related to related person, etc.) is amended to read as follows:

''(iii) RELATED PERSON.—For purposes of subparagraph (B)(iii), a person (hereinafter in this subclause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

TITLE V—SIMPLIFY ADMINISTRATION OF THE HOUSING CREDIT PROGRAM

SEC. 501. ELIMINATION OF CERTAIN ANNUAL RECERTIFICATIONS OF TENANT INCOMES.

Paragraph (8) of section 42(g) (relating to qualified low-income housing project) is amended—

(1) by striking ''may waive'' in the mater preceding subparagraph (A);

(2) by inserting ''may waive'' before ''any recapture'' in subparagraph (A); and

(3) by inserting ''shall waive'' before ''any annual recertification'' in subparagraph (B).

TITLE VI—CONFORM MULTIFAMILY HOUSING BOND RULES TO HOUSING CREDIT RULES

SEC. 601. COORDINATION OF CERTAIN RULES APPLICABLE TO AFFORDABLE HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Students (as defined in section 152(f)(2)) shall not be treated as satisfying the requirements of subparagraph (A) or (B) of paragraph (1) except under rules similar to the rules of 42(i)(3)(D).''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by this Act, is further amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

TITLE VII—IMPROVE THE MORTGAGE REVENUE BOND PROGRAM

SEC. 701. SPECIAL RULE FOR USE OF MORTGAGE BONDS FOR DISASTER VICTIMS, SINGLE PARENTS, AND HOMEMAKERS.

(a) IN GENERAL.—Paragraph (2) of section 143(d) (relating to exceptions to 3-year requirement) is amended by striking ''and'' at the end of subparagraph (C) and by inserting after subparagraph (D) the following new subparagraphs:

''(E) financing of residences for individuals with an ownership interest in a principal residence which—

''(i) is located in an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

''(ii) has been rendered uninhabitable by reason of the major disaster,

''(F) financing of residences for individuals who—

''(i) are not married, and

''(ii) have one or more qualifying children (within the meaning of section 152), and

''(G) financing of residences for displaced homemakers,''.

(b) DISPLACED HOMEMAKERS.—Section 143(d) is amended by adding at the end the following new paragraph:

''(4) DISPLACED HOMEMAKER.—For purposes of paragraph (2)(G), the term 'displaced homemaker' means any individual who is—

''(A) over 18 years of age,

''(B) is not employed or underemployed and is experiencing difficulty in obtaining or upgrading employment, and

''(C) has not worked full-time full-year in the labor force for a number of years before the date on which financing for a residence is supplied, but has, during such years, worked primarily without remuneration to care for the home and family.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 702. REPEAL OF REQUIRED USE OF CERTAIN PRINCIPAL REPAYMENTS ON QUALIFIED MORTGAGE ISSUES TO REDEEM BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 143(a)(2) (relating to qualified mortgage issue defined) is amended by inserting ''and'' at the end of clause (ii), by striking '', and'' at the end of clause (iii) and inserting a period, and by striking clause (iv) and the last sentence.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 143(a)(2)(D) is amended by striking ''(and clause (iv) of subparagraph (A))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments received after the date of the enactment of this Act.

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply to—

(1) housing credit dollar amounts allocated after the date of the enactment of this Act, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 458—EXPRESSING THE CONDOLENCES OF THE SENATE TO THOSE AFFECTED BY THE DEVASTATING SHOOTING INCIDENT OF FEBRUARY 14, 2008, AT NORTHERN ILLINOIS UNIVERSITY IN DEKALB, ILLINOIS

Mr. DURBIN (for himself, Mr. OBAMA, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 458

Whereas, on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus

of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina ''Cati'' Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's ''princess'' and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who had spent more than 12 years in the United States Army and Army Reserve serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, ''Danny'' to his friends, a 6-foot, 5-inch rugby player with a gentle spirit and a bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Departments of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigation;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital, Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move ''forward, together forward'', in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, healthcare providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

SENATE RESOLUTION 459—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE NORTH ATLANTIC TREATY ORGANIZATION TO EXTEND INVITATIONS FOR MEMBERSHIP TO ALBANIA, CROATIA, AND MACEDONIA AT THE APRIL 2008 BUCHAREST SUMMIT, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 459

Whereas the North Atlantic Treaty Organization (NATO) will hold a Heads of State and Government summit at Bucharest, Romania in April 2008;

Whereas NATO has successfully defended the territory and interests of its members for more than 50 years and contributed to the spread of freedom, democracy, stability, and peace throughout Europe;

Whereas Albania, Croatia, and Macedonia have been preparing for NATO membership for more than 8 years and are undergoing a historic process of democratic and free market transformation after emerging from decades of occupation;

Whereas Albania, Croatia, and Macedonia have made important progress toward establishing civilian control of their militaries and demonstrating their ability to operate with the military forces of NATO nations at Alliance standards;

Whereas Albania, Croatia, and Macedonia continue to make important contributions to the United Nations-mandated International Security Assistance Force, operating under NATO leadership to assist the Government of Afghanistan in extending and exercising its authority and influence throughout Afghanistan, creating the conditions for stabilization and reconstruction;

Whereas Albania, Croatia, and Macedonia have made important improvements in their democratic processes, including—

(1) embracing ethnic diversity;

(2) respecting human rights;

(3) building a free market economy; and

(4) promoting good neighborly relations;

Whereas NATO conducted military operations against the Federal Republic of Yugoslavia to further the objective of a lasting peace in Kosovo;

Whereas the United States has diplomatically recognized the independence of Kosovo and should support the integration of Kosovo into international and Euro-Atlantic institutions;

Whereas lasting stability and security in Southeastern Europe requires the military, economic, and political integration of emerging democracies into existing European structures;

Whereas Albania, Croatia, and Macedonia can play important roles in NATO activities in Southeastern Europe, through their unique geostrategic position and by deterring and disrupting any efforts by any party to destabilize the region through violence;

Whereas Article 10 of the North Atlantic Treaty, done in Washington on April 4, 1949, states: ''any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area'' may be granted NATO membership; and

Whereas the Riga Summit Declaration, issued by NATO in November 2006, reaffirms that ''NATO remains open to new European members'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the political independence and territorial integrity of the emerging democracies in Southeastern Europe are vital to European peace and security and to the interests of the United States;

(2) the expansion of NATO contributes to the Alliance's continued effectiveness and relevance;

(3) the Senate reaffirms its support for continued enlargement of NATO to include qualified candidates; and

(4) the United States should take the lead in supporting the awarding of invitations to Albania, Croatia, and Macedonia to join the Alliance at the NATO Summit at Bucharest, Romania in April 2008.

Mr. LUGAR. Mr. President, I rise today to introduce a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit.

The goal of this legislation is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In addition, it represents a call to the administration to provide leadership at the upcoming summit to secure this important step in the development of the NATO Alliance. Albania, Croatia, and Macedonia have clearly stated their desire to join NATO and are working hard to meet the specified requirements for membership.

The Governments in Tirana, Zagreb, and Skopje have been preparing for NATO membership for more then 8 years. Each of them is undergoing a historic process of democratic and free market transformation after emerging from decades of occupation. They have made important progress in establishing civilian control of their militaries and demonstrating their ability to operate with the military forces of NATO nations at alliance standards. Albania, Croatia, and Macedonia continue to make important contributions to the United Nations-mandated International Security Assistance Force, ISAF, operating under NATO leadership to assist the Government of Afghanistan in extending and exercising its authority and influence across the country and creating the conditions for stabilization and reconstruction. In addition the three candidates have made

important improvements in their democratic processes; toleration of ethnic diversity; respect for human rights; building a free market economy; and promotion of good neighborly relations.

On February 18, 2008, the United States and many of our European allies diplomatically recognized the independence of Kosovo. This was an important step in putting the bloody history of the Balkans in the past, but our work there is not done. The United States and our allies must support the integration of Kosovo into international and Euro-Atlantic institutions. We must also be prepared to work closely with Serbia and assist with their goals of joining the European Union and engaging European institutions. In my view, lasting stability and security in southeastern Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

Albania, Croatia, and Macedonia can play important roles in NATO efforts in Southeastern Europe. These three countries occupy critical geostrategic locations and are best situated to deter and disrupt any efforts by any party to destabilize the region through violence. NATO membership for these countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security into a region that produced a world war and numerous regional conflicts that have cost the lives of hundreds of thousands, including Americans.

Bruce Jackson, president of the Project on Transitional Democracies, wrote in the Washington Post on February 4 that ''the transatlantic allies face two critical questions when they gather for their summit in Bucharest in April. The first is whether to invite Albania, Croatia and Macedonia to join NATO, a decision that is the culmination of a 15-year effort to end the wars that followed the breakup of Yugoslavia.'' Mr. Jackson points out that ''critics say that Albania, Croatia and Macedonia are not ready for NATO membership . . . But the fact is that Albania, Croatia and Macedonia have spent more than eight years in rigorous preparation for NATO membership.''

Albania, Croatia, and Macedonia are not perfect, and there is more each of them needs to do economically and politically. Nevertheless, all three countries bring important backgrounds to the table: ''Croatia has the most impressive economic performance, and real estate prices, of any country in southern Europe. In recent years, Albania has contributed more soldiers to missions in Iraq, Afghanistan and international peacekeeping than most NATO allies. And since the end of the Balkan wars in 1999, Macedonia has covered more ground in building an integrated, multi-ethnic society in a short time than any other European nation. We now have a chance to bring Catholic Croatia, secular-Islamic Albania and multi-ethnic, Orthodox Macedonia into the Euro-Atlantic community of democracies. Not bad.''

Mr. Jackson concludes by asking an important question. ''Imagine if [the Alliance] had waited until Greece and Turkey had completed their internal debates before inviting them to join NATO. Any further delay on the candidacies of Albania, Croatia and Macedonia will diminish regional stability just as Kosovo begins its extended period of supervised independence, and will confuse and undercut the European Union as it takes over chief security responsibilities from the United States and NATO throughout the region. An inability to close this chapter in the Balkans would also dangerously slow our engagement with Europe's East.''

Now is the time for NATO to invite these three important Balkan leaders to join the alliance. If NATO is to continue to be the preeminent security alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values in Albania, Croatia, and Macedonia and contribute to our mutual security.

Five years ago, the U.S. Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members and to offer timely admission of Albania, Croatia, and Macedonia to NATO.

SENATE RESOLUTION 460—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF NATIONAL ASSOCIATION OF MANUFACTURERS V. TAYLOR, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 460

Whereas, in the case of National Association of Manufacturers v. Taylor, et al., Case No. 08–CV–208–CKK (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff is asserting that the reporting requirements of section 4(b)(3) of the Lobbying Disclosure Act of 1995, 2 U.S.C. §1603(b)(3), as amended by section 207 of the Honest Leadership and Open Government Act of 2007, Pub. L. No. 110–81, 121 Stat. 735, 747, are unconstitutional;

Whereas, the plaintiff has named the Secretary of the Senate, Nancy Erickson, as a defendant in her capacity as the officer of the Senate responsible for the receipt of lobbying disclosure registrations and reports;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate in the case of National Association of Manufacturers v. Taylor, et al.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 27, at 9:30 a.m., in room 485 of the Russell Senate Office Building in order to conduct a hearing on S. 2232, the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''The President's FY2009 Budget Request for the Small Business Administration,'' on Wednesday, February 27, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, February 27, 2008, at 10 a.m. to hear testimony on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

PRIVILEGES OF THE FLOOR

Mr. SMITH. Mr. President, I ask unanimous consent that David Harrelson, an intern in my office and a member of the Confederated Tribes of the Grand Ronde in Oregon, be granted the privilege of the floor for the remainder of the debate on the Indian Health Care Improvement Act.

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

PROVIDING FOR THE SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, pursuant to the order of February 14, I now move to proceed to Calendar No. 575, S. 2633, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 575, S. 2633, safe redeployment of U.S. troops.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller, IV, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the motion pursuant to the previous order.

The PRESIDING OFFICER. The motion is withdrawn.

REQUIRING A REPORT SETTING FORTH THE GLOBAL STRATEGY OF THE UNITED STATES TO COMBAT AND DEFEAT AL QAEDA AND ITS AFFILIATES—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, pursuant to the order of February 14, I now move to proceed to Calendar No. 576, S. 2634, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undesigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 576, S. 2634, global strategy report.

Russell D. Feingold, Edward M. Kennedy, Patrick J. Leahy, Robert Menendez, Ron Wyden, Sherrod Brown, Richard Durbin, Bernard Sanders, Patty Murray, Joseph R. Biden, Jr., Frank R. Lautenberg, Christopher J. Dodd, John D. Rockefeller, IV, Amy Klobuchar, Charles E. Schumer, Tom Harkin, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the motion pursuant to the previous order.

The PRESIDING OFFICER. The motion is withdrawn.

AUTHORIZING LEGAL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 460.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 460) to authorize representation by the Senate Legal Counsel in the case of National Association of Manufacturers v. Taylor, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 460) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 460

Whereas, in the case of National Association of Manufacturers v. Taylor, et al., Case No. 08–CV–208–CKK (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff is asserting that the reporting requirements of section 4(b)(3) of the Lobbying Disclosure Act of 1995, 2 U.S.C. 1603(b)(3), as amended by section 207 of the Honest Leadership and Open Government Act of 2007, Pub. L. No. 110–81, 121 Stat. 735, 747, are unconstitutional;

Whereas, the plaintiff has named the Secretary of the Senate, Nancy Erickson, as a defendant in her capacity as the officer of the Senate responsible for the receipt of lobbying disclosure registrations and reports;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Secretary of the Senate in the case of National Association of Manufacturers v. Taylor, et al.

MEASURES READ THE FIRST TIME—S. 2663, S. 2664, AND S. 2665

Mr. REID. Mr. President, there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the effectiveness of consumer product recall programs, and for other purposes.

A bill (S. 2664) to extend the provisions of the Protect America Act of 2007.

A bill (S. 2665) to extend the provisions of the Protect America Act of 2007 until July 1, 2009.

Mr. REID. Mr. President, I now ask for the second reading en bloc and object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I would say that S. 2663 is a bipartisan piece of legislation, the Consumer Product Safety Act. We have been working for months to get this going. It is my understanding now that Senators PRYOR and STEVENS asked that this matter move forward.

The other matter related to the FISA bill, we are trying to work something out with the House, and hopefully we can get something done on that soon.

Mr. President, tonight I am introducing and beginning the rule XIV process on two bills related to the Foreign Intelligence Surveillance Act. One bill would extend the Protect America Act, the PAA, for 30 days, while the other would extend that law until July 1, 2009.

Earlier this year I introduced S. 2556 which would have extended the PAA for 30 days, and S. 2257, which would have extended the PAA until July 1, 2009. The bills I am introducing tonight would extend the PAA for the same periods of time, but they are drafted to take account of the fact that the PAA has expired. In addition, they contain a post hoc effective date that is intended to eliminate any potentially adverse legal effect resulting from the expiration of the PAA.

My purpose in introducing bills with two different extension lengths is to demonstrate once again that I am willing to extend the PAA for as long a time, or as short a time, as is needed to finalize a strong final bill.

Now that the House and Senate have both passed bills—H.R. 3773 and S. 2248—to strengthen the PAA, the right way to get to a final bill is through bipartisan negotiations. Unfortunately, my Republican friends appear unwilling to negotiate. We convened two negotiating sessions last week, but Republican staff members and administration lawyers declined to attend.

Meanwhile, President Bush says that the expiration of the Protect America Act has made America less safe, but he threatened to veto a bill extending that law while negotiators work on a final bill. The President's position is inexplicable and reckless.

The bottom line for Senate Democrats is clear: We want to give our intelligence professionals all needed tools while protecting the privacy of law-abiding Americans. We are willing to extend the Protect America Act for as long as it takes to get a final bill.

ORDERS FOR TUESDAY, FEBRUARY 26, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, February 26; that following the prayer and the pledge, the Journal of proceedings be agreed to, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1200, the Indian Health Care Improvement Act, as under the previous order. Further, I ask that the Senate stand in recess from 12:30 p.m. until 2:30 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. REID. Mr. President, there could be as many as five rollcall votes beginning as early as 10 tomorrow morning.

The first votes will be on Indian health care. In addition, there are other votes, as I have outlined.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that we return to the Indian Health Care Improvement Act, and that the Senator from South Dakota be allowed to speak for whatever time he may consume, and that following his remarks, the Senate stand adjourned under the previous order.

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

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007—Continued

Mr. THUNE. Mr. President, I want to pick up where I left off regarding the Indian Health Care Improvement Act, which is the pending business before the Senate. As I stated earlier, we will be having a series of votes tomorrow on a number of amendments. One, I think, improves this bill and addresses an issue which is important to me and a number of my colleagues. The amendment is offered by our colleague from Louisiana, Senator VITTER, amendment No. 3896.

If the amendment is adopted, it would codify Federal Indian health care service funds. I hope that is an amendment that will be adopted to the bill. I think that is important to have.

Also, as we consider these final amendments, I hope we can also see action in the other body, the House of Representatives, because the Senate acting on this is long overdue. It is critically important to the tribes I represent that we get an Indian Health Care Improvement Act reauthorization in place. But the fact that the Senate has acted won't amount to much if in fact the other body doesn't also take up this legislation and pass it and enable us to go into conference and get a bill we can put on the President's desk that he can sign into law.

I wish to speak specifically to one amendment that was adopted. Again, I thank my colleagues Senators MURKOWSKI and DORGAN for working with me to have it adopted. It has to do with tribal justice in the Dakotas.

One of the amendments I offered to this bill, No. 4021, goes a long way toward attempting to improve the issue that, in my view, is at the core fundamentally to a lot of issues we are having in Indian country, and that is law enforcement. The amendment simply attempts to help with the process, the analysis of what is happening with regard to justice and law enforcement in Indian Country by having the GAO complete a study within 1 year of the tribal justice systems within North Dakota and South Dakota, two States that have a high incidence of crime on our reservations.

Specifically, I am asking the study to focus, one, on how tribal courts currently function and how they are supposed to function; second, an analysis of the components of tribal justice systems; third, a review of the origins and development of tribal justice systems; fourth, an analysis of the weakness of the tribal justice systems; five, an analysis of tribal leader suggestions to the current problems.

This is where I think it is important that we listen to the elected leadership on the reservations. Last week during the congressional break, I happened to have had the opportunity to travel across my State. I stopped at a couple different reservations. I was up on the Standing Rock Sioux Tribe's reservation and also at the Sisseton-Wahpeton Oyate reservation with the tribal chairmen. The chairman of the Standing Rock Sioux Tribe is Ron His Horse Is Thunder, and the chairman of the Sisseton-Wahpeton Oyate tribe is Michael Selvage.

One of the issues that came up in the meetings was this issue of law enforcement. There is, of course, in the Standing Rock Sioux Tribe a good example of what I am talking about in terms of the dimensions of this problem. You have 2.4 million acres of land on the Standing Rock Sioux Tribe reservation. Yet you have about 10,000 people and you only have about 9 policemen, law enforcement personnel out there, who are committed to that large geographic area. At any given time, you are only going to have a couple of them on duty. So you have all kinds of issues that come up relating to being able to respond in a timely way to calls and to make arrests. I think it is a very difficult challenge that we face on the reservations partly because of the geography but also because of the sparsity that we have today of law enforcement personnel.

I think the GAO study will look at a lot of issues and that will be one component. It will look at the tribal court system, which is also something we need to look at and determine what, if anything, can be done to improve the workings of the system. We clearly have a problem that, if you look at the data, needs to be addressed.

If you don't contemplate or understand the need for this amendment, let me give you a couple of pieces of information. Studies show that one out of every three Native American women will be raped in their lifetime. The Department of Justice has found that American Indian women are 2½ times more likely to be raped or sexually assaulted than women throughout the rest of the country. Remote reservations in North Dakota and South Dakota have an average of 10 times as much crime as the rest of the Nation.

What this GAO study would do is it would assist the tribes not only in North Dakota and South Dakota but I think assist policymakers in Congress concerning possible solutions that could be used to reduce the higher rates of crime on reservations. Having met numerous times with members of the tribal government, tribal councils, and the chairmen on these reservations, and having listened to the stories of people who live there, there isn't anything we can do that is more important, in my view, than to provide security.

We are talking about the Indian Health Care Improvement Act. This is a health and public safety issue. If you don't have that, you cannot have economic development; you cannot have kids learning in a safe and secure environment. They are not going to be able to learn at the very fastest rate possible if they are worried about their security. This is an important issue, one that I think needs to be addressed.

Again, I appreciate the willingness on behalf of the managers of the bill to accept this amendment. I hope as the process moves forward, we will see action by the House of Representatives that will allow us to get a bill passed through the Congress and on the President's desk, signed into law, which will address the serious health care needs on the reservations, but also this important amendment, the GAO study, will allow us to take a close look—for the first time, a sort of outside objective third-party look at tribal justice in the Dakotas.

As I mentioned, it is a very serious need and challenge we face. I got lots of good information during my visit last week from members of the tribal council and the chairmen regarding that subject. I think they are all anxious to get the study under way and anxious to get the results so we can move forward with policies that make sense and that will keep our reservations safe for young people to learn and for those who want to come there and start businesses and have a safe environment in which to do that.

With that, I yield back the remainder of my time.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:35 p.m., adjourned until Tuesday, February 26, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SCOT A. MARCIEL, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AFFAIRS.

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

NANCY E. MCELDOWNEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

STEPHEN GEORGE MCFARLAND, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

SMALL BUSINESS ADMINISTRATION

CAROL DILLON KISSAL, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE ERIC M. THORSON.

DEPARTMENT OF DEFENSE

JOSEPH A. BENKERT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE PETER CYRIL WYCHE FLORY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. STANLEY A. MCCHRYSTAL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE OF LIEUTENANT GENEARL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieuenant general

BRIG. GEN. JOSEPH F. DUNFORD, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM H. MCRAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSTIION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. VITALE