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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal Father, give us this day love and reverence for Your Name. May we trust You so completely that no challenge will intimidate us. Remind us that You will never forsake us and will sustain us through life's storms.

Lord, continue to empower the Members of this body. Help them to grow in their respect and esteem for each other as they become more like You. Strengthen them to live expectantly, knowing that You will supply them with serendipities, wonderful surprises of Your grace. Let Your peace, which passes all understanding, keep their hearts and minds in the knowledge of Your love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 9, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the distinguished Republican leader and I are going to shortly have a conversation that will hopefully help us as a body to determine which direction we are going to go over the next few days. We have before us the Defense authorization bill; 30 hours postcloture is running now. We have our regular caucuses this afternoon, as we always do, and hopefully this afternoon we will start legislating.

Following the statement I just completed, there will be a period of morning business, with Senators allowed to speak for 10 minutes each, with the Republicans controlling the first half and Democrats controlling the second half. Following that, we will resume consideration of the motion to proceed to S. 3001, the Defense authorization bill. The Senate will recess, as I have indicated before, from 12:30 until 2:15 today to allow for the weekly caucus luncheons to occur.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business for up to 1 hour, with the time equally divided and controlled and with the Republicans controlling the first half of the time and the majority controlling the second half of the time.

The Senator from Texas is recognized.

TAKING ACTION

Mr. CORNYN. Mr. President, as we return from the August recess, we return to the same problems Congress left unresolved when we left in July.

As I traveled around the State of Texas, I continued to hear people express concerns not only about high energy prices but high food prices. They are concerned that Congress is not doing enough to deal with this crisis. Frankly, I have to say that as I talked to Republicans and Democrats and Independents in my State, it was hard to find anybody who felt as though Congress is doing its job. That is right. I don't care whether they were Republican or Democrat or Independent, there is a reason Congress has a historically low congressional approval rating, according to most public opinion polls, and that is because people look at Congress and they see not a genuine attempt to roll up our sleeves and try to solve problems but too much partisanship, too much point-scoring, too much posturing for the upcoming election.

I don't know any Member of this Senate who actually ran for election and hoped to serve in this distinguished body who anticipated coming up here and being stuck in the same old replay day after day, month after month, where Congress has essentially become dysfunctional in dealing with the concerns of the American people. Rather, I think most of us hope to come up here and actually make a difference, actually get something done. I know there is concern that if something gets done,

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



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somebody is actually going to get credit for having solved a problem. I think that is a risk we ought to take because if Democrats and Republicans were actually working together to try to solve problems, I think both sides would get credit and the American people would feel better about their elected officials and feel as though maybe Congress and Washington are somehow a little less disconnected from the rest of the country.

For example, we know that when we left here in August, one of the things we had hoped to do was to get a vote on more domestic drilling to be able to produce American energy rather than depend, as we do—\$700 billion worth—on importing that energy from other sources. I am glad there have been some continuing discussions, and I am hopeful that ultimately we will be able to actually do something—do something relevant, do something responsive, do something significant to deal with these high prices. We know there are several things we can do—yes, conservation is part of it, using less, but also producing more American energy so we are less dependent on importing oil from dangerous and unfriendly regions of the world.

Now, it is interesting, because I think the majority of the American people look at Congress and they don't necessarily distinguish between Republicans and Democrats and who is in charge and who is not in charge. I have to say congratulations to our Democratic friends who won the majority in the Senate and in the House in the 2006 election. That is the good news. The bad news is the Democrats are actually in charge of setting the agenda. When Congress is stalemated over something as important to the average American and Texas family as high energy prices and we are unable to get it teed up so we can actually have a meaningful debate and a vote, an up-or-down vote on more domestic production of American energy, it is because our friends on the Democratic side control the agenda and they so far have refused to allow us that vote. I hope, after traveling their States and listening to the American people over this last month, their position will have softened a little bit and they will be open to this idea of producing more American energy so we are less reliant on imported energy from other countries.

We are going to have a couple of chances to do this. If presumably there were an energy bill that was allowed to come up, that would be one chance. There is another chance we know we are going to have because this is basically the vote we are going to have before we leave that is going to decide whether the Federal Government is going to continue a moratorium on offshore drilling.

For almost 30 years now, Congress has imposed an annual appropriation rider on appropriations bills that has banned exploration and production of oil from offshore sources. We are going

to have a shot at that regardless of what happens because we are going to have to renew that to keep the Government going forward. My hope would be that we would be a little more farsighted than that and we would be a little bit more willing to consider ideas on both sides of the aisle to do what I know the American people are desperate to see Congress do, and that is to actually work together to solve the country's problems on a bipartisan basis and not to continue to turn a deaf ear to people who are in some distress because of high energy prices and all of the consequences associated with it.

We know the economy has moved to the top of the Nation's priority list in the upcoming election, some 56 days from now. Of course, there is more to the economy than high energy prices, but I submit that is a significant—a very significant—part of it.

We need to deal with issues such as obstructing free trade. We have had the Colombia Free Trade Agreement which actually would create markets for American-produced agriculture and manufactured goods in a country that now—my State alone sells \$2.3 billion worth of goods a year to that country, but they are put at a disadvantage because there is a tariff added to the cost of those goods as they are imported into Colombia but not so when their goods are sent to the United States. So wouldn't it make sense, when our economy is softening and when people are concerned about jobs, as we all are, to say: Yes, we need to have more markets for American agricultural produce and for manufactured goods because that would create jobs here at home. To me, it just makes common sense, but we see nothing but obstruction there.

Then, when it comes to suggestions about how to deal with so many issues, our friends on the other side of the aisle—and including, frankly, some Republicans in the so-called Gang of 10 regarding the Energy bill—have proposed raising taxes on domestic oil and gas production by \$30 billion. We tried that before. There is going to be some division, some difference of ideas on both sides of the aisle. We tried that before during the Carter administration, and, because of a windfall profits tax, rather than increasing our independence, increasing our self-sufficiency, we actually depressed domestic production of oil and gas because those taxes were put disproportionately on American-based, shareholder-owned companies when, in fact, you cannot impose those taxes on Saudi Arabia or Canada or Mexico. By Congress, in a discriminatory fashion, imposing those taxes on American shareholder-owned oil companies, it actually depressed domestic production, which is opposite of what we have all said that we want to do, which is to decrease our dependence on foreign oil.

So we have some huge challenges, there is no doubt about it, and the American people are crying out for a

Congress that is actually going to respond to those issues.

We also know that in the national security debate that is so much a part of this Presidential race but ought to be a part of what we focus on—job No. 1: the national security of the American people—they want to make sure there is responsible leadership in place dealing with an ever-dangerous world. If there was any doubt about it, the Russian invasion of the Democratic Republic of Georgia should have reminded people that this is a dangerous world. We cannot let our guard down. We need to remain strong because only from a position of strength will the United States be able to maintain peace. When our enemies see us let our guard down and do things such as try to micromanage the troops and set an arbitrary timetable on when they come home rather than based on conditions on the ground, they see that not as a sign of strength, they see that as a sign of weakness, which emboldens bullies and emboldens nations that would like to take advantage of that.

The last thing I wish to mention in my 10 minutes is that the American people want fiscal responsibility. They want to see Congress actually doing the job we get elected to do and get paid to do. For us to be here now in September having not yet passed a single appropriations bill out of 13 appropriations bills is not fiscal responsibility. It is simply kicking the can down the road and more of the same. Frankly, what the American people do not want to see is more of the same. They want change all right. But I submit to you they want the right kind of change. They wish to see a Congress that is actually functioning, actually addressing their concerns, and actually working together to solve problems.

So far, with this Congress that is controlled by our friends on the other side of the aisle, we have been unable to tee up many of these important issues. I hope in the short period of time we have in the month of September, where we are actually going to be in session, we will have a productive session and work together to try to solve some of these problems because, frankly, our record so far under the Democratic leadership is dismal.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has elapsed.

The ACTING PRESIDENT pro tempore. The Chair will do so.

CLEAN ENERGY INDEPENDENCE

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas for his wise comments. As usual, he is right on the mark. I want to talk about the same subject, which is on the mind of almost every Tennessean I saw in the last 5 weeks, and I am sure it is on the

minds of most Americans. During this work period, all during August and part of September, in Tennessee, I did what I imagine most of us from the Senate did. In my case, I visited a producer in Knoxville who delivers tomatoes and vegetables to schools and restaurants. He was talking about the triple whammy that high energy prices cause when they have to pay extra for fuel to bring them to Knoxville, and pay extra to deliver them; and then the farmer, in the first place, had to pay extra to grow them because of energy costs. For the trucking company in Jackson, TN, and the food banks in Nashville and Memphis, it is all the same story about how high energy prices are hurting people and affecting the lives of Tennesseans.

I wasn't surprised to find that Tennesseans and most Americans know there is no silver bullet and they know we cannot solve this problem tomorrow. But they expect us to start today, not tomorrow, to deal with the problem. That is why last May I went to Oak Ridge, TN, to say what I thought we ought to do about high energy prices. I proposed a new Manhattan project for clean energy independence. I said, to begin with, we should do the things we know how to do, and that is to drill offshore environmentally for oil and gas that we know we have and that we can use to increase our supply and reduce the price at home. That is in the case of transportation, primarily.

In the case of electricity, we should pursue much more aggressively the technology we invented, which is nuclear power. It is only 20 percent of our electricity, but if you care about global warming and clean air, it is 70 percent of our clean electricity. My proposal was that we borrow a page from history, from World War II, when President Roosevelt created a secret plan to build a bomb before Germany did, because if Germany got the bomb, it would have blackmailed the United States and the world. We succeeded due to that Presidential leadership, by the congressional leadership, and by drafting companies, literally, into the Manhattan project, by recruiting the best scientists in the world, by stating a clear objective and using American know-how to do it. I suggested we should do that same thing—maybe seven mini-Manhattan projects with seven grand challenges:

No. 1. We should make electric cars and trucks commonplace. That is getting to be a little more accepted. I talked to the head of the Austin, TX, utility district. He said they have a million cars in his district—and light trucks—that he guesses maybe 10 percent of them could be run by electricity instead of gasoline within 5 years, and maybe half of them within 15 to 20 years. That is 120 million vehicles if that percentage applied to the whole country. I asked how many more powerplants would you have to build so half of your cars and light trucks could

be run on electricity instead of gasoline. "Zero" is the answer, because if you plug in at night, his utilities, and the Tennessee Valley Authority, and most utilities have plenty of excess electricity unused at night that they can sell to us at cheaper rates to plug our cars and trucks into. So that is one way to use less gas and oil—by using more electric cars. So over 5 years we should make that commonplace.

A second grand challenge that I offered was to make carbon capture—the capturing of carbon out of coal plants—a reality within 5 years. We talk a lot about this, taking carbon out of coal plants' pollution—that produces about half of our electricity—and make it a reality. We have not done it yet. We do it a few places by putting carbon back down into the ground for oil. But over 5 years, if we made a crash program out of it, as we did with the Manhattan project, we might find a way to get rid of that carbon, help global warming, use the powerplants, which is home-grown electricity, and it would set an example for China, India, and other places that are building dirty coal plants that will affect our air as well.

Third, making solar power cost competitive with fossil fuels. Wind is useful in some places, and it has a subsidy. More widespread and promising is solar power. Solar thermal powerplants are solving the problem we have with wind, which is that we cannot store electricity made from it yet. It blows when it wants to. With these solar thermal plants, they make steam, which can be put in the ground and use it when needed to create electricity.

Fourth, safely reprocess and store nuclear waste. We should do that.

Fifth, make advanced biofuels cost competitive with gasoline. There is a limit to what we can do with corn to make fuel, but there are plenty of crops, such as switchgrass, which, with further research on a crash program, we could use less gas and oil.

Sixth, we should make new buildings green buildings. Over the next 30 years, we should make new buildings green buildings.

Finally, participate in the international research for fusion. I know that is a long shot. But the United States should participate in trying to recreate on Earth the way the Sun creates energy.

If we had a new Manhattan project for clean energy independence that began by doing what we already know how to do—drill offshore, create more nuclear power, and do the seven things I mentioned—that would be the kind of policy we should adopt and people would respect us for. But what happened? We didn't take it up. When we left in August, despite the fact that, according to surveys by Dave Winston, 81 percent of the American people agree with the idea of a new Manhattan project for clean energy independence, we were still arguing about whether we ought to be discussing high gasoline prices.

Unfortunately, the Democratic leader didn't want to allow us to bring up legislation that we wanted to bring up, which would find more American energy. Apparently, that has changed a little bit, and I am glad to see that. We may have some choices this month.

The question is: What can we do in the next 3 weeks? We are having an energy summit on Friday. That is good. The Democratic and Republican leader and the Democratic and Republican head of the Energy Committee will organize it. It would have been better if we had it in June or July. But that is good. Apparently, we will have legislation to consider, perhaps from the House, and perhaps Senator BINGAMAN will have legislation. And there is the legislation that the group called the Gang of 10, 16, or 20, a group working in a bipartisan way to solve the problem, is working on. We Republicans offered the Gas Price Reduction Act, which includes drilling offshore, encouraging electric cars, dealing with speculation and oil shale in the Western States. That would be a start.

As the Senator from Texas said, we have to deal with the question in the appropriations process that has restricted all these years our ability to drill offshore. You see, we stick it in the appropriations bill every year and say you cannot drill offshore. So we are going to have to deal with that by the end of the month. The responsible way to do that is to bring it up and vote on it. Let everybody stand up and say whether they think it is a good idea to give every single American State the opportunity to drill for oil and gas at least 50 miles offshore, and for that State to keep 37.5 percent of the proceeds. If I were the Governor of a State with a coastline, which I am not, I would be doing that quickly and using those revenues for higher education, keeping taxes down, and improving the environment.

At the very least, we should make certain in these next 3 weeks that we do job one, which is, to me, making sure that we drill offshore to produce American energy. That would keep \$50 billion or \$60 billion more at home and send a signal that the third largest producer of oil in the world is willing to produce, and it would at least get us started down the road to finding more American oil and using less foreign oil.

I ask unanimous consent that my remarks in Oak Ridge in May about a new Manhattan project for energy independence be printed in the RECORD.

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

United States Senator Lamar Alexander,
Oak Ridge National Laboratory, May 9th,
2008

A NEW MANHATTAN PROJECT FOR CLEAN
ENERGY INDEPENDENCE

SEVEN GRAND CHALLENGES FOR THE NEXT FIVE
YEARS

*Plug-in electric cars and trucks, carbon capture,
solar power, nuclear waste, advanced
biofuels, green buildings, fusion*

HISTORY

In 1942, President Franklin D. Roosevelt asked Sen. Kenneth McKellar, the Tennesseean who chaired the Appropriations Committee, to hide \$2 billion in the appropriations bill for a secret project to win World War II.

Sen. McKellar replied, "Mr. President, I have just one question: where in Tennessee do you want me to hide it?"

That place in Tennessee turned out to be Oak Ridge, one of three secret cities that became the principal sites for the Manhattan Project.

The purpose of the Manhattan Project was to find a way to split the atom and build a bomb before Germany could. Nearly 200,000 people worked secretly in 30 different sites in three countries. President Roosevelt's \$2 billion appropriation would be \$24 billion today.

According to New York Times science reporter William Laurence, "Into [the bomb's] design went millions of man-hours of what is without doubt the most concentrated intellectual effort in history."

THE GOAL: VICTORY OVER BLACKMAIL

I am in Oak Ridge today to propose that the United States launch a new Manhattan project: a 5-year project to put America firmly on the path to clean energy independence.

Instead of ending a war, the goal will be clean energy independence—so that we can deal with rising gasoline prices, electricity prices, clean air, climate change and national security—for our country first, and—because other countries have the same urgent needs and therefore will adopt our ideas—for the rest of the world.

By independence I do not mean that the United States would never buy oil from Mexico or Canada or Saudi Arabia. By independence I do mean that the United States could never be held hostage by any country for our energy supplies.

In 1942, many were afraid that the first country to build an atomic bomb could blackmail the rest of the world. Today, countries that supply oil and natural gas can blackmail the rest of the world.

NOT A NEW IDEA

A new Manhattan Project is not a new idea—but it is a good idea and fits the goal of clean energy independence.

The Apollo Program to send men to the moon in the 1960s was a kind of Manhattan Project. Presidential candidates John McCain and Barack Obama have called for a Manhattan Project for new energy sources. So have former House Speaker Newt Gingrich, Democratic National Committee chairman Howard Dean, Sen. Susan Collins of Maine and Sen. Kit Bond of Missouri—among others.

And, throughout the two years of discussion that led to the passage in 2007 of the America COMPETES Act, several participants suggested that focusing on energy independence would force the kind of investments in the physical sciences and research that the United States needs to maintain its competitiveness.

A NEW OVERWHELMING CHALLENGE

The overwhelming challenge in 1942 was the prospect that Germany would build the bomb and win the war before America did.

The overwhelming challenge today, according to National Academy of Sciences president Ralph Cicerone, in his address last week to the Academy's annual meeting, is to discover ways to satisfy the human demand for and use of energy in an environmentally satisfactory and affordable way so that we are not overly dependent on overseas sources.

Cicerone estimates that this year Americans will pay \$500 billion overseas for oil—that's \$1,600 for each one of us—some of it to nations that are hostile or even trying to kill us by bankrolling terrorists. Sending \$500 billion abroad weakens our dollar. It is half our trade deficit. It is forcing gasoline prices toward \$4 a gallon and crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as it has, humans will inject as much CO₂ into the air from fossil fuel burning between 2000 and 2030 as they did between 1850 and 2000. There is plenty of coal to help achieve our energy independence, but there is no commercial way (yet) to capture and store the carbon from so much coal burning—and we have not finished the job of controlling sulfur, nitrogen, and mercury emissions.

THE MANHATTAN PROJECT MODEL FITS TODAY

In addition to the need to meet an overwhelming challenge, other characteristics of the original Manhattan Project are suited to this new challenge:

It needs to proceed as fast as possible along several tracks to reach the goal. According to Don Gillespie, a young engineer at Los Alamos during World War II, the "entire project was being conducted using a shotgun approach, trying all possible approaches simultaneously, without regard to cost, to speed toward a conclusion."

It needs presidential focus and bipartisan support in Congress.

It needs the kind of centralized, gruff leadership that Gen. Leslie R. Groves of the Army Corps of Engineers gave the first Manhattan Project.

It needs to "break the mold." To borrow the words of Dr. J. Robert Oppenheimer in a speech to Los Alamos scientists in November of 1945, the challenge of clean energy independence is "too revolutionary to consider in the framework of old ideas."

Most important, in the words of George Cowan as reported in the excellent book edited by Cynthia C. Kelly, "... The Manhattan Project model starts with a small, diverse group of great minds."

I said to the National Academies when we first asked for their help on the America COMPETES Act in 2005, "In Washington, D.C., most ideas fail for lack of the idea."

THE AMERICA COMPETES MODEL FITS, TOO

There are some lessons, too, from America COMPETES.

Remember how it happened. Just three years ago—in May 2005—a bipartisan group of us asked the National Academies to tell Congress in priority order the 10 most important steps we could take to help America keep its brainpower advantage.

By October, the Academies had assembled a "small diverse group of great minds" chaired by Norm Augustine which presented to Congress and to the President 20 specific recommendations in a report called "Rising Above the Gathering Storm." We considered proposals by other competitiveness commissions.

Then, in January 2006, President Bush outlined his American Competitiveness Initiative to double over 10 years basic research budgets for the physical sciences and engineering. The Republican and Democratic Senate leaders and 68 other senators spon-

sored the legislation. It became law by August 2007, with strong support from Speaker Pelosi and the President.

NOT ELECTED TO TAKE A VACATION THIS YEAR

Combining the model of the Manhattan Project with the process of the America COMPETES Act has already begun. The National Academies have underway an "America's Energy Future" project that will be completed in 2010. Ralph Cicerone has welcomed sitting down with a bipartisan group to discuss what concrete proposals we might offer earlier than that to the new president and the new Congress. Energy Secretary Sam Bodman and Ray Orbach, the Energy Department's Under Secretary for Science, have said the same.

The presidential candidates seem ready. There is bipartisan interest in Congress. Congressman Bart Gordon, Democratic Chairman of the Science Committee in the House of Representatives—and one of the original four signers of the 2005 request to the National Academies that led to the America COMPETES Act—is here today to offer his ideas. Congressman Zach Wamp, a senior member of the House Appropriations Committee who played a key role in the America COMPETES Act, is co-host for this meeting.

I have talked with Sens. Jeff Bingaman and Pete Domenici, the chairman and senior Republican on the Energy Committee who played such a critical role in America COMPETES, and to Sen. Lisa Murkowski, who likely will succeed Sen. Domenici as the senior Republican on the Energy Committee.

Some say a presidential election year is no time for bipartisan action. I can't think of a better time. Voters expect presidential candidates and candidates for Congress to come up with solutions for \$4 gasoline, clean air and climate change, and the national security implications of our dependence on foreign oil. The people didn't elect us to take a vacation this year just because there is a presidential election.

SO HOW TO PROCEED?

A few grand challenges—Sen. Bingaman's first reaction to the idea of a new Manhattan Project was that instead we need several mini-Manhattan Projects. He suggested as an example the "14 Grand Challenges for Engineering in the 21st Century" laid out by former MIT President Chuck Vest, the president of the National Institute of Engineering—three of which involve energy. I agree with Sen. Bingaman and Chuck Vest.

Congress doesn't do "comprehensive" well, as was demonstrated by the collapse of the comprehensive immigration bill. Step-by-step solutions or different tracks toward one goal are easier to digest and have fewer surprises. And, of course, the original Manhattan Project itself proceeded along several tracks toward one goal.

Here are my criteria for choosing several grand challenges:

Grand consequences, too—The United States uses 25 percent of all the energy in the world. Interesting solutions for small problems producing small results should be a part of some other project.

Real scientific breakthroughs—This is not about drilling offshore for oil or natural gas in an environmentally clean way or building a new generation of nuclear power plants, both of which we already know how to do—and, in my opinion, should be doing.

Five years—Grand challenges should put the United States within five years firmly on a path to clean energy independence so that goal can be achieved within a generation.

Family Budget—Solutions need to fit the family budget, and costs of different solutions need to be compared.

Consensus—The Augustine panel that drafted the "Gathering Storm" report wisely

avoided some germane topics, such as excessive litigation, upon which they could not agree, figuring that Congress might not be able to agree either.

SEVEN GRAND CHALLENGES

Plug-in electric cars and trucks, carbon capture, solar power, nuclear waste, advanced biofuels, green buildings, and fusion.

Here is where I invite your help. Rather than having members of Congress proclaim these challenges, or asking scientists alone to suggest them, I believe there needs to be preliminary discussion—including about whether the criteria are correct. Then, Congress can pose to scientists questions about the steps to take to achieve the grand challenges.

To begin the discussion, I suggest asking what steps Congress and the Federal government should take during the next five years toward these seven grand challenges so that the United States would be firmly on the path toward clean energy independence within a generation:

1. Make plug-in hybrid vehicles commonplace. In the 1960s, H. Ross Perot noticed that when banks in Texas locked their doors at 5 p.m., they also turned off their new computers. Perot bought the idle nighttime bank computer capacity and made a deal with states to manage Medicare and Medicaid data. Banks made money, states saved money, and Perot made a billion dollars.

Idle nighttime bank computer capacity in the 1960s reminds me of idle nighttime power plant capacity in 2008. This is why:

The Tennessee Valley Authority has 7,000–8,000 megawatts—the equivalent of seven or eight nuclear power plants or 15 coal plants—of unused electric capacity most nights.

Beginning in 2010 Nissan, Toyota, General Motors and Ford will sell electric cars that can be plugged into wall sockets. FedEx is already using hybrid delivery trucks.

TVA could offer “smart meters” that would allow its 8.7 million customers to plug in their vehicles to “fill up” at night for only a few dollars, in exchange for the customer paying more for electricity between 4 p.m. and 10 p.m. when the grid is busy.

Sixty percent of Americans drive less than 30 miles each day. Those Americans could drive a plug-in electric car or truck without using a drop of gasoline. By some estimates, there is so much idle electric capacity in power plants at night that over time we could replace three-fourths of our light vehicles with plug-ins. That could reduce our overseas oil bill from \$500 billion to \$250 billion—and do it all without building one new power plant.

In other words, we have the plug. The cars are coming. All we need is the cord.

Too good to be true? Haven't U.S. presidents back to Nixon promised revolutionary vehicles? Yes, but times have changed. Batteries are better. Gas is \$4. We are angry about sending so many dollars overseas, worried about climate change and clean air. And, consumers have already bought one million hybrid vehicles and are waiting in line to buy more—even without the plug-in. Down the road is the prospect of a hydrogen fuel-cell hybrid vehicle, with two engines—neither of which uses a drop of gasoline. Oak Ridge is evaluating these opportunities.

Still, there are obstacles. Expensive batteries make the additional cost per electric car \$8,000–\$11,000. Smart metering is not widespread. There will be increased pollution from the operation of coal plants at night. We know how to get rid of those sulfur, nitrogen, and mercury pollutants (and should do it), but haven't yet found a way to get rid of the carbon produced by widespread use in coal burning power plants. Which brings us to the second grand challenge:

2. Make carbon capture and storage a reality for coal-burning power plants. This was one of the National Institute of Engineering's grand challenges. And there may be solutions other than underground storage, such as using algae to capture carbon. Interestingly, the Natural Resources Defense Council argues that, after conservation, coal with carbon capture is the best option for clean energy independence because it provides for the growing power needs of the U.S. and will be easily adopted by other countries.

3. Make solar power cost competitive with power from fossil fuels. This is a second of the National Institute's grand challenges. Solar power, despite 50 years of trying, produces one one-hundredth of one percent of America's electricity. The cost of putting solar panels on homes averages \$25,000–\$30,000 and the electricity produced, for the most part, can't be stored. Now, there is new photovoltaic research as well as promising solar thermal power plants, which capture the sunlight using mirrors, turn heat into steam, and store it underground until the customer needs it.

4. Safely reprocess and store nuclear waste. Nuclear plants produce 20 percent of America's electricity, but 70 percent of America's clean electricity—that is, electricity that does not pollute the air with mercury, nitrogen, sulfur, or carbon. The most important breakthrough needed during the next five years to build more nuclear power plants is solving the problem of what to do with nuclear waste. A political stalemate has stopped nuclear waste from going to Yucca Mountain in Nevada, and \$15 billion collected from ratepayers for that purpose is sitting in a bank. Recycling waste could reduce its mass by 90 percent, creating less stuff to store temporarily while long-term storage is resolved.

5. Make advanced biofuels cost-competitive with gasoline. The backlash toward ethanol made from corn because of its effect on food prices is a reminder to beware of the great law of unintended consequences when issuing grand challenges. Ethanol from cellulosic materials shows great promise, but there are a limited number of cars capable of using alternative fuels and of places for drivers to buy it. Turning coal into liquid fuel is an established technology, but expensive and a producer of much carbon.

6. Make new buildings green buildings. Japan believes it may miss its 2012 Kyoto goals for greenhouse gas reductions primarily because of energy wasted by inefficient buildings. Many of the technologies needed to do this are known. Figuring out how to accelerate their use in a decentralized society is most of this grand challenge.

7. Provide energy from fusion. The idea of recreating on Earth the way the sun creates energy and using it for commercial power is the third grand challenge suggested by the National Institute of Engineering. The promise of sustaining a controlled fusion reaction for commercial power generation is so fantastic that the five-year goal should be to do everything possible to reach the long-term goal. The failure of Congress to approve the President's budget request for U.S. participation in the International Thermonuclear Experimental Reactor—the ITER Project—is embarrassing.

ANYTHING IS POSSIBLE

This country of ours is a remarkable place. Even during an economic slowdown, we will produce this year about 30 percent of all the wealth in the world for the 5 percent of us who live in the United States.

Despite “the gathering storm” of concern about American competitiveness, no other country approaches our brainpower advan-

tage—the collection of research universities, national laboratories and private-sector companies we have.

And this is still the only country where people say with a straight face that anything is possible—and really believe it.

These are precisely the ingredients that America needs during the next five years to place ourselves firmly on a path to clean energy independence within a generation—and in doing so, to make our jobs more secure, to help balance the family budget, to make our air cleaner and our planet safer and healthier—and to lead the world to do the same.

Mr. ALEXANDER. Mr. President, I yield the floor.

Mr. KYL. Mr. President, is there 10 minutes remaining on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 20 seconds.

GRIDLOCK

Mr. KYL. Mr. President, the American people sent us here to get things done, and they are obviously very frustrated with the fact that this has been a do-nothing Congress, a do-nothing Senate. We have not gotten much done. In fact, the problem has been identified by both of the Presidential candidates, Senators McCain and Obama, who have railed about the fact that we need reform in this body because nothing is getting done on behalf of the American people.

The Democrats have been in charge of the Senate and House for the last 2 years. So one wonders why haven't we been able to get things done? For example, to fund the Government for next year, we are supposed to by now have passed 13 appropriations bills to fund all of the departments of the U.S. Government. Not one appropriation bill has been passed and sent to the President. We are going to have to bundle everything up in a giant ball at the end of September and, instead of carefully considering each individual department, we are going to have to adopt a continuing resolution so the Government can continue to operate. That is not the way to do business.

With rare exception, the majority leader in the Senate has been less interested in enabling the Senate to work its will and finding consensus than simply pushing an agenda of the majority in a sort of my-way-or-the-highway kind of approach. This has led to gridlock and, as I said, not much getting done.

Let me illustrate this by a simple statistic that says it all. In 2008 alone, so far, 28.4 percent of all rollcall votes have been cloture votes. That is a record historic high. Over 28 percent of our votes—over a fourth of them—have been cloture votes. Last year set the all-time record at 14 percent, and the average is 4.3 percent.

Why is this important? Because cloture stops debate, and it stops Republicans, in this case, from offering our solutions, alternatives, or amendments to what the Democratic leader puts on the floor. He says it is either this way

or nothing. You either vote on this or we are not going to let you have amendments and we are going to have a cloture vote. Again, 28.4 percent of the votes have been cloture votes.

I remember several years ago when my colleague John McCain stood on the Senate floor fighting for the right of a Democratic Senator to get a vote on an amendment. He said something we all agreed with, which is that a Senator has a right to get a vote on his or her amendment. That was then and this is now: Sorry, Republicans, no votes on amendments. We are going to fill the legislative tree—a parliamentary tactic—or file cloture and stop anything from being debated or voted on. We don't want to take tough votes or give Republicans a chance to win one of the votes.

What have been some of the results? Well, in 2007, some very important tax provisions expired. The research and development tax credit, for example, and the ability to fix the alternative minimum tax so it doesn't apply to most taxpayers. We have to pass what is called a tax extender bill to extend these expiring provisions and make sure the AMT doesn't get 23 million to 26 million American families this year. We have not gotten it done so far. Why? There is an obvious way to do this. The ranking member on the Finance Committee pretty well figured out how this could occur. No, we cannot get that done.

On energy production, both of my colleagues have talked about that issue. The majority leader called up the so-called antispeculation bill. We all agree we could add resources to the Commodity Futures Trading Commission and make sure it has the ability to regulate this futures trading in a way that would prevent manipulation and speculation in the market. But we also appreciate the fact that supply and demand is a much larger factor with regard to the price of gasoline, for example. So Republicans wanted to offer amendments that created some alternatives to the Democratic bill that would assist in nuclear energy production, coal to liquids, and allow offshore drilling as one of the key elements of it. We need relief from high gasoline prices. The Democratic leader said no.

The only thing the President could do was to at least remove an Executive moratorium, which he did. That moratorium no longer exists. What happened to gas prices? Oil prices have dropped, I should say, by \$40 a barrel, and gas prices have dropped somewhat off of the high above \$4 because of the market's belief now that when the President withdrew the Executive moratorium, it was the first step. The second step would be Congress doing something, and that would increase production, and therefore reduce the cost of the oil, and therefore enable the American consumer to pay less at the pump. But Congress still has not done anything.

Now we hear that next week the majority leader is going to allow a bill to

come to the floor, but it is not going to provide the kind of offshore drilling that Republicans have been advocating. The ability to debate it is going to be very circumscribed. We are not going to be able to present the kind of amendments we would like to present and have this debated and amended so we can come up with real solutions.

Another example is free trade. The Colombia Free Trade Agreement is one that almost everybody acknowledges is a good thing. It is critical for our relationship with this important country in our hemisphere, which is standing against the likes of Hugo Chavez of Venezuela. Yet the Democrats, because of their concern about the reaction of labor unions, have said, no, we are not going to take up this Colombia Free Trade Agreement.

These are the kind of issues—and let me add one more: judges. These are the kinds of issues Americans expect us to get done. We have only confirmed four circuit court judges this year, four in the entire year, less than the average of all of the last Presidents, certainly less than Bill Clinton. Yet the majority says we don't have time to do that.

Clearly, this is a do-nothing Congress. Clearly, our Presidential candidates, both of them, recognize reform is necessary.

Let me mention the last issue. I mentioned appropriations bills. We are going to have to ball them up into one giant bill called a continuing resolution. Mark my words, one of the things somebody is going to try to do is attach a rider to the appropriations bill—maybe in the middle of the night, I don't know—but it is going to be to continue a moratorium on offshore drilling. Mark my words, somebody is going to try to do that. We cannot allow that to happen. Will Republicans be cut off from our ability to prevent that rider from going on the appropriations bill or to allow us to vote it off, to have an amendment to say, no, moratorium and offshore drilling is not going to be on that continuing resolution? This is critical to the American future. Are we going to have this right?

These are the kinds of questions I think are going to be necessary for us to resolve before Congress is going to be able to get anything done. But I will suggest this as well: Republican Senators can only do so much in the minority when Democrats are in charge. As my colleague, Senator MCCAIN, said at the Republican Convention, if he is elected, change is on the way. And one of the big changes is going to go right back to what he said several years ago. As I said, whether it is a Democrat wanting a vote on an amendment or a Republican, they are going to get that vote, and we are not going to have so many cloture motions filed to cut off amendments, to cut off debate, and say it is my way or the highway.

The American people want something done. We still have time—even in the short time remaining in this year—to do something about the energy crisis in

this country, and that means to get offshore drilling. That has to be at the top of our agenda. Secondly, we have to get the Government funded so it can continue operating next year without, as I said, a moratorium on more offshore drilling.

I am hopeful that in the next 3 weeks we will be able to do some things we have not been able to do in the last 6 months. But if we get cooperation from the majority, the minority stands ready to try to work out these issues, to conclude this session on a positive note in a way we can finally say we accomplished something this session for the American people. After all, that is what they sent us here to do.

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

Mr. DORGAN. Mr. President, I have been listening with great interest to my colleague from Arizona. I might say, before he leaves the floor, my hope is that after trying eight times and failing to pass a bill to extend the tax incentives for renewable energy, we will get a little cooperation from the other side in the coming weeks to begin the first step of what we ought to have been doing easily, and that is pass the tax extenders to encourage renewable energy.

One of the reasons they have opposed it is because we actually pay for it. One of the ways we pay for it is to say to hedge fund managers, who are only paying a 15-percent income tax rate anyway, that they cannot be running their income through foreign tax-haven countries as deferred compensation to avoid paying U.S. taxes. Because the other side is upset with that as a payoff for the tax extenders for renewable energy, eight times they have blocked our ability to extend renewable energy tax credits, which is a way of substantially expanding our country's home-grown energy.

It is interesting for people to comment on the floor and say we need more cooperation, when eight times we have tried to extend these tax incentives for renewable energy, and eight times we have been blocked by those who are concerned about protecting the ability of wealthy hedge fund managers to avoid paying Federal income taxes. Enough about that.

With respect to drilling, I was one of four Senators—two Republicans, two Democrats—who opened the 8.3 million acres called lease 181 in the Gulf of Mexico. I have other legislation I have had in for a year and a half to increase substantial drilling. It is a canard for a number of them to come to the Senate floor to say Democrats don't support drilling. It is simply factually wrong. That is a debate perhaps for tomorrow or another day.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3454 and S. 3455 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ENERGY AND SPECULATION

Mr. DORGAN. Mr. President, since the Congress left in early August, much more has been written and much more explored with respect to the role of speculation in the oil futures market and what it has done to this country. The price of oil has come down some, which is good—from \$147 a barrel to \$106 a barrel yesterday. It is still very high. Clearly, the role of speculators in running this price up in a year needs more investigation.

There are some who say: Well, there is no speculation. We have people who come to the floor of the Senate and say there is no speculation here. Well, of course, what has happened from July to July, last year to this year, is the price of oil and gasoline doubled in this country. And there is nothing that has happened with respect to the supply and demand for oil and gas that justifies the doubling of the price.

A Washington Post story by David Cho says: Financial firms speculating for their clients or for themselves account for about 81 percent of all the oil contracts on NYMEX. A few speculators are dominating the vast market for oil trading.

Wall Street Journal: Speculator in oil market is key player in real sector.

We are now beginning to understand what has been happening in that market. The Commodity Futures Trading Commission, which is supposed to be the regulatory body on behalf of the public interest, has been steadfastly proclaiming now for over a year that there is no speculation here, or at least speculation is minimal. Nothing is happening that is outward. Don't worry, be happy. In my judgment, this is the work of a regulatory body that has decided it doesn't wish to regulate. Regulators are supposed to be referees. Let the market work, but when there is a foul, call the foul. The Commodity Futures Trading Commission not only doesn't wear a striped shirt, it doesn't have a whistle and it is not even at the game. It isn't even interested. They say: Well, there is no problem. Yet the evidence is all around us that there is a problem.

The investigative reports by the Washington Post and the Wall Street Journal confirm that a vast majority of the trading in the oil futures market is done by profiteering speculators with the market power to drive up oil and gas prices. These aren't people who want to ever have any oil. They don't want to buy a quart of oil or a 30-gallon drum of oil. All they want to do is trade paper and make money on oil futures contracts. As a result, I believe intense speculation has driven up the price of oil, double in a year, in a manner that was not at all justified.

In July, the Commodity Futures Trading Commission reclassified a very large trading firm from commercial to non-commercial. This fact was hidden deep inside the bowels of the Commodity Futures Trading Commission Web site. But for a couple of enter-

prising reporters, the American public would still be unaware of that. They reclassified a very large trader. My understanding is that trader, I believe, had somewhere in the neighborhood of 300 million barrels of oil in its contracts. The same trader on June 6 reportedly held oil futures contracts that were triple the amount of oil that consumers in this country use every day. By the end of July, 4 swaps dealers held one-third of the speculative oil futures contracts traded on NYMEX.

This information confirms what many of us already knew—that the CFTC was dead wrong—has been repeatedly dead wrong—when it was telling Congress this past year that supply and demand, not excess speculation in the oil futures market, was driving up oil and gasoline prices to record highs.

Now, in light of this, I believe Congress has a responsibility to address speculation. I know there are various groups forming around here to bring forth certain kinds of energy proposals, and I commend them all. I think they make a lot of sense. I think we ought to do all of or most of that which is being discussed—drill more, conserve more, produce much more in renewables, and address speculation. But there are some who are putting together proposals that decidedly leave out the issue of speculation. They leave it out. Why? Because they are getting pressure from the same special interests that have been speculating. The same big interests that helped drive up the price of oil and gas double in a year have prevailed upon some in this Congress not to touch them. Don't do anything.

We have a responsibility when we consider energy policy next week and beyond to talk about position limits that would wring the excess speculation out of these markets. The oil futures market is an important market. It is important for legitimate hedging of a physical product between producers and consumers. I fully understand that. But it is a broken market. It has been broken by excess, relentless speculation by those who are not hedging risk of a physical product. And we have a responsibility, I believe, to understand that the regulators, the Commodity Futures Trading Commission, and the assurances by these regulators have been discredited.

I think the conclusions trumpeted by the head of the CFTC, Mr. Lukken, that the wild increases in energy prices we have seen this past year are solely based on supply and demand is not the case. A study by an MIT economist this summer rebuts the claims of the CFTC that it is world demand, including demand by China and India, driving up prices. That is not true.

Since 2005, the rates of growth in world demand and Chinese demand have dropped some. Richard Eckaus, MIT Professor of Economics Emeritus, found in his study, which was published in June of this year, that the growth rate for world demand is less than 2

percent annually. He suggests the assertion by some that the drop in value of the U.S. dollar has played a big role in skyrocketing price is simply wrong. I believe the drop in the value of the dollar has played a role, but it is not a big role, and the MIT study demonstrates that.

Another study to be released this week looks at the flow of money into and out of the S&P Goldman Sachs commodity index in recent months, and that study has interesting conclusions. It finds that WTI crude oil future prices have risen and fallen almost directly related to the flow of investment money in and out of the energy futures market. When institutional investors poured more than \$60 billion into the commodities market in January to May, the WTI price, West Texas Intermediate crude price, increased by \$33 a barrel. When \$39 billion was taken out by these investors, starting on July 15 through the end of August, the price began to drop. When speculators invest, the WTI price goes up; when they take money out, the price goes down.

One of the interesting things I wish to understand is where are the substantial losses from these speculators? Mr. Lukken, the head of the CFTC, suggests speculation isn't happening, against all the evidence that has now been published. But we know there is a dramatic amount of speculation. This chart shows the oil futures market taken over by speculators. In 2000, speculators accounted for just thirty-seven percent of the trades in the oil futures market, and now we are told it is 81 percent today 2008. The CFTC still says oil excess speculation isn't a problem.

My point this morning is simple: We should have, and will have, a debate on energy. The debate can be about yesterday or tomorrow. Those who say you can drill your way out of this, well, I think we ought to drill. I am all for drilling. But I think that is yesterday forever. If every 10 or 15 or 20 years we have folks around here in their loafers and suspenders bloviating about where we drill next, there is not much of a future in that, in my judgment.

What we need to do is change the whole game on energy and make us far less dependent on foreign sources of energy. Why should this country, with the strongest and best economy in the world, have its economic opportunity in the future dependent on whether Saudi Arabia, Kuwait, Iraq, Venezuela, or others will give us, or sell us oil? Sixty-five percent of the oil we need to run this economy comes from off our shores. That makes us unbelievably dependent. So, yes, let's drill here, but we are not going to drill our way out of this. T. Boone Pickens, who has been in the oil business for 40 years, says we are not going to drill our way out of this problem. I agree with that. But let me end where I started. He talks about solar and wind. I think we ought to do all those things. I think solar and wind have the capability to provide a substantial amount of additional energy

for this country. In order to do that we have to continue with the tax incentives for solar and wind. But we have had eight votes on it, and eight times the other side has blocked us in providing the incentives to provide dramatic new approaches for renewable energy. It makes no sense to me.

We said in 1916 that we want you to go looking for oil, and in fact we want you to look for oil and gas sufficiently that we will give you big tax breaks as you look and find oil and gas. So we put tax incentives in place. I wasn't here, of course, but we put tax policies in place nearly a century ago to say look for oil and gas and we will give you big tax breaks. Now, let's look at what we did for renewable energy. We put in place in 1992, 16 years ago, tax incentives for wind and solar and other renewable energy. They were short-term, fairly shallow tax incentives. They have been extended, short term, five times, and they have been allowed to expire three times. It is a pathetic response.

Even now, the current incentives die at the end of this year. They expire. We tried eight times to renew them and so far we have been blocked. Why? Because some of our colleagues are upset that one of the ways we pay for those is to shut down the tax scam being used by hedge fund managers to move their income through tax haven countries in something called deferred compensation to avoid paying even the minimal compensation to the Federal Government in taxes that they now pay. They get to pay already some of the lowest tax rates in America, at 15 percent, which I think makes no sense. But even so, many of them are trying to avoid U.S. taxes by using deferred compensation techniques to run it through offshore tax havens.

Our colleagues on the other side are so protective of that and believe, apparently, they should be able to continue doing that. They appear willing to shut down our ability to extend the tax credits for renewable energy in the long term for this country.

The plea for a little cooperation runs both ways around here. When I took the floor this morning, we had several colleagues talking about an interest in cooperation. I think there ought to be a lot of cooperation on everything. Let's start first with something that is going to shut down on December 31 of this year, and that is the incentives to continue and be more aggressive on developing renewable, homegrown energy, which reduces our need for foreign oil. Let us at least start to do that.

Mr. President, I believe my colleague is here to take the remaining portion of our time, so let me at this point yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as I understand it, we are about to run out of time for morning business; is that correct?

The PRESIDING OFFICER. We have 6 minutes 40 seconds.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business until 11:15 a.m.

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

ENERGY AND THE HIGHWAY TRUST FUND

Mrs. BOXER. Mr. President, I note that Senator MURRAY will be coming, and I am hopeful she will arrive shortly and then I will yield, after 5 minutes, my remaining time.

Senator DORGAN is very eloquent on the issue of energy and the issue of renewables. We have no more excuses. How many filibusters do we have to have around this place before we get the other side to relent?

In my State, we are on the cutting edge of alternative energies. We have part of our coastline that is drilled upon, but part of it is preserved because it supports a very robust tourist and recreation industry. So we have found a balance in our State. But we are going to lose a lot of momentum if we don't get on with at least going after the speculators and renewing these important tax breaks to alternative energies, and also, if I might say, tell the oil companies they need to drill.

Mr. President, I note Senator MURRAY has come to the floor, and I want to inform her that I took 15 minutes and I am going to take 5 and leave her 10, if that is all right with her, unless she needs more time.

All right. So, Mr. President, if you will tell me when 5 minutes has expired from this point.

I am so pleased Senator MURRAY has come to the floor. She works so hard to fund the transportation priorities of our Nation over in the Appropriations Committee, and my work is at the Environment and Public Works Committee, where we authorize the highway bill every 5 years.

We know today, because we have been informed by Secretary of Transportation Peters, that there is a dangerous shortfall in the Federal fund that helps our States pay for critical highway construction. We have tried to fix this problem many times—unfortunately, without the help of the Bush administration. Now we get an SOS: Thursday they are going to start reducing the funds to the States.

Happily, they have awakened to the reality, but, unhappily, they have not talked to Republican Senators because last night, when Senator REID tried to solve this problem so we can keep our construction going, keep our funds flowing to the States, there was an objection from the Republican side. Mind you, we are talking about an \$8 billion sum of money that was taken from the fund years ago—in 1992, I believe it was; is that right? Or later than that? I am sorry, 1998. We borrowed \$8 billion

from the trust fund. Now all we are saying is we need to pay it back so we can make sure we can continue to build these important highways, fix our bridges, and help our transit systems. The fact is, if we do not do this, we are looking at tens of thousands, if not millions, of jobs lost.

Mr. President, I know you come from a State that is struggling economically, desperately needing change. I come from a State that is in a recession. We have horrible problems. The housing bust has affected us, and what is keeping us going, frankly, are solar energy projects, the wind energy projects, the highway projects. If, in fact, the Republicans continue to stand in the way of replenishing the highway trust fund, my State will be in big trouble. What will happen is that funds that were set aside for my State for important projects will not be forthcoming. My State of California, with more than 35 million people, receives more than \$3 billion for Federal funding for highways per year. According to the California Department of Transportation, if no action is taken to avert the shortfall, California would experience a potential revenue reduction of \$930 million. We are talking almost \$1 billion to my State.

California is not alone. My Republican colleagues who come here and say: No, don't worry, forget it, who cares—I don't hear one word about any trouble spending American taxpayer dollars overseas. I never heard one of them say: We are spending \$5,000 a second in Iraq on the war, let's bring some of that home—oh, no. But they are willing to make our people suffer here at home.

Enough is enough is enough. The other day, the President announced he is sending \$1 billion to Georgia. For a minute, I thought: Gee, Atlanta is in need of some help. Oh, no, it is the country of Georgia. Why? They had a war, as we all know, and we are compassionate toward them. But the war cost them \$1 billion. I ask rhetorically, are there countries in Europe that can help the country of Georgia? I don't mind doing our part. We say we had nothing to do with the war that started there. We are certainly angry at Russia for the way it responded to the incursion of Georgian troops. We believe it was overkill. We all agree on that. We all want to help. But \$1 billion to the country of Georgia while Atlanta, GA, and Los Angeles, CA, and all our other cities and towns and States are struggling and suffering and losing jobs? Enough is enough.

I am going to work with my colleague and my dear friend, Senator MURRAY, who is such a leader on the funding of these programs we painstakingly authorize every 5 years. We are going to be on this floor as often as we can to move this, to ask unanimous consent. We will let our Republican friends know. This is not a sneak attack. We are not going to do it when they are not aware of it. We are going

to move to fix this problem every day, maybe several times a day, until our Republican friends relent.

I have used the 5 minutes. This is just the start of a battle I am happy to be engaged in on behalf of the American people.

I yield my time to Senator MURRAY, the remaining 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from California for coming and talking about an absolutely critical issue this Congress should be focused on like a laser beam, and that is the issue of our highway funding for construction projects across this country and the highway trust fund. I and my Democratic colleagues have been telling the Bush administration repeatedly that we face a looming disaster across this Nation. We have proposed a solution that would enable this trust fund to stay solvent. We have warned that without action this year, we are going to face a financial disaster. We warned that it was coming very fast. But, as we have seen with a lot of problems in this country this year, President Bush and our Republican colleagues have, unfortunately, chosen to hide their heads in the sand and just avoid the problem. They told us earlier this year that the trust fund would have more than \$3 billion in the bank at the end of this month. They have worked to block our proposed solution.

I rise today because last Friday, President Bush's Transportation Secretary, Mary Peters, finally acknowledged what we have been warning about for months now, and that is that the highway account of our highway trust fund is broke. The administration has taken a closer look at the real receipts they are getting in from the Federal gas tax and discovered that their estimates have been off by some \$3 billion just since May. The Bush administration is now preparing to default on its bills to every one of our States. Right now, instead of reimbursing our States twice a day, as the Federal Government has always done, Secretary Peters has told the States that they are only going to get paid now once a week. That is happening right now in every State in this country.

This coming Thursday, 2 days from now, may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—just 9 days from now—reimbursements could drop to as little as 64 percent of the funds that our States are due. They will have to offer our States an IOU for the rest of that money. The result of the administration's failure to act on this is that we are now faced, in this country, across every single State, with an emergency situation. If we do not pass a solution very fast right here in the

Senate, our States, every one of them, are going to be forced to cancel critical highway construction and repair projects that are ongoing right now that ensure our roads and our bridges are safe and secure.

Not only does this threaten the safety of our transportation infrastructure, it could bring about massive layoffs in the construction sector in this country. That is an area of our economy that has suffered one of the biggest hits in recent months, and this is going to have a huge impact across the country.

As we all know, this news is coming just as the unemployment rate has now reached the highest it has been in nearly 5 years. We are talking about a scenario in which ongoing highway projects could be stopped dead in their tracks if we do not take action in the next day or two. Across the country, thousands upon thousands of workers are going to be told to go home and not to come to work the next morning. These are critical safety and congestion relief projects that are ongoing right now across the country, and they could be halted—by the way, right in the heart of the construction season.

Fortunately, we do have a solution. It is ready to go, if only the Republicans would put their partisan ideology aside just for this event and work with us to get this passed. Earlier this year, we proposed returning, as the Senator from California talked about, \$8 billion that was taken out of the highway trust fund back in 1998. Contrary to what some people have said about our proposal, it is not a bailout from the general fund of the Treasury. That \$8 billion was collected from gas taxes for the purpose of being deposited into the highway trust fund. At the end of 1998, that money was taken from the trust fund because at the time the fund was flush and we didn't think we needed it. We definitely need it now, so we have proposed restoring to the trust fund the \$8 billion that was borrowed and not a penny more. All the money that was borrowed, we propose putting it back into the highway trust fund.

This situation is extremely serious. After months of blocking our legislative solution, the Bush administration did a 180 and is now asking all of us please to get this bill on the President's desk by the end of this week. You would think that would be enough for his Republican allies. You would think they would finally see how dire this problem is and work with us to avoid the thousands of layoffs that are coming across the country if we do not act. Instead, last night, as we saw, they blocked our efforts to bring this bill to the floor and get it to the President.

Senator BOND and I—he is my ranking member on the Appropriations Transportation Subcommittee—included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill this year. Democrats tried to press this pro-

posal in June, in fact, as part of the FAA bill. Democrats included it in the tax extender package. We were blocked. We tried to pass it as part of the stimulus bill. We were blocked. We have seen this blocked by Republicans at every turn as this crisis has gotten larger and larger. Now it is on us.

The final effort we needed was just 60 votes. Do you know how many we got? We got 51. Only 5 Republicans voted to move that bill forward, while 42 Republican Senators voted against it. Now we are here in a crisis mode. But we have another chance, a final chance. The House has passed a similar bill by a 10-to-1 margin. It is not partisan over there. They know the emergency. That bill is here in the Senate. We could pass it by unanimous consent today. But, as we saw last night, Republicans are blocking it.

We literally cannot afford to tread water like this. I came to the floor yesterday to urge my Republican colleagues to see how important this legislation is. We are here again today making the case. I hope our colleagues across the aisle will listen and work with us. The obstruction and failure to take action has now gotten our country into a crisis, and we do not need another one. We have a housing and mortgage crisis. We have an economic crisis. We cannot afford, in this country right now, to have a transportation construction crisis in every one of our cities and communities across the country.

Within just a few days—take note—we are going to be seeing consequences across the country. This Thursday, as I said, could be the last day our States will be fully reimbursed by the Federal Government for the construction work that is ongoing. By this time next week, States are going to have to start doing without.

The stakes could not be higher. Mr. President, 84,000 jobs in this country were lost last month alone. We cannot put another American job at risk, and we cannot afford to play Russian roulette with our country's highway construction effort. That is what is happening right now. We have to act. We need to act now. I plead with our Republican colleagues, put your partisanship aside. When it comes to our country's safety, infrastructure, construction jobs, economy—all at risk—can we take care of that today, please? Can we move forward and fix this emergency that is upon us?

Mrs. BOXER. If the Senator will yield, I would like to engage in a colleague.

I ask for an additional 10 minutes.

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

Mrs. BOXER. Mr. President, the reason I want to engage my friend in a colloquy—I know she has other important hearings and so on—is I want to be specific here. I have just looked at a chart of loss of jobs if we do not fix this shortfall. I wanted to make sure my friend in the chair understands that if

we do not fix this, the State of Arkansas will lose almost 5,000 jobs.

I say to my friend, Senator MURRAY, I looked at Washington and if we do not fix this problem, 7,211 jobs—in the State of California, given our size, 32,315 jobs—will be lost if we do not fix this problem.

Now, as I calculated, that is six times more people than who live in Wasilla, AK, who would lose their jobs in California alone. So we are talking families, families who need good-paying jobs. I wanted to ask my friend a question, because I see that she has her chart that says, “Democrats sounded alarm, Republicans pressed snooze.”

This was true in the early days. But I would urge her to change what they have done. Now they have turned the alarm into a siren in our State. I mean, my friend knows the calls that are coming into our committee, to her committee. People are concerned that these jobs will be stopped midway through or slowed down. And when you slow down the work, it is terrible for everybody. It is inconvenient, it is money lost to corporations, it is jobs lost. There is no excuse.

I say to my friend, does she agree now that, yes, in the beginning they snoozed, they also, according to my records, launched five filibusters against fixing this problem? So even then it was a little more aggressive than snoozing. And if we put that into the context of five filibusters, that is 5 of 92 filibusters the Republicans have launched this Congress.

So when we come back and we debate change versus the status quo, I say to the American people and ask my friend if she agrees: Are not we facing more of the same on obstruction, more of the same filibusters, more of the same: I do not really care about middle-class workers, you lose your job, too bad, as we spend our money abroad?

I ask my friend if she has this deep sense of where we are?

Mrs. MURRAY. Mr. President, I share with my colleague from California a real sense of frustration. The people across the country know we are in political season. They understand politics. They understand all of that. But this is beyond politics. This is about severe consequences. I do not understand putting partisan politics, more filibusters, an effort to not let anything happen, on the backs of every single community across this country.

These are specific dollars that go to keeping our construction projects moving along. Now, I get frustrated like everyone in the summer when you come across a project in progress and you have to wait. But I want that construction process done because I know that highway needs to be repaired.

We saw a bridge collapse not that long ago. Not that long ago deaths occurred. A huge community in Minnesota was impacted. That can happen across the country. We are attempting to fix those construction projects and they are going to be halted if we do not fix this trust fund problem.

This has dire consequences.

This is not about politics. It is not about a Presidential election. It is not about who is going to stop what. This is about real consequences in our community, jobs lost in the construction sector to families who will not have a paycheck next month in the middle of an economy that is already struggling.

In some of our States, as we know well, the construction season is short; it ends in a few short months. And those projects, if they are halted now, will not begin again until next March or April. The long-term consequences are real.

Our Governors had better wake up and start calling all of our Republican colleagues. Our community leaders

who want these projects completed had better start calling our Republican colleagues. We have a solution in hand. It is easy to do. We can do it today. The President now has turned around, finally, and asked for this solution.

I do not understand why it is being blocked. It makes no sense to me. I can tell you, to those families who wake up 2 weeks from now without a job, and to those families who are trying to drive to get to work and all of a sudden they see a critical construction project stopped in their State, they are going to be asking all of us: What are you doing back there?

I heard Senator MCCAIN say recently: Watch what happens in Congress over the next several weeks. Well, I hope the American people are watching. What we see is obstruction and filibusters with dire consequences. It is going to be felt in every one of our communities if we do not put this aside for once and at least get this highway trust fund fixed.

Mrs. BOXER. In the remaining time we have, I want to thank my friend. We work very closely, because I am the Chair of the committee that authorizes these programs and she is the one who funds them. We work very closely with our ranking members. Those are bipartisan measures.

I want to be clear one more time, because pretty soon we are going to come back here and we are going to ask unanimous consent to fix this problem. We are going to be back here pretty soon.

I ask unanimous consent to have printed in the RECORD a document called “State Federal Highway Funds in Jeopardy.”

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

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Alabama	\$703,608,862	\$490,508,434	-213,100,427	-7,416
Alaska	392,336,871	290,793,680	-101,543,191	-3,534
Arizona	667,147,856	438,664,311	-228,483,545	-7,951
Arkansas	456,190,231	320,021,084	-136,169,147	-4,739
California	3,241,415,426	2,312,797,348	-928,618,078	-32,315
Colorado	483,871,715	336,831,459	-147,040,256	-5,117
Connecticut	482,654,710	322,178,744	-160,475,967	-5,584
Delaware	151,330,042	105,505,130	-45,824,912	-1,595
Dist. of Col.	144,672,395	98,449,152	-46,223,243	-1,609
Florida	1,743,482,571	1,170,330,313	-573,152,259	-19,945
Georgia	1,254,148,068	854,334,154	-399,813,914	-13,913
Hawaii	161,397,489	108,732,842	-52,664,647	-1,833
Idaho	265,659,540	186,583,127	-79,076,413	-2,752
Illinois	1,226,941,903	860,514,023	-366,427,880	-12,751
Indiana	883,116,254	613,381,711	-269,734,544	-9,386
Iowa	422,814,986	275,671,959	-147,143,027	-5,120
Kansas	364,702,387	246,228,246	-118,474,141	-4,123
Kentucky	614,997,743	424,872,735	-190,125,008	-6,616
Louisiana	577,720,798	388,222,990	-189,497,808	-6,594
Maine	178,953,421	124,718,277	-54,235,144	-1,887
Maryland	578,678,880	388,200,419	-190,478,461	-6,628
Massachusetts	609,422,307	398,142,135	-211,280,172	-7,352
Michigan	1,007,665,781	762,900,607	-244,765,175	-8,518
Minnesota	575,827,393	433,242,592	-142,584,801	-4,962
Mississippi	433,794,557	300,588,496	-133,206,061	-4,635
Missouri	829,306,795	577,297,558	-252,009,237	-8,770
Montana	338,011,659	239,506,863	-98,504,796	-3,428
Nebraska	271,341,203	184,454,956	-86,886,247	-3,024
Nevada	274,821,219	173,608,407	-101,212,812	-3,522
New Hampshire	160,957,601	108,790,657	-52,166,944	-1,815
New Jersey	933,422,014	627,578,740	-305,843,274	-10,643
New Mexico	331,049,059	237,065,570	-93,983,489	-3,271
New York	1,652,187,126	1,082,942,105	-569,245,020	-19,809
North Carolina	982,279,233	690,898,439	-291,380,795	-10,140
North Dakota	226,404,974	155,931,552	-70,473,422	-2,452
Ohio	1,251,880,095	900,869,616	-351,010,479	-12,215
Oklahoma	542,557,073	369,868,439	-172,688,634	-6,009

STATE FEDERAL HIGHWAY FUNDS IN JEOPARDY—SUPPORT BAUCUS-GRASSLEY TRUST FUND FIX TO PREVENT 34 PERCENT CUT—Continued

State	Actual FY 2008	Projected FY 2009 without fix	FY09 funding cut	Projected job loss
Oregon	434,153,577	294,969,678	-139,183,898	-4,843
Pennsylvania	1,607,827,381	1,064,325,708	-543,501,672	-18,913
Rhode Island	200,252,272	131,121,237	-69,131,035	-2,406
South Carolina	572,462,981	390,280,157	-182,182,824	-6,340
South Dakota	245,963,474	174,549,231	-71,414,243	-2,485
Tennessee	768,763,258	533,198,427	-235,564,831	-8,197
Texas	2,802,411,108	1,942,990,215	-859,420,893	-29,907
Utah	273,508,721	188,070,215	-85,438,506	-2,973
Vermont	161,725,931	114,413,876	-47,312,055	-1,646
Virginia	907,625,718	636,053,577	-271,572,141	-9,450
Washington	623,821,456	416,592,681	-207,228,775	-7,211
West Virginia	391,319,504	271,937,690	-119,381,814	-4,154
Wisconsin	676,542,465	480,036,649	-196,505,816	-6,838
Wyoming	229,637,435	166,470,893	-63,166,542	-2,198
Subtotal	\$35,312,785,520	\$24,406,237,107	-10,906,548,414	-379,537
Allocated Programs	4,127,089,170	1,909,255,590	(2,217,833,580)	
Un designated High Priority Projects	1,513,574	1,061,467	(452,108)	
Projects of National & Regional Sig.	410,949,000	230,558,400	(180,390,600)	
National Corridor Infrastructure Program	449,988,000	252,460,800	(197,527,200)	
Transportation Projects	590,259,516	331,158,586	(259,100,930)	
Bridge (Sec. 144(g))	92,400,000	64,800,000	(27,600,000)	
Transfer to Sections 154 & 164	231,066,579	4,468,050	(226,598,529)	
Total	41,216,051,359	27,200,000,000	(14,016,051,359)	

Source: Federal Highway Administration. Data include apportioned programs plus High Priority Projects. Transportation Construction Coalition analysis of job impact.

Mrs. BOXER. This shows in the State of New Hampshire, of Senator GREGG, who was the one who objected yesterday, a loss of 1,800 jobs. It shows in the State of South Carolina, the State of Senator DEMINT, a loss of 6,300 jobs.

I say to my friend from Montana, who I know supports repaying the highway trust fund that he is working to support, 3,428 jobs in the State of Montana would be lost. That is big. That is larger than some towns.

Think about more than 30,000 families in my case, 32,000 families being hit by layoffs in the middle of a recession because Republicans continue to filibuster and to filibuster and to do nothing. It is not going to go down well.

I am glad you mentioned that Senator McCain says for the people to watch the Senate. I urge the people to watch the Senate this week where we are going to try to fix this highway trust fund, and we are going to get this done if we can. If we cannot, we know who is stopping us.

We are also going to work on a Defense authorization bill that is so important while there are two wars going on. I hope Senator McCain will keep saying that on the stump: Watch the Senate. And this issue is going to be as clear as a bell. I urge you to go change that sign now, because, yes, the Republicans snoozed earlier, but now they are in fighting mode and they have raised the alarm to a siren.

And all of our Governors, you are right, ought to be calling, and our State legislators as well.

I want to thank you very much for your patience.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 3 minutes.

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

Mrs. MURRAY. Mr. President, the Senator from California and I have been on the Senate floor this morning talking about the dire straits we are in in terms of the construction trust fund, the highway trust fund, that provides the money across the country for construction projects and the fact that within a few short days our States are not going to be getting the checks they need to pay for those construction projects, resulting in layoffs across this country and construction projects literally coming to a halt very quickly.

We are going to offer a unanimous consent request to bring up that bill again and pass it and get it to the President, as he requested. We understand, unfortunately, now there is an objection on the Republican side, and we will not be able to do this request at this time. I respect our Republicans' request to be able to discuss this issue at their weekly meeting they are going to be having shortly to determine how to move forward. But I want everyone on notice this is a critical issue, it is not going to go away, and we are going to be asking again this afternoon to move this legislation forward because we believe we have a responsibility as leaders in this country to get this trust fund emergency problem fixed and moving. We hope our Republican colleagues, upon reflection, will join us and we can quietly pass this legislation this afternoon and move on to other major issues of the day.

But to me this is the most important critical issue facing us right now in the Senate, and I hope we can move it this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, let me say, I agree with everything my friend said. We are talking about highway construction. We are talking about fixing dangerous bridges. We have all seen

what happens when there is neglect there. We are seeing all of this happen in the middle of a recession, where last month alone 84,000 jobs were lost. As we look at the list, we see if our Republican colleagues and friends do not join us in this effort, and they do not fix this shortfall problem, which, by the way, is a reimbursement to the highway trust fund of moneys that were borrowed from it—it is a reimbursement—we are looking at a loss of 379,537 jobs.

Mr. President, I ask you in rhetorical fashion, is this the time where this country can afford to see 379,537 jobs disappear when we are already at the worst unemployment rate we have seen in 5 years? We have to stop business as usual around here. We need to start the change now—the change away from confrontation, everything is political, filibuster after filibuster. The time is now.

So we will be back after the caucuses have their meetings this afternoon in the hopes that they have resolved this issue, that they step out of the way and let us get this work done so our families—our families all across this country who work in the construction trades—can breathe a sigh of relief. They have enough on their plate. They cannot get good health care; they have problems sending their kids to school; the price of gas. We all know what has happened to our families. This would be one additional slap they simply do not deserve. They do not deserve any of this.

We say to our Republican friends, leave your politics outside the Chamber for this one.

Mr. President, I yield the floor and 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. WEBB. 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.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

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

DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, today I am going to offer an amendment to the Defense authorization bill that will do two things. The first is it will extend the mandate or, shall I say, direct the President to negotiate the extension of the mandate we now operate under inside Iraq under the rubric of the United Nations. The second would be to place a restriction on the implementation of the strategic framework agreement that is now being negotiated inside Iraq to bring it inside the Constitution of the United States and require that the Congress of the United States approve this strategic framework agreement before it is actually put into motion.

The reality right now is, our justification for operating inside Iraq under international law will expire at the end of this year. For almost a year, this administration has been negotiating two separate agreements with the Government of Iraq. One is a strategic framework agreement; the other is a status of forces agreement that would take place under the umbrella of the strategic framework agreement.

This period of negotiation has been done largely without the involvement of the Congress. It will, if implemented, shape and direct the policy of the United States in Iraq for a good period of time—our security framework, all these sorts of things that traditionally have taken place only inside a treaty. Under the Constitution, a treaty is required to be approved by a two-thirds vote in the Senate.

So we have two realities that have come together, that by the end of this year we need to address in some form or another. The first is we have to be operating under some proper international legal structure in order to maintain our forces in Iraq after December 31. The other is we need to be negotiating the right kind of bilateral future relationship between our country and the country of Iraq.

This amendment intends to resolve both of these situations in a way that is not disruptive, that is within the constraints of the Constitution, and it will allow us some time to get the right kind of strategic framework in place rather than our having to rush it, as we are seeing right now, to get something in place by the end of the year that is arguably not within the Constitution.

The first portion of this amendment basically says the President will direct the U.S. Special Representative to the United Nations to seek an extension of the multinational agreement that already is in place under the rubric of the Security Council of the United Na-

tions. It also states it is the sense of Congress that this extension should expire within a year or earlier. It should expire at the end of next year, unless we have a strategic framework agreement in place, at which time it will expire earlier.

The second goes to the notion that this agreement must be approved with the consent of the Congress. I have not gone so far in this amendment as to say we should treat this agreement as we would treat a longer, more formal treaty, with the recognition that treaties sometimes get tied up for years, but that we should have a law by the Congress, a vote by a majority of the Congress, approving this major step forward in our relationship with the country of Iraq.

As it stands right now, I am a member of the Armed Services Committee. I am also a member of the Committee on Foreign Relations. We have not been shown one word of the actual document that is being negotiated. There are members of the Iraqi Parliament that have been shown portions of this document, if not all of it.

I think it is very important for us to give this agreement the time we can give it if we extend the mandate of the United Nations for a year but also to get the proper involvement of the Congress in this most important step into the future of our relationship with Iraq.

I hope my colleagues will support this amendment. I hope we can have bipartisan support on it. This is an amendment that goes to the propriety of the constitutional process and also is intended to take the time constraints out of the negotiation of this agreement with Iraq.

I yield the floor.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Missouri.

COLOMBIA

Mr. BOND. Mr. President, I rise today to talk about the remarkable success story in the fight against terrorism and narcotrafficking that I believe very strongly needs to be told. It is a story that has largely gone unnoticed because it has not taken place in the Eastern Hemisphere or east of here, where most of the world's attention is focused today. It comes, rather, from the Southern Hemisphere in a country where protagonists have surged ahead of narcoterrorists militarily, while simultaneously improving the overall security and safety of the civilian population. What is most important is they

have done so while ensuring that protection of human rights and adherence to international humanitarian law are fully integrated into the daily life of every member of the security forces.

I am speaking about Colombia, of course. I visited there just a couple of weeks ago. I visited Bogota. I also visited Ecuador to find out what was going on in Latin America. I was greatly encouraged by the tangible evidence I saw in Colombia of a country in complete transformation. Most of us probably realize that just about 6 years ago, in 2002, as much as 40 percent of the area of Colombia was controlled by terrorist groups and ruthless narcotics trafficking. Many of my colleagues visited Colombia at the time and brought back grim reports, as they should have, of a country apparently descending into chaos, with a dim future, as Colombia was on the verge of becoming a failed state. The security situation was bleak, the economic outlook was decidedly negative, and drug trafficking threatened the very culture of Colombia and its people.

The situation had been slowly deteriorating in Colombia for decades. Even before the United States experienced the dramatic acts of terrorism of 2001 that would change our national perceptions forever, Colombians were dealing with an increasingly dangerous, deadly, and brutal form of terrorism that threatened to tear the country apart. Drug cartels were controlling larger and larger swaths of territory and had turned Colombia into the world's leading exporter of cocaine. Much of the cocaine was finding its way into the United States. Insurgent groups we have come to know as the FARC or the ELN were turning Colombia into a war zone, negatively affecting the economy and threatening the very stability of the nation.

That was the situation in 1998 when former Colombian President Pastrana conceived Plan Colombia, a 6-year plan to end long-armed conflict, to eliminate drug trafficking, and promote economic and social development. As you may recall, the United States agreed to take a gamble and invest in Colombia. President Clinton, a Democrat, led the way, and he was followed by President Bush. Both were strong supporters. The good news is that since 1998, the United States has continued to be the principal contributor to the plan, mostly through the Andean Counterdrug Initiative but also through foreign military financing and the central counter-narcotics account of the Department of Defense.

Today, our mutual objectives in support of Plan Colombia have evolved from a strict counternarcotics focus to encompass counterterrorism activities as well. Our investment appears to have paid off with dividends. I am happy to report that with U.S. aid to Colombian security forces and assistance in trade preferences under the Andean Trade Preferences Agreement, or the ATPA, the Colombian people have

been positively transforming their nation. We owe a great debt of gratitude, as the people of Colombia do, to President Alvaro Uribe because his programs and policies have dramatically improved the security situation in Colombia and demonstrated his personal commitment to being a strong and capable partner in fighting drugs, crime, and terror.

Since Uribe took office in 2002, the Colombian Government reports that homicides have dropped by 40 percent, murders of union representatives have been reduced by 80 percent, kidnappings have declined by more than 80 percent, and terrorist attacks are down by more than 70 percent. That is a pretty amazing set of numbers, Mr. President. They are evidence of nothing less than a complete turnaround that has given the people of Colombia hope and a new country to live in, one free from constant fear of killings and kidnappings.

Now, in July of this year, the world watched with admiration and amazement as President Uribe and his administration, with their security forces, scored an impressive triumph against the Marxist terrorists of the Revolutionary Armed Forces of Colombia, the full name of the FARC. Members of the Colombian military successfully rescued 15 hostages, including 3 Americans, being held by FARC. They did it through guile, without any armed combat, and with great boldness and risk to the members of the participating team. Weeks later, more than 1 million Colombians marched in their nation's streets, calling on the FARC to release its remaining hostages and stop practicing terror.

Today, President Uribe's approval rating has soared above 90 percent, and the FARC, still holding 700 hostages, is now faced with increasing evaporation of its now limited popular support base.

As their security has improved, so has their economy. Last year, Colombia's economy saw the largest growth rate in nearly three decades, and unemployment and poverty are at the lowest levels in a decade. Improvements in security, stability, and economic development are adding to Colombia's reputation as a vibrant democracy with a history of free elections and solid opposition political parties.

Americans can be proud that U.S. assistance has been at the center of this historic turnaround. Americans can be prouder still of our partners in the Colombian Government who have ensured that while Colombian military and police forces have made significant strides against the FARC and taken back much of the territory once held by them, they have done so while completely overhauling their human rights programs, policies, and enforcement mechanisms.

In January of this year, the Colombian Minister of Defense released the integrated policy of human rights and international humanitarian law, a comprehensive policy that directs the

integration of human rights and international law into all military instruction, stronger compliance and controls, legal defense of military personnel, specialized treatment of vulnerable groups, better integration with the civilian judiciary, and closer consultation with civil and international groups on human rights issues. The U.N. High Commissioner for Human Rights in Colombia called this a key step in promoting respect for human rights in the military.

I was told by members of our U.S. country team, at our embassy in Bogotá, that this policy is a written encapsulation of the remarkable changes that have been made over the past several years in the Colombian security forces.

For example, the Defense Minister, Juan Manuel Santos, assigned seven colonels as inspector delegates for each division of the Army with authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. As a result, U.S. Embassy officials report impressive signs of progress in the suspension, arrest, or conviction of military and former military violators of human rights, including several general officers and greater civilian access and handling of human rights cases involving the military.

In addition, the Colombian Army has now installed judicial coordination offices as well as operational legal advisers in all units to advise commanders on human rights and international humanitarian law, to coordinate with civilian judicial authorities, and to conduct liaison with national and international organizations about ongoing cases. These legal advisers are present during the planning of any military operation to ensure that the targets are legitimate, that civilian casualties are avoided, and that the human rights of any captured terrorists are protected. The armed forces have designated human rights officers in all their battalions to support human rights training and instruction at the lowest level of the military. Operationally, I am told the Colombian armed forces have changed the nature of their missions on the ground against the FARC. What may have once been pure military operations conducted to kill terrorists and seize territory have become surgical operations specifically designed to protect lives and gather evidence for prosecution of terrorists in the Colombian judicial system. Legal advisers and prosecutors are present during every operation to begin, at the earliest possible time in the operation, the difficult task of evidence collection and prosecution under the law.

Mr. President, this is nothing short of an amazing turn of events. I have to stress, however, the message our people on the ground and the Colombians themselves have delivered to me. They emphasize that while the turnaround is dramatic, they are not out of the woods just yet, and critical challenges remain.

The terrorist and paramilitary groups are weakened but not yet defeated. Violence still threatens all sectors of Colombian society and continues to cause displacement and economic hardship. Defense Minister Santos told me they have already come a long way, but they have a little ways yet to go until they can stand fully on their own two feet. In other words, in the season of football this fall, we would say they are on the 10-yard line, and they need our continued support to cross the goal.

As a result of our investment in and support of President Uribe and the Colombian Government, Colombia has emerged as possibly our most successful bilateral partner in Latin America. It would be hard to find a greater friend, a bolder leader, and one who has made more progress than President Alvaro Uribe. The Colombians have worked hard in fighting against terrorists and drug traffickers, and they have done everything we have asked of them.

Mr. President, since Plan Colombia began in 1999, the United States has given nearly \$6 billion in assistance to Colombia. Yet there is one more thing we can do to help them cross the goal line and ensure their success for the future. The Senate can and must cement America's long-term strategic partnership with Colombia by approving the one thing every Colombian official, every U.S. Embassy official, everybody we talk to who is in America—the U.S. businessman or others have told me that they must get—the free-trade agreement. This would be a great deal on several accounts for America.

Our two-way trade with Colombia reached \$18 billion last year, making Colombia our fourth largest trading partner in Latin America and the largest export market for U.S. agricultural products in South America. As a representative of an agricultural exporting State, we need to get into that country without tariffs making our products less competitive. Exports to Colombia, despite the tariffs that they impose, reached \$8.6 billion in 2007. The United States-Colombia Free Trade Agreement would open this growing economy further to U.S. goods and services. U.S. companies are already doing business with and in Colombia. There are 112 U.S. companies operating there. All seven of America's largest employers have active commercial relations with Colombia. The Colombia Free Trade Agreement would definitely benefit U.S. businesses. Upon entry into force of the agreement, over 80 percent, close to 90 percent, of U.S. exports of consumer and industrial goods to Colombia would enter duty free. U.S. farmers and ranchers would benefit by the immediate elimination of Colombia's duties on high-quality beef, cotton, wheat, soybeans, key fruits, and many processed foods.

Exports diversify our economy, shield it from shock in the domestic

market, and help to close the trade deficit which we continue to hear so much about. According to the U.S. Chamber of Commerce, U.S. exports to free-trade countries are at twice the rate of non-free-trade countries.

Frankly, Mr. President, through the ATPA we already offer Colombia the advantages, the trade advantages, coming in largely duty free. The FTA with Colombia is one-sided. It knocks down their tariff barriers to our exports and I am at a loss to explain why we would not quickly approve it when our exporters, our farmers, our workers in manufacturing sectors, our people in the IT industry, and people working in the food industry, all have so much to gain. One might ask why the Colombians want this FTA when America would see most of the benefit. They gave me the answer to that question when I was in Bogota a few weeks ago. They believe the FTA will send a strong signal that the United States remains committed to its friends and is supportive of a continuation of positive reforms in Colombia, such as those I have already mentioned.

On the flip side, they believe—and I am afraid from everything I have seen it is true—if we fail to do it, if we send an adverse message, if we do not approve the FTA, it would be bad news, for we would be, in effect, telling our best ally we are not as close a strategic partner as they thought, and Hugo Chavez, Raoul Castro, and other Marxists in the region will have their heyday ridiculing the Colombians for having turned to the United States. To continue to delay the United States-Colombia free trade agreement would be a refutation of our strong friendship of the Colombian people, a dismissal of the blood and treasure spent over the last decade to help Colombia and eliminate terrorism and improve its economy, and a signal to our allies that no matter how hard you cooperate with the United States you will be abandoned in the end. As the Colombians told me, if we do not approve the FTA, Hugo Chavez and Raoul Castro will rub their noses in it, saying: This is the way the devil pays his friends.

We saw another side of that yesterday in a good op-ed piece in the Wall Street Journal by Mary Anastasia O'Grady, "Latin Americans Want Free Trade." In that op-ed piece she pointed out what happened the last time we imposed tariffs, and when we cracked down on trade with Latin America. She quoted Sebastian Edwards that "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective" in the downturn of Latin America. It:

... made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also ... had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only on economic but political control and grew entrenched.

That is one of the reasons we have so many problems with so many countries in Latin America that are not realizing their full potential.

In sum, a Colombia FTA seems a simple but effective way to help solidify our image as a nation committed to helping our strategic allies in the world, in the Western Hemisphere, and standing shoulder to shoulder with us fighting those who attack our freedom. I urge my colleagues to consider seriously the importance of passing a Colombia FTA before this Congress ends in a few short weeks. This may be one of the few strongly bipartisan actions in the Senate before this session ends and, for our Colombian friends who know how important it is, this action would be unforgettable.

I ask unanimous consent that a copy of the Wall Street Journal op-ed piece to which I referred as part of my remarks be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 8, 2008]

LATIN AMERICA WANTS FREE TRADE

(By Mary Anastasia O'Grady)

Of the two U.S. presidential candidates, one promises to expand international trading opportunities for American producers and consumers. The other pledges to raise the barriers that Americans already face in global commerce.

For Latin America, this is the single most important policy issue in the campaign. If Republican candidate John McCain wins, he says he will lead the Western Hemisphere toward freer trade. Conversely, Democratic candidate Barack Obama has promised that he will craft a U.S. trade policy of greater protectionism against our Latin neighbors. The former agenda will advance regional economic integration, the latter will further Latin American isolation.

Anyone who has read 20th-century history knows the seriousness of this policy divide. The last time Washington adopted a protectionist stance toward our southern neighbors was in 1930, when Congress passed the Smoot-Hawley tariffs. It took more than 50 years to even begin to climb out of that hole.

Many economists blame Smoot-Hawley for the depths of the U.S. depression. But Latin Americans have suffered even more over a longer period. Their leaders chose to retaliate at the time with their own protectionist tariffs, but the damage didn't end there.

In his 1995 book "Crisis and Reform in Latin America," UCLA professor Sebastian Edwards writes that though there was a brief period of liberalization in Argentina, Brazil and Chile in the late 1930s, it didn't last long. Adverse conditions brought about by World War II prompted the region's policy makers to restore tariffs, in the hope that protectionism would stimulate economic development.

"By the late 1940s and early 1950s," writes Mr. Edwards, "protectionist policies based on import substitution were well entrenched and constituted, by far, the dominant perspective." The U.N.'s Economic Commission on Latin American and the Caribbean, he adds, provided the "intellectual underpinning for the protectionist position."

Protectionism made a mess out of the region, and not only because spiraling tariffs and nontariff barriers blocked imports and destroyed the export sector. They also provoked an intellectual isolation as the infor-

mation and new ideas that flow with trade dried up, along with consumer choice and competition. This had a deleterious effect on politics too, as closed economies spawned powerful interests which seized not only economic but political control and grew entrenched.

According to Mr. Edwards, it was only in the late 1980s and early 1990s that U.S. and Latin leadership (not counting Chile, which liberalized earlier) began to recognize the twin unintended consequences of this model—poverty and instability—and decided to act. "Tariffs were drastically slashed, many countries completely eliminated import licenses and prohibitions and several countries began negotiating free trade agreements with the United States."

Mexico and Canada signed the North American Free Trade Agreement with the U.S. in 1993, but the regional opening process continued well into this decade. A U.S.-Chile bilateral agreement kicked off in 2004. Five Central American countries and the Dominican Republic signed their own FTA (CAFTA) with the U.S. in 2006. Peru's FTA with the U.S. was finalized in 2007. Colombia and Panama have signed agreements with the U.S. that are awaiting ratification by the U.S. Congress.

It is true that unilateral opening would have been a superior path. Yet for a variety of reasons—not the least the political attraction of reciprocity—FTAs have become fashionable. And there is no doubt that the agreements, warts and all, have aided in the process of dismantling trade barriers, strengthening the rule of law, and moving the region in the direction of democratic capitalism.

Mr. McCain wants the U.S. to continue its leadership role in opening markets in the region. He favors ratification of the Colombia and Panama FTAs, which the Democratic-controlled Congress is blocking. He also wants to lift the U.S.'s 54-cent tariff on Brazilian ethanol, and he wants to preserve NAFTA.

Mr. Obama would reverse regional trade progress. He supports House Speaker Nancy Pelosi's opposition to the Colombia FTA, even though it will open new markets for U.S. exporters. He promises to "stand firm" against pacts like CAFTA and proposes to force a renegotiation of NAFTA, which is likely to disrupt North American supply chains and damage the U.S. economy. By heaping new labor and environmental regulations on our trading partners, his "fair trade" proposal will raise costs for our trading partners and reduce their competitiveness.

Perhaps worst of all, his antitrade bias will signal the region that protectionism is back in style in the U.S., and encourage new trade wars. No good can come from that, for the U.S. or for Latin America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired and that the Senate now proceed to the consideration of Calendar No. 732, which is S. 3001, the Defense Department authorization bill, and that once the bill is reported, it be considered under the following limitations: that the only first-degree amendments in order be those that are germane to S. 3001 or to H.R. 5658, and that the first-degree amendments be subject to second-degree amendments which are germane to the amendment to which it is offered; that there be up to 10 additional amendments which are relevant to S. 3001 or to H.R. 5658 and have been agreed upon by the leaders—the leaders being Senators MCCONNELL and REID—with up to 5 amendments per side; that those 10 relevant amendments also be subject to second-degree amendments which would be relevant to the first-degree amendment to which offered; that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A: S. 3002; Division B: S. 3003; Division C: S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that these items appear separately in the RECORD; provided further that the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion; that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on

the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object, and if I could just take a moment to explain why. As we have been discussing, we would like to proceed to the bill under a regular order. In discussing the proposed amendments we have ready to offer, I think it is clear they are relevant, if not germane. In fact, the first few we have suggested I know are germane.

I think we would be better served to just begin the process of bringing up amendments and having debate and votes on those amendments than trying to get the approvals that would be necessary to agree to this rather cosmic unanimous consent request. That is why we object to it at this time, but I assure the majority leader that based upon the amendments we have already indicated we wish to bring forth, I would hope there would be a clear understanding of good faith on both sides that that is the way we intend to proceed. I do appreciate that the majority leader then would presumably set up a parliamentary procedure by which the majority would have to approve the offering of any Republican amendment thereafter, so the majority certainly would be protected in doing that. It would still be our intention to bring forth the right kind of amendments to deal with this legislation.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, maybe we can do indirectly what we can't do directly. That is, we are going to go through the procedure here to—and when I finish the procedural issues I am going to bring before the Senate, then the two managers, Senator LEVIN and Senator WARNER, will be, in effect, the gatekeepers. They won't be under the control of Senator MCCONNELL or Senator REID. These two very professional, experienced legislators will move through these amendments as quickly as they can. We all relish the time we used to move to this bill and other bills to have an old-fashioned legislative battle. I don't think—with all that is going on around the country today, including the Presidential election being in effect and all the other things going on politically—we can do that.

I hope, as I said, we can do indirectly what we can't do directly. It would be good for the country if we could finish this bill this week. It is so important. It has extremely important elements in it, including a pay raise for our troops, a good pay raise for our troops. This bill has things that are done to improve our military that only these two managers of this bill could lead based

on their experience. I believe I am right when I say I think this has been—this is the 30th bill Senators LEVIN and WARNER have worked on together, the 30th bill. It would be a shame, as Senator WARNER leaves this great career in the Senate, that in his final year we don't do something that is as much of his legislative history as anything he has done in his career, and that is the Defense authorization bill. So I hope for his sake, the Senate's sake, and the country's sake, we can complete this legislation sometime this week.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. President, I ask unanimous consent that all postcloture time be considered expired and the Senate now proceed to the consideration of S. 3001.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5290

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

The provision of this bill shall become effective in 5 days upon enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5291 TO AMENDMENT NO. 5290

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5291 to amendment No. 5290.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment strike "5" and insert "4".

MOTION TO RECOMMIT

Mr. REID. Mr. President, I now move to recommit the bill to the Armed

Services Committee with instructions to report back to the Senate with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to recommit the bill S. 3001 to the Committee on Armed Services with instructions to report back with an amendment numbered 5292.

AMENDMENT NO. 5292 TO MOTION TO RECOMMIT

Mr. REID. I have an amendment at the desk, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5292 to the instructions of the motion to recommit.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5293

Mr. REID. Mr. President, I have an amendment at the desk and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5293 to the instructions of the motion to recommit the bill S. 3001.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. 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 yeas and nays were ordered.

AMENDMENT NO. 5294 TO AMENDMENT NO. 5293

Mr. REID. Mr. President, I have a second-degree amendment at the desk and I ask that it now be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5294 to amendment No. 5293.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment strike "2" and insert "1".

Mr. REID. Mr. President, finally, I now ask unanimous consent that no motion to proceed to any calendar item be in order during the pendency of S. 3001.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, for the time being, I would object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Chair clarifies for the Senate that pursuant to the previous unanimous-consent agreement, the motion to proceed to S. 3001 was agreed to.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that no motion to proceed to any legislative or Executive Calendar item be in order during today's session of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, on behalf of the minority leader, no objection.

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

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

GLOBAL WAR ON TERROR

Mr. CASEY. Mr. President, I rise today to speak on where America stands in the global war on terror. This week, of course, marks the seventh anniversary of the 9/11 attacks on our country. While our allies in Europe have suffered terrible acts of terrorism in subsequent years since September 11, 2001, our Nation has been blessed with no attacks since that time. Yet that single fact should not obscure the reality that America remains dangerously vulnerable to future attacks and that the very policies pursued by

President Bush have made our Nation less secure.

Today, the President announced that he will redeploy 8,000 soldiers out of a total of 146,000 U.S. troops in Iraq over the remainder of this year and early next year. The scheduled replacements for those 8,000 forces will instead head to Afghanistan to respond to the sharply deteriorating circumstances there. I am pleased the President has started to come to grips with the severity of the threat we face in Afghanistan and the need to devote more U.S. troops and resources to what remains the central front in the war on terror. But let's be serious. Shifting 8,000 American troops to Afghanistan is wholly inadequate when we see Taliban extremists using sanctuary bases in Pakistan to increase attacks on U.S. and NATO forces there, when we see the Karzai government struggling to maintain the confidence of the Afghan people, and when we see the Taliban gaining new recruits by the day.

Against all evidence, President Bush continues to view Iraq as the central front on the war on terror. We have heard him say that over and over again. He refuses to acknowledge al-Qaida established a presence in Iraq only as a by-product of our invasion in 2003. He ignores recent intelligence reports that al-Qaida leaders are sending senior level commanders and new recruits into Afghanistan, not Iraq. President Bush disregards the fact that al-Qaida has reconstituted its global headquarters to plan future worldwide attacks of terrorism in the frontier regions of Pakistan, ungoverned territories that remain off-limits to Pakistani military. After September 11, 2001, this President vowed al-Qaida would never again enjoy sanctuary to target the American people. Yet we are seeing it happening again before our very eyes.

So, unfortunately, President Bush will end his Presidency in the same manner he started—with a disastrous miscalculation of the threat posed by al-Qaida and the necessary tools to combat Islamic extremism. When the President took office in January of 2001, he and his senior advisers dismissed the focus on terrorism held by the preceding administration, refusing to believe a superpower such as the United States could be threatened by nonstate actors. That mindset allowed the administration to ignore repeated warnings by the intelligence community that al-Qaida was preparing for a major attack on the United States.

Following the 9/11 attacks, the President rightfully moved to topple the Taliban regime in Afghanistan after they refused to turn over senior al-Qaida leaders. Yet the administration failed to recognize that only a long-term investment of troops, developmental assistance, and economic benefits was essential if Afghanistan was to not once again collapse into a failed state. Instead, the President shifted his focus to Iraq, redeploying such critical

assets as Special Forces units and unmanned aircraft to the Persian Gulf to prepare for what was an inevitable war.

Five years later, we are still living with the consequences of this administration's rush to war in Iraq. Afghanistan teeters on collapse, with the drug trade resurgent and Taliban forces controlling more and more territory. Pakistan remains dysfunctional, with a difficult transition of power occurring now and an extremist insurgency taking root in its border regions. Iran has grown immeasurably stronger over the past 5 years, taking advantage of America's inattention to move forward on its nuclear program and support extremist groups throughout the Middle East. And what we can never forget, the men who perpetrated the most deadly attacks on American soil remain free 7 years after the fact. This is not only a slap in the face to the families of the 3,000 Americans murdered on September 11, it remains a continuing danger as al-Qaida plots new attacks on our Nation.

In his speech today at the National Defense University, the President made the following assertion:

Together, with our allies, we made substantial progress towards breaking up terrorist networks—and we will not rest until they are destroyed.

We have heard similar statements from President Bush and senior administration officials dating back to 2002—that America is taking the fight to al-Qaida and winning the war on terrorism. The only problem is the administration has never defined what victory means nor provided a set of benchmarks to allow the American people to judge whether we are making real progress.

For that reason, I am joined today by Senator HAGEL in introducing an amendment to the Defense authorization bill to require the executive branch to produce, on a semiannual basis, a comprehensive report on the status of our Nation's efforts and the level of resulting progress to defeat al-Qaida and related affiliates in the global war on terrorism. The Congress receives numerous reports on the status of our efforts in individual theaters, such as Iraq and Afghanistan, but we have never received a basic update from the administration on what the United States is doing to ensure that al-Qaida never again succeeds in launching the type of devastating attacks such as those we suffered 7 years ago this week. This amendment, if adopted, would allow the Congress and the American people to hold administration officials—this or future administration officials—accountable when they claim we are winning against al-Qaida.

Let me briefly conclude by returning to a topic on which I have spoken previously on this floor—the danger of nuclear terrorism. Tomorrow, a high-level panel convened by the Partnership for a Secure America, consisting of some of the men and women who

served on the 9/11 Commission, will release a report card on America's efforts to combat the proliferation of weapons of mass destruction and prevent a catastrophic act of terrorism involving such weapons on American soil. Press reports indicate the final grades will not be good. Our Government will receive an overall grade of C, with sharp criticism focused on our lack of a coherent governmentwide strategy, our acute vulnerability to an act of bioterrorism, and our continuing failure to secure loose fissile materials and nuclear stockpiles around the world.

Four years ago, this President declared in a campaign debate that he agreed with his opponent that the prospect of a nuclear weapon destroying an American city is the single greatest threat to U.S. national security. Yet while there have been useful efforts in recent years, it remains clear the U.S. Government has not marshaled all of its resources to combat this threat. For instance, we have spent more funds securing our aviation system against another hijacking than preventing a future act of nuclear terrorism. However, I fear when al-Qaida strikes our Nation the next time, they will not be using their old playbook.

America stands today less secure than it should be. Our massive military presence in Iraq, now approaching its seventh year, has strained our most precious resources—our men and women in uniform. It has reduced our flexibility to respond to various other threats throughout the world, including Russia's recent military incursion into Georgia, and emboldened other enemies—Iran most notably. We have failed to finish the job we started in Afghanistan. For too long, we tolerated a dictator in Pakistan on the basis that he was best equipped to serve as an ally in the war on terrorism, only to find out al-Qaida had reconstituted its central headquarters in that very nation.

The President and those who seek to continue his policies indefinitely will make speeches all week long that we are winning the war on terror. But they make those statements in direct contradiction to the assessments of our intelligence community, and they fail to offer the evidence to back up their assertions. Enough is enough. We cannot afford to continue the same misguided policies that have made America less safe for another 4 years.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, with the consent of the Republican leader, I ask unanimous consent that the motion

and pending amendments be set aside so the Senate may consider the following first-degree amendments; that no amendments be in order to the amendments prior to a vote; and that any debate time provided under the agreement be equally divided and controlled in the usual form; that if a sequence of votes is established under the provisions of a separate consent, then there be 2 minutes equally divided and controlled prior to any vote; and that in any sequence the succeeding votes be 10 minutes in limitation:

Leahy amendment regarding statute of limitations, the Vitter amendment regarding missile defense with 2 hours of debate, the Nelson of Florida amendment regarding SBP-DIC offset, and the Kyl amendment regarding X-ban radar.

Further, that during Wednesday's session, the ban on motions to proceed continue to be in effect.

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

AMENDMENT NO. 5323

Mr. LEVIN. And now, Mr. President, I call up the Leahy amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself, and Mr. BYRD, proposes an amendment numbered 5323.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force)

At the end of subtitle G of title X, add the following:

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting “or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),” after “is at war”;

(2) by inserting “or directly connected with or related to the authorized use of the Armed Forces” after “prosecution of the war”;

(3) by striking “three years” and inserting “5 years”;

(4) by striking “proclaimed by the President” and inserting “proclaimed by a Presidential proclamation, with notice to Congress,” and

(5) by adding at the end the following: “For purposes of applying such definitions in this section, the term ‘war’ includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).”

Mr. LEVIN. Mr. President, for Members' information, in view of the agreement we have received, there will be no further votes today.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that we now go

into a period of morning business, with Senators permitted to speak therein for 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for 15 minutes, if I could.

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

Mr. GRAHAM. Thank you, Mr. President.

IRAQ

Mr. GRAHAM. Mr. President, I rise in support of S. Res. 636 that Senator LIEBERMAN will be trying to introduce tomorrow. It is a resolution of the Senate, and he will be trying to introduce it tomorrow. I am going to speak on it tonight. I am a coauthor of it. It speaks about the phenomenal success of the surge, of troops into Iraq. But it is more than just a surge of 30,000 troops. It has been a surge on many fronts: political, economic, and militarily. The resolution would be a statement by the Senate recognizing that the surge has worked, that those who executed the strategy are recognized for being the great leaders they are, it is a compliment to our troops, and it is also a recognition that the Iraqi people have stepped to the plate and changed the tides that existed in their country of extremism and Iraq now is becoming a stable government, a country where people are working out their differences through the rule of law and representative democracy, and al-Qaida has been delivered a dramatic blow.

To put this in perspective, at the end of 2006, it was clear the old strategy was not working, that the troops we had in Iraq were not being used in a way to counter the insurgency and were not enough in number. All this came to a head in late 2006 when Senator MCCAIN, myself, and Senator LIEBERMAN, among others, were arguing for a change in strategy.

We had, I think, seven visits to Iraq; at the time about four. During our visits—Senator MCCAIN, myself, and Senator LIEBERMAN—every time we went, it was worse than the time before, up until the surge became the new strategy. The sergeants, the colonels, and captains were very blunt with us, saying this was not working. It was clear to us we did not have the right number of troops or the right strategy. In January of 2007, President Bush, much to his credit, announced a new strategy,

an infusion of, I think, 30,000 new combat brigades into Iraq to bring about security.

It has always been our belief—Senator MCCAIN, myself, and Senator LIEBERMAN—that without security, it is hard to have a representative democracy. It is one thing to talk about political compromise and the difficulty of talk radio and MoveOn.Org. But it is another thing to talk about political compromise when your family is being murdered. It is very hard to administer the rule of law when the judges and the prospective participants in the trial are under siege and under attack. So without better security, there was no hope.

I have always believed that a security environment is required before you can have political compromise, economic progress, or any forgiveness. The economic progress in Iraq is pretty stunning: 5 percent growth. The oil revenues have almost doubled. Oil production has almost doubled. The economy is doing very well in Iraq compared to a year ago. The availability of energy and power is dramatically up. So the everyday life of the Iraqi people is still a struggle and difficult but far better than it was a year ago. There are a lot of people purchasing refrigerators and televisions and other electronic devices. The availability of power is at an all-time high. But demand is also at an all-time high.

Economically, inflation is down and the Iraqis have a surplus. People say: Well, should they pay us back? I would like to get some of our money back. They are certainly paying more. They are paying for all major reconstruction projects now, and they are paying for the operation of their army, for the most part.

But the best way to pay us back as a nation is for Iraq to be a place that embraces democracy, rejects al-Qaida, would be a buffer to Iranian ambitions, would be a place where a woman would have a say about her child. All that, to me, is priceless. For Iraq to go from a Saddam Hussein dictatorship to a representative government where Sunnis, Shias, and Kurds live in peace with each other, at peace with their neighbors is a major sea change in the overall war on terror and is a priceless event as far as I am concerned.

To have an Arab nation in the heart of the Mideast, a Muslim nation that rejected al-Qaida, is exactly what we need more of. The Iraqi people need to be acknowledged as to their sacrifice. What they have done has been tough. Their casualty rate has been about three times ours. The political reconciliation progress is moving forward now in Iraq. Fifteen of the 18 political benchmarks have been met by the Iraqi Government. The deBaathification law was passed. That allows members of the Baath Party under Saddam to come back into the Government and get some of their old jobs back.

The amnesty law was passed. That means Sunni insurgents who were cap-

tured a year or 2 years ago as part of the insurgency to topple the Government in Baghdad will be let go and go back home and become part of the new Iraq.

Forgiveness is required before you have reconciliation. You see throughout Iraq a level of forgiveness that I think is encouraging. For the Shias and the Kurds to pass the amnesty law, telling their Sunni brothers and sisters: Let's start over, is a major step forward. For the Sunnis to embrace new elections after they boycotted them in 2005 is a recognition by the Sunni factions in Iraq that democracy is the way to go: Go to Baghdad through representation, not through violence. The Kurds have created stability in the north, and they are working with their partners in the south and in the west with the Sunnis and the Shias.

Maliki has stepped to the plate. I was not so excited about his leadership a year ago, but he has turned things around. The Shia-dominated Government in Iraq is taking on Shia militias in the southern part of Iraq, in the Basra area, that have been supported by Iranian special groups. The knock on Maliki was: Well, he is a sectarian leader. The fact that he would take on al-Sadr and Shia-backed militias from Iran—Iranian-backed militias in his own country—is a sign that he does not want to be dominated by Iranian theology.

So I am hopeful more so now than ever that Iraq has turned a corner economically, politically, and militarily. Their army is 100,000 stronger than it was before the surge, and they performed well after a slow start in the southern part of Iraq against the Shia militias, and they are fighting very well in Mosul.

One of the most stunning events and turnarounds, I believe, has been the recent handing over of Anbar Province back to the Iraqis. About 2 years ago, Anbar was declared lost. It was an al-Qaida stronghold—the Sunni part of Iraq—where al-Qaida was going up and down the streets of Ramadi holding a parade. And it was a very tough situation in Fallujah.

What happened was a combination of events. The Sunni Iraqis in that part of Iraq, in Anbar, tasted al-Qaida life and did not like it. They joined with the coalition forces and, with the addition of more troops, made a strong stand against al-Qaida. About a week ago, Anbar was turned back over to the Iraqis, and al-Qaida has been delivered a very punishing blow. They are not yet completely defeated, but structurally they are in disarray, and you see the message traffic among al-Qaida operatives that Iraq has been a nightmare for them, and it has turned out to be their Vietnam. At the end of the day, anything that will diminish al-Qaida is good for us. There is no more diminishing event when it comes to al-Qaida than to have fellow Sunni Muslims turn on them.

I am proud of the Iraqi people. They need to do more. I think they will. The surge has worked beyond my expectation—not just militarily. Politically and economically the surge has worked, and we are on the road now to what I would say is victory in Iraq.

People ask me: What is winning? Winning is being able to leave Iraq and have behind an ally in the overall war on terror. Winning would be having a partner in the heart of the Arab world, the Iraqi Government, that will reject al-Qaida and deny al-Qaida a safe haven or a foothold. Winning would be having a Shia-led government that will stand up to Iran, be a good neighbor but not allow Iran to become stronger. Winning would be a place in the heart of the Middle East where a woman would have a say about her children through democracy. Winning would be the rule of law replacing the rule of gun. All of that makes us safer. The consequences of losing in Iraq would be enormous and would have been enormous to our national security interests. Al-Qaida would have claimed victory over the United States. Iran would be dominating the southern part of Iraq. The sectarian violence that was widespread, in my view, would have spread throughout the region. There would have been Sunni-Shia battles throughout the Middle East and Turkey, and the Kurds would have had a real problem among themselves. So a failed state in Iraq would have been a nightmare for our security interests. Winning in Iraq means a stable government aligned with us that rejects al-Qaida, and means a buffer to Iranian ambitions; a nation that accepts democracy and would be a peaceful partner to its neighbors. That is a major victory in the war on terror because it was a place where al-Qaida was defeated by Muslims.

This resolution in great detail lays out what happened over the last year and a half regarding the surge. It is a statement by the Congress acknowledging success on the battlefield and in other areas. I hope this is one area where Republicans and Democrats can come together and recognize the great success of our troops and acknowledge the Iraqi people themselves looked chaos in the eye and turned it away. I know it has been difficult for this country; we spent a lot of money and lost a lot of lives. But this war we are involved in is not a place, it is not about taking your eye off the ball; it is about fighting the enemy wherever the enemy goes. I would argue that the world is better off without Saddam Hussein being in power. The big mistake we made after the fall of Baghdad is not having enough troops and letting the situation get out of hand. I don't believe it was a mistake at all to go after Saddam's regime after 17 U.N. resolutions were ignored. So I think the world is much better off without Saddam Hussein being in power.

I would argue we are now on the road to victory in Iraq where we are going

to have a stable, functioning, representative government to replace a dictatorship—that will be our ally. This has come about with a lot of sacrifice on behalf of the men and women in uniform, their civilian counterparts, and Ambassador Crocker and General Petraeus have been great teammates over in Iraq. Here we are—a year ago tomorrow General Petraeus testified before the Congress. I wish to let him and all of those under his command, as well as Ambassador Crocker and all of those civilians who have been helping him, know that they have done an enormous good for the world, that they have protected our country from what I thought would have been a humiliating defeat. They have prevented that defeat. They have turned things around so that if we have the right exit strategy now, we are going to secure a major victory on the war on terror. Senator McCain: Hats off to him. He has always been about winning. We are coming home, but we are going to come home winners, with honor, and a more secure America because of what has happened in Iraq in the last year and a half due to the surge.

I hope and pray we can have a vote on this resolution. It would be a good thing for the Senate to do. Whether you agree with us going into Iraq, that is an honest, genuine debate. Once there, we couldn't lose. We were about to lose. Thank God the surge was implemented, and more than anything else, thank God for good leadership, brave young men and women representing our Nation who took the fight to the enemy, and God bless the Iraqi people. I wish them nothing but the best in the future. I do believe the best days lie ahead for the Iraqi people, and that 20 years from now, long after many of us are gone, here in the Senate we will look back on this period and understand what was at stake better than we do today. We will be looking at an Iraq that is part of the solution, not the problem, in the Mideast. History will say that the surge was a monumental event in the course of the war on terror, that the change in strategy was necessary work. I think militarily they will be studying this Petraeus plan for decades to come, and economically and politically, the courage that has been shown by the Iraqi people to step to the plate should be acknowledged by all of us.

At the end of the day, if we had continued with the old strategy, I think we would have lost. Iraq would have been a failed state and it would have been a mighty blow to this country and the overall war on terror. Now I think we can say with confidence we have turned a corner. Nothing is irreversible. However, I think the gains made on the political, economic, and military front are going to be hard to roll back if we will stay the course and end this fight. We are very close now to having our troops come home in a way that will make us all safer. I have al-

ways believed this one thing about Iraq: Our national security interests in history will judge us not by the date we left Iraq but by what we left behind. I think we are very close to being able to say in the coming months that we are going to leave behind a new nation that is part of the solution, not the problem; a place where Muslims said no to al-Qaida; a place where different groups chose the rule of law over the rule of gun; a place where the woman can finally have a say about her child and her children's future in the heart of the Mideast; and that truly makes us all safer.

I do hope Senator LIEBERMAN will be allowed to introduce his resolution and we will have a vote on that.

With that, I yield the floor.

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

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HIGHWAY TRUST FUND

Mr. REID. Mr. President, in July, the House of Representatives responsibly passed legislation to prevent the highway trust fund from running out of money. They put the date that the \$8 billion would be transferred at October 1, the end of the fiscal year, the beginning of the new fiscal year. That legislation passed by an overwhelming bipartisan vote of 387 to 37.

The reason the bill receives such strong support is Democrats and Republicans in the House recognize that funding for these critical transportation projects is extremely important. This is infrastructure. For every billion dollars we spend in infrastructure, there are 47,500 high-paying jobs, and a lot of other jobs spin off from that amount. So this \$8 billion is about half a million jobs. Yes, that is a lot when you think about the problems we have in the country today economically.

But when that bill reached the Senate before we left for the convention recesses, Republicans objected to it. Since that time, the legislation has even taken on more urgency. Gas prices have skyrocketed. Fewer Americans are driving, which has decreased the flow of the money into the trust fund.

Second, the Bush-McCain economy has plunged America further into economic peril. Just last month, 84,000 jobs were lost, bringing to the total this year during the Bush-McCain era over 600,000 jobs lost this year alone. And today it was announced that this year will be the largest deficit in the history of our country. So we have an economy that is in deep trouble, we have 84,000 jobs lost just last month and more than 600,000 this year, and it

has just been announced that the deficit is the largest we have ever seen as a country.

The investments in this highway trust fund make our transportation safe. It is not just roads, it is mass-transit projects that are so important to this country. As I told the distinguished ranking member of the Budget Committee who was here objecting yesterday, maybe two or three decades ago, my being from Nevada, I may not have been concerned about mass transit, but we are now. Las Vegas is a metropolitan area with traffic congestion. We have to do something with mass transit. It cannot be handled on the highways.

With this new urgency in mind, the Bush administration joined us in calling for a transfer of these funds immediately. I received a call from the Secretary of Transportation saying this needs to be done. I said: Why didn't you help us before? Basically, the Bush-McCain crew was just hoping they could squeeze through before the new President is elected before anything would happen. But even this President has acknowledged that we have to do something.

Democrats and Republicans in the House, I repeat, have already voted to have this money transferred, and they did it last July. We want to follow suit. Yet some in the President's own party continue to refuse this economically vital legislation that is so important.

We have had 92 filibusters led by the Republicans so far. I am not sure if we counted the last one. Anyway, we will say 92. I have expressed many times my disappointment about the Republicans blocking legislation supported by a majority of Senators—a majority of Senators. They have blocked legislation not only that we Democrats support but a majority of Senators, Democrats and Republicans.

Here we have an interesting thing now. This is new. Republicans are blocking a bill supported by an overwhelming majority of both parties in the House and in the Senate and supported by the President of their own party. They are even blocking that. They are doing everything within their power to maintain the status quo. Yesterday, Republicans prevented us from passing this bill. It is so important that it be done. I have trouble understanding why the Republicans are objecting to a bill that Democrats and Republicans in the House support, Democrats and Republicans in the Senate support, and the President supports. They are objecting to their own best interests, it seems to me. But that is what they are doing. I think we should send this bill to the President's desk, as the President has requested.

The people who are objecting are using all kinds of excuses. Yesterday, they said they had a few amendments. Tonight, I guess they have a few more amendments. They think it is really not right to take the money to replenish the highway trust fund from the

general fund, but they haven't objected to almost spending a trillion dollars of borrowed money going to Iraq. They haven't objected to taking tens of billions of dollars from the general fund to give tax breaks to big oil companies. That didn't seem to bother them. But when it comes to \$8 billion to maintain our highways and our mass-transit projects that create jobs at a time when we have about 10 million Americans out of work, they are even blocking that. This legislation is prudent and necessary. It is a prudent and necessary investment in the economic well-being of our struggling Nation. I hope our Republican colleagues answer the call of President Bush and Secretary Chertoff. Judge Chertoff said the lack of investment in U.S. infrastructure is "kind of like playing Russian roulette with our citizens' safety." That is what President Bush's Secretary of Homeland Security has said. So this is no time for games such as that.

So, Mr. President, here is my unanimous consent request: That the Finance Committee be discharged from its consideration of H.R. 6532 and the Senate proceed to its consideration; that the amendment at the desk be considered agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed at the appropriate place in the RECORD, with no intervening action or debate.

But we don't have a Republican here to object, and so I am not going to take advantage of their not being here. But I hope the American people see what is going on. It is another day gone by with our not having the ability here because of the Republicans refusing to approve legislation that is extremely urgent. It is emergency legislation. We have been told so by the President and his Secretary of Treasury, and they still would not let us do this.

I wonder where JOHN MCCAIN is. What is his idea on this? Should we let the fund go belly up? Where is JOHN MCCAIN? Couldn't he send a statement, a message from somebody saying: I agree with President Bush, or does he disagree, for one of the rare, 10 percent of the times when he disagrees? The word out is he supports the President 90 percent of the time. It is really 95 percent of the time.

But is he now going to be part of the 5 percent where he says: I disagree with the President; I don't think that money should be replenished.

Where is JOHN MCCAIN? Let us hear from JOHN MCCAIN.

TRIBUTE TO LAURA SANDERS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a remarkable teacher from my home State of Kentucky, Laura Sanders, who was recognized on August 19 as Kentucky's 2008 No Child Left Behind American Star of Teaching.

Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has based her teaching career on the belief that all children can achieve and holds high expectations for each and every one of them.

She looks at each child's strengths and weaknesses and works with them individually or in small groups to ensure their success. She is the recipient of numerous awards recognizing her contributions to education.

For the 2006-2007 school year, her students' reading scores went from the 52 percent benchmark in the fall to 91 percent in the spring. For the 2007-2008 school year, her kindergarteners started with a 58 percent benchmark and by mid-year, 85 percent had met the benchmark scores.

However, it is her love of teaching, and the love she has for her students, that defines her effective and creative teaching style that gives students a willingness to learn.

"Love. Love the children that come in your door every day," Sanders advises other educators.

Patrice McCrary, who has been a colleague and friend of Sanders for over a decade, nominated Sanders for this year's award.

"I've had the honor and privilege of team teaching with her. This is our 11th year together, and I have never seen anybody who puts more into their teaching or loves their students more than Ms. Sanders does," McCrary said.

Each year since 2004, teachers across all grade levels and disciplines are honored in the fall as American Stars of Teaching based on their success in improving academic performance and making a difference in their students' lives.

Margaret Spellings, the Secretary of Education, acknowledged the outstanding teaching style that Sanders brings to her students.

"Teachers like Laura Sanders combine a passion for teaching with high expectations that every child can learn," Spellings said. "We at the U.S. Department of Education are proud to recognize these dedicated, hard-working professionals, who are committed to closing the achievement gap and challenging every child to achieve his or her potential."

Her former students are walking examples of her success and her passion for teaching. Mr. President, I ask my colleagues to join with me in recognizing Laura Sanders's unwavering dedication to education, her community, and Kentucky.

EXPANSION OF THE VERDE VALLEY MEDICAL CENTER

Mr. KYL. Mr. President, I am pleased to relate some good news from my State of Arizona. It is good news for Arizonans who live in the Verde Valley, which lies between Phoenix and Flagstaff.

The Verde Valley Medical Center, a 99-bed, full-service hospital, has recently completed a \$35 million expansion project. The project, which took nearly 3 years to complete, increases the size of the facility and updates a portion of the existing space.

The expansion and renovation will add new medical services and help the center serve patients more efficiently. For instance, the medical imaging department will be moved to a centralized location, and more beds will be added to the telemetry unit, which serves patients who need to be monitored, but do not require intensive care. The updated facility also includes improvements and additions to serve women and children. The perinatal unit will move to a new location with a C-section operating room and a recovery room. The increase in the facility's size will also allow the creation of a pediatrics unit.

This recent project is only the latest expansion in the history of the Verde Valley Medical Center. For the past 70 years, the center has adapted to meet the needs of the growing community.

The origins of the Verde Valley Medical Center can be traced to 1939, when a small, outpatient facility brought xray equipment and an operating room to Cottonwood. At that time, the Marcus J. Lawrence Memorial Clinic, as the center was then known, served a small, rural population. In 1940, Yavapai County, which contains Cottonwood, was home to just over 26,000 Arizonans. Today, the county has a population of over 167,000.

The Verde Valley Medical Center has grown just like the region. Just 6 years after opening, the Marcus J. Lawrence Memorial Clinic added more beds and became a hospital. Two decades later, the hospital moved to its current location and opened a new 50-bed facility.

Then, in 1995, the medical center began extending its services into neighboring communities with the opening of a facility in Sedona. Later, new facilities would open in Camp Verde and Oak Creek. In 1998, the hospital became known as it is today, as the Verde Valley Medical Center, and 8 years later, the expansion project that has just been completed would begin.

With the opening of the expansion, Verde Valley Medical Center is ready to build on its record of serving the north-central Arizona community. During the 2008 fiscal year, the center served about 77,000 patients. This recent expansion will help to ensure that the medical center continues to meet the health care needs of Arizonans, just as it has for the past 70 years.

NEW MARKETS TAX CREDIT

Mr. KERRY. Mr. President, today I would like to speak about the new markets tax credit, NMTC—a vital development financing tool for low-income communities that is set to expire at end of this year unless Congress takes action.

The NMTC was signed into law 8 years ago in order to attract private investment to economically distressed communities by offering a modest Federal tax credit as an incentive for investors. Since its inception, this program has proven remarkably effective.

According to the Treasury Department, as of the first of July, the NMTC has been responsible for \$11 billion of new investment in economically distressed communities across the country, including \$600 million for community development entities based in Massachusetts. A January 2007 General Accountability Office report indicates that 88 percent of NMTC investors would not have made a particular investment in a low income community without the credit, and 69 percent had never made such an investment prior to working with the NMTC.

The NMTC program has successfully generated private investment in low-income communities. Community development entities, CDEs, that administer the program funds are frequently involved with communities with poverty rates higher than 30 percent and unemployment rates significantly greater than the national average. This program, by merging public and private investments, is infusing these communities with the resources to begin new businesses, create new jobs, build new homes, and jumpstart their economies.

In Massachusetts, six community development entities have been awarded credit allocations. One such entity in Massachusetts, the Rockland Trust Company, is a commercial bank that has been serving Cape Cod, southeastern Massachusetts, and Rhode Island for over 100 years. In an effort to serve areas with high employment and low income, Rockland Trust applied for an NMTC allocation to expand its capacity to offer financing products that could effectively serve these communities. Since 2004, the Rockland Trust has received \$75 million in credits, which have been used to finance 70 different non-real estate and real estate business loans ranging in size from \$50,000 to \$8 million. The NMTC loans made by Rockland Trust have been instrumental in financing the acquisition and redevelopment of over 2.1 million square feet of real estate and thus far have contributed to the creation of over 1,200 jobs.

The Massachusetts Housing Investments Corporation, MHIC, based in Boston, is another entity putting the tax credit to work in Massachusetts. MHIC has used the credit to finance a range of commercial and industrial real estate projects, large and small, that would not have been possible without the financing brought in by the credit. One such project, the Holyoke Health Center, HHC, is a federally qualified health center located in a community of 40,000 with a poverty rate of 27 percent and the highest per capita mortality rate and rate of teen births in the United States. After

many unsuccessful attempts to obtain financing for its expansion, the Holyoke Health Center approached MHIC and within months the project was approved, achieved closing, and began construction. MHIC helped finance the largest investment ever made in Holyoke, and created a financing structure that has become a national model for other community health care expansion projects nationwide. The new state-of-the-art Holyoke facility houses primary care and laboratory services, an on-site pharmacy, a dental clinic, counseling services, a day care facility accommodating 100 preschool children. The project created 210 construction related jobs as well as 239 permanent jobs principally for Holyoke residents.

I am a strong supporter of NMTC because I have seen it work in Massachusetts and I believe in its potential to revitalize communities and businesses that are too often left out of the mainstream market. I encourage my colleagues to join me in strong support of the extension of the NMTC.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, several years ago I started looking at the financial relationships between physicians and drug companies. I first began these inquiries by examining payments from pharmaceutical companies to physicians serving on Food and Drug Administration advisory boards. More recently, I began looking at professors at medical schools and their financial relationships with pharmaceutical companies. In turn, I scrutinized the grants that these physicians may have received from the National Institutes of Health.

I first examined a psychiatrist at the University of Cincinnati. Then I looked at three research psychiatrists who took millions of dollars from the drug companies and failed to fully report their financial relationships to Harvard and Mass General Hospital.

I then discovered a doctor at Stanford who founded a company that is seeking the Food and Drug Administration's approval to market a drug for psychotic depression. The National Institutes of Health is funding some of the research on this drug, which is being led by this same Stanford scientist. If his own research finds that the drug is successful, this researcher stands to gain millions. The NIH later removed this researcher from the grant.

I would now like to address two doctors with the University of Texas System.

Dr. Augustus John Rush is a psychiatrist at the University of Texas Southwestern Medical Center. During 2003–2005, Dr. Rush received an NIH grant to conduct a clinical training program. This program helped trainees understand how to conduct proper clinical trials and also dealt with medical ethics.

However, just 2 years before getting this Federal grant, Dr. Rush failed to report all of the money that Eli Lilly paid him. Dr. Rush disclosed \$3,000 in payments from the company, but Eli Lilly tells me that they paid Dr. Rush \$17,802 in 2001.

I would also like to discuss Dr. Karen Wagner, a professor at the University of Texas Medical Branch at Galveston.

Dr. Wagner was one of the authors on a Paxil study known as Study 329. This study was published in 2001.

Study 329 was cited in a New York case where GlaxoSmithKline was charged with "repeated and persistent fraud." Part of the case against Glaxo was that the drug company promoted positive findings but didn't publicize unfavorable data.

In March 2006, Dr. Wagner was being deposed in a case on Paxil. During that deposition, Dr. Wagner was asked how much money she had taken from drug companies over the previous 5 years.

Her response? She said: "I don't know." In fact, she testified that she couldn't even estimate how much money she received from the drug companies.

According to Glaxo, they paid Dr. Wagner over \$53,220 in 2000. In 2001, when study 329 was published the company reported paying her \$18,255.

During many of these years, Dr. Wagner has led NIH-funded studies on depression. These studies involved Paxil and Prozac; an antidepressant made by Eli Lilly. Eli Lilly reported to me that they paid Dr. Wagner over \$11,000 in 2002. However, Dr. Wagner did not disclose this payment to the University of Texas.

Apparently, the University of Texas Medical Branch didn't require their physicians to disclose their financial relationships with the drug industry, until around 2002. But federal guidelines from 1995 are clear that researchers need to disclose this money when they take a grant from the NIH.

What makes this even more interesting is that from September 2003 through August 2004, Dr. Wagner was a voting member of the Conflict of Interest Committee at her university. That is right, she was one of the university's experts on conflicts of interest during the same time that she was not reporting her outside income.

Before closing, I would like to say that the University of Texas System has been very cooperative in this investigation. And I appreciate the continued cooperation of companies like GlaxoSmithKline and Eli Lilly.

I ask unanimous consent to have my letter to the University of Texas printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FINANCE,

Washington, DC, September 9, 2008.

MARK G. YUDOF,
Chancellor, The University of Texas System,
Austin, TX. 78701.

DEAR MR. YUDOF: The United States Senate Committee on Finance (Committee) has

jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by recognized experts, like those at the University of Texas (University/Texas System) system's medical schools who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost \$24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug and device companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug and device companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to assess the implementation of financial disclosure policies of the University of Texas system. In response to my letters of October 26, 2007, your University provided me with the financial disclosure reports that Dr. Augustus John Rush, Jr., at the University of Texas Southwestern Medical Center at Dallas (UTSW) and Dr. Karen Wagner at the University of Texas Medical Branch at Galveston (UTMB) filed during the period of January 2000 through June 2007. (the Physicians)

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that the University confirm the accuracy of the information. In February 2008 your counsel provided clarification and additional information from the Physicians pursuant to my inquiry.

In addition, I contacted executives at several major pharmaceutical companies and device manufacturers (the Companies) and asked them to list the payments that they made to Drs. Wagner and Rush during the years 2000 through 2007. These Companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to the University.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms the Physicians filed with the University and amounts reported by some of the Companies.

I understand that UTMB did not require that dollar amounts be reported in financial disclosures until 2002, despite federal re-

quirements which required such reporting for NIH grantees in 1995. I also understand that UTSW's disclosures do not disclose if payments were made during a calendar year or an academic year.

I would appreciate further information to see if the problems I have found with these two Physicians are systemic within the University System.

INSTITUTIONAL AND NIH POLICIES

The Texas System requires that all compensation (income or monetary value given in return for services) be reported. Its policies consider compensation in the aggregate that meet or exceeded \$10,000 for the current calendar year, or are expected to meet or exceed that amount in the next 12 months, to be a significant financial interest.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" that may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least \$10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received NIH grants to conduct studies. During the years 2003-2005, Dr. Rush received an NIH grant to conduct a clinical intervention training program that was to provide trainees with, among other things, "... knowledge and experience in the proper conduct of clinical intervention research, ethics, human subjects issues..." However, my inquiry discovered that Dr. Rush did not disclose all of the drug and device industry payments to the University. For example, in 2001, Dr. Rush disclosed \$3,000 in outside income for his work as an Advisory Board member for the Eli Lilly Company (Lilly). In contrast, Lilly reported to me that it paid Dr. Rush \$17,802 for advisory services that year.

For calendar years 2000 through 2008, Dr. Wagner led NIH-funded studies on depression. These studies involved drugs produced by Lilly (Prozac) and GlaxoSmithKline (GSK) (Paxil). Lilly reported to me that it paid Dr. Wagner over \$11,000 in 2002. However, and based upon the information in my possession, Dr. Wagner did not disclose this payment to the University in 2002 the first year that UTMB required financial disclosures from its faculty.

It seems that Dr. Wagner also did not report payments she received from GSK. GSK reported paying Dr. Wagner \$53,220 in 2000—the first year of the NIH grant. Further, GSK reported paying her \$18,255 in 2001, and \$34,961 in 2002 and \$31,799 in 2003. Between the years of 2000 through 2005, GSK reported paying Dr. Wagner \$160,404. The only report Dr. Wagner made of these payments was in 2005 when she reported \$600 from GSK.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

(1) For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to the University of Texas System's designated official "the existence of [a] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

(2) For each grant identified above, please explain how the University ensured "that the interest has been managed, reduced, or eliminated." Please provide an individual response for each grant that each of the Physicians received from January 2000 to the present, and provide any documentation to support each claim.

(3) Please report on the status of the University's review of the discrepancies in the financial disclosures made by Drs. Rush and Wagner to the University, including what action, if any, will be considered.

(4) For Drs. Rush and Wagner, please report whether a determination can be made as to whether or not there is/was a violation of the guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

(5) Please provide a total dollar figure for all NIH monies received annually by the Texas System. This request covers the period of 2000 through 2007.

(6) Please provide a list of all NIH grants received by the University of Texas System. This request covers the period of 2000 through 2007. For each grant please provide the following:

- a. Primary Investigator;
- b. Grant Title;
- c. Grant number;

d. Brief description; and

e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than September 23, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker (202) 224-4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

SELECTED DISCLOSURES BY DR. RUSH AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company reported
2000	Bristol-Myers Squibb	\$4,000	\$2,576
	Eli Lilly	Not reported	7,718
	Merck	23,800	n/a
	Pfizer	No amount provided	1,000
2001	Bristol-Myers Squibb	Not reported	2,921
	Eli Lilly	3,000	17,802
	Merck ¹	30,000	n/a
	Merck ²	30,600	n/a
2002	Bristol-Myers Squibb	No amount provided	5,000
	Eli Lilly	3,000	4,500
	Merck	70,000	n/a
	Pfizer	No amount provided	7,500
2003	Bristol-Myers Squibb	No amount provided	250
	Cyberonics	25,000	≤75,000
	Eli Lilly	3,000	0
	Merck	40,000	n/a
2004	Bristol-Myers Squibb	250	750
	Cyberonics	56,250	≤75,000
	Eli Lilly	2,000	2,000
	Forst Pharmaceuticals	5,000	n/a
2005	Telesessions (Forest Labs)	18,000	n/a
	Cyberonics	³ ≤25,200	62,000 ⁵
	Eli Lilly	2,000	0
	Merck ⁴	≤14,000	n/a
2006	Telesessions (Forest Labs)	⁶ ≤15,000	n/a
	Cyberonics	≥10,000	⁵ 100,000
	Telesessions (Forest Labs)	⁷ ≤25,000	n/a
	Pfizer	2,000	2,000

¹ Dr. Rush reported on 7/11/01 statement of financial interests for serving as advisory board member.

² Dr. Rush reported in a request for prior approval of outside employment for services as consultant to U.S. Strategic Advisory Board for Substance P Antagonists.

³ Dr. Rush reported in a request for prior approval of outside employment for \$600 per hour (October 1, 2005 to October 1, 2007) for a maximum of 42 hours each calendar quarter. Payment for services as Chair of Depression Scientific Advisory Board and Consultant on issues related to clinical studies involving the use of vagus nerve stimulation therapy.

⁴ Dr. Rush reported in a request for prior approval of outside employment for \$3,500 per day (January 1, 2005 to December 31, 2006) for 4 days per year plus teleconferences. Payment for services as Insomnia Advisory Board Member.

⁵ Payments reported by Cyberonics for consultation services performed during the year shown, although some of the checks were issued in a different year.

⁶ Dr. Rush reported in a request for prior approval of outside employment for \$1,000 per call (15 hours per year). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.

⁷ Dr. Rush reported in a request for prior approval of outside employment for \$1,000 per call (25 calls about 50 minutes each). Payment for services as faculty speaker on a series of conference calls as an educational service to physicians.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee estimated that the payments Dr. Rush disclosed totaled about \$600,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

SELECTED DISCLOSURES BY DR. WAGNER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with institution	Amount company re-ported
2000 ¹	GlaxoSmithKline	Not reported	² \$53,220
	Pfizer	Not reported	5,000
2001 ¹	Bristol-Myers Squibb	Not reported	4,194
	GlaxoSmithKline	Not reported	³ 18,255
	Pfizer	Not reported	3,000
2002	Eli Lilly	Not reported	11,000
	GlaxoSmithKline	Not reported	34,961
	Pfizer	Not reported	2,500
2003	Eli Lilly	Not reported	9,750
	GlaxoSmithKline	Not reported	31,799
	Pfizer	Not reported	6,350
2004	AstraZeneca	Not reported	2,100
	Eli Lilly	Not reported	8,632
	GlaxoSmithKline	Not reported	17,371
	Pfizer	Not reported	1,000
2005	AstraZeneca	2,100	0
	Abbott Labs	14,000	n/a
	Eli Lilly	Not reported	300
	Pfizer	3,500	6,000
	GlaxoSmithKline	600	⁴ 4,796
2006	Abbott Labs	10,000	n/a
	Bristol-Myers Squibb	5,400	7,204
	Eli Lilly	4,531	4,531
2007	Bristol-Myers Squibb	1,500	1,500
	Eli Lilly	3,281	3,281

¹ "The University of Texas Medical Branch at Galveston's conflict of interest policy did not provide for annual disclosures until 2002.

² Payments for 19 talks on Paxil.

³ Payments for 7 talks on Paxil.

⁴ Honorarium and Expense. Paxil Psychiatry Advisory Board Member. Waldorf Astoria, 301 Park Ave., New York, NY. February 17, 2005.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

Note 2: The Committee estimated the payments Dr. Wagner disclosed totaled about \$100,000 during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in her disclosures.

EXHIBIT A
Speaker Event and Professional Programs Databases

SEQNUMB	PRODUCT	XTYPE	MTG DATE	TOPIC	FIRST NAME	LAST NAME	PAYEE	AMOUNT	PAYMENT TYPE	LOCATION	DATABASE
CON10037	Paxil	Dinner Meeting	4/5/2001	HO-Management Of Child & Adolescent Anxiety & Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2000.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON11454	Paxil	Dinner Meeting	5/16/2001	HO-Psychocouncil	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	Townsend Hotel 100 Townsend Street Birmingham, MI	CORE
CON11034	Paxil	Dinner Meeting	7/17/2001	Contemporary Treatment of Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	1825.19	Expense	Townsend Hotel 100 Townsend Street Birmingham, MI	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON17385	Paxil	Dinner Meeting	7/26/2001	HO-Major Depression and Social Anxiety Disorder in Children	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	430.00	Expense	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
CON15456	Paxil	Dinner Meeting	8/15/2001	HO-Treatment of Major Depression	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2500.00	Honorarium	GlaxoSmithKline Pharmaceuticals One Franklin Plaza Philadelphia, PA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	2600.00	Honorarium	St. Regis Monarch Beach Resort 23841 Stonehill Drive Dana Point, CA	CORE
SKB17173	Paxil	National Advisory Board	1/25/2002	Paxil Forum Consultants Update 2002-St. Regis Monarch Beach	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	1929.00	Honorarium	St. Regis Monarch Beach Resort 23841 Stonehill Drive Dana Point, CA	CORE
SKB15659	Paxil	National Advisory Board	2/7/2002	Paxil Psychiatry Advisory Board Meeting	KAREN	WAGNER	KAREN DINEEN WAGNER MD PHD	3100.00	Honorarium	St. Regis Two East 55th Street at Fifth Avenue New York, NY	CORE

ANIMAL DRUG USER FEE ACT

Mr. ENZI. Mr. President, on August 1, 2008, the Senate passed H.R. 6432, the Animal Drug User Fee Amendments of 2008. Title I of this bill includes the reauthorization of the FDA's animal drug user fee program, while title II of this bill establishes the FDA's generic animal drug user fee program.

Performance goals, existing outside of the statute, accompany the authorization of animal drug user fees and animal generic drug user fees. These goals represent realistic projections of what the Food and Drug Administration's Center for Veterinary Medicine can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in documents entitled "Animal Drug User Fee Act Performance Goals and Procedures" and "Animal Generic Drug User Fee Act Performance Goals and Procedures."

According to section 101(b) of H.R. 6432, "the fees authorized by the amendments made in this Act will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD."

According to section 201(b) of H.R. 6432, "the fees authorized by this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the CONGRESSIONAL RECORD."

Today I am submitting for the RECORD these documents, on behalf of Senator KENNEDY, who could not be here today, which were forwarded to the Committee on Health, Education, Labor and Pensions on July 30, 2008, as well as the letter from Secretary Leavitt that accompanied the transmittal of this document.

I ask unanimous consent to have material printed in the RECORD.

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

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, July 30, 2008.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education,
Labor and Pensions, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: I am writing to formally transmit the Agreements on the Goals and Procedures for the reauthorization of the Animal Drug User Fee Act and new authorization for Animal Generic Drug User Fees. These documents incorporate the agreement made between the animal drug industry and FDA and contain the goals for the review of animal drug applications over the FY 2009 through FY 2013 period. These Goals and Procedures are a companion to the authorizing legislation reauthorizing the animal drug user fees and enacting new animal generic drug fees and they represent the commitment of the Administration to apply the user fees authorized by Congress towards the outlined goals and procedures.

We appreciate your leadership and considerable efforts of your Committee to make it possible to reauthorize the important animal drug user fee program and enact a corresponding user fee program for generic animal drugs.

Sincerely,

MICHAEL O. LEAVITT.

Attachments.

ANIMAL DRUG USER FEE ACT PERFORMANCE
GOALS AND PROCEDURES

The goals and procedures of the FDA Center for Veterinary Medicine (CVM) as agreed to under the "Animal Drug User Fee Act of 2008" are summarized as follows:

1. *Application/Submission Goals*

a. For the application/submission goals below, the term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of an animal drug application, supplemental animal drug application, or investigational animal drug submission which either (1) approves an animal drug application or supplemental application or notifies a sponsor that an investigational animal drug submission is complete or (2) sets forth in detail the specific deficiencies in such animal drug application, supplemental animal drug application, or investigational animal drug submission and, where appropriate, the actions necessary to place such an application, supplemental application, or submission in condition for approval. Within 30 days of submission, FDA shall refuse to file an animal drug application, supplemental animal drug application, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review an investigational animal drug submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

b. FDA may request minor amendments to animal drug applications, supplemental animal drug applications, and investigational animal drug submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for investigational animal drug submissions.

c. The term "end-review amendment" is understood to mean an amendment to an animal drug application, supplemental animal drug application, or investigational animal drug submission that is requested by the Agency after it has completed its review of the submitted information and determines that the submission of additional non-substantial data or information would likely complete the application or submission. This term does not include minor amendments requested by the Agency during review of applications or submissions that do not impact upon the user fee goals, as described in paragraph 1.b.

d. The term "submission date" is understood to mean the date CVM's Document Control Unit receives an application or submission.

2. *Non-administrative Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-administrative animal drug applications and reactivations of such applications within

i. 180 days after the submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of an animal drug application as described in paragraph 1.b. above.

3. *Administration Animal Drug Applications*

a. Review and act on 90 percent of administrative animal drug applications (NADAs submitted after all scientific decisions have been made in the investigational animal drug process, i.e., prior to the submission of the NADA) within 60 days after the submission date.

4. *Non-manufacturing Supplemental Animal Drug Applications*

a. The Agency will review and act on 90 percent of non-manufacturing supplemental animal drug applications (i.e. supplemental animal drug applications for which safety or effectiveness data are required) and reactivations of such supplemental applications within

1. 180 days after submission date (Day 180) if the Agency determines that the application is complete or incomplete. An application is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the approvability of the application; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the application and electronically requests an end-review amendment to the application on or before Day 180, but the sponsor fails to file such amendment on or before Day 210. If a sponsor files an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (345 days) will not apply, and a complete action letter will be issued by Day 220 for the original application; or

iii. 345 days after the submission date if the Agency electronically requests an end-review amendment to the application on or before Day 180 and the sponsor files an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a supplemental new animal drug application as described in paragraph 1.b. above.

5. Manufacturing Supplemental Animal Drug Applications

a. Review and act on 90 percent of manufacturing supplemental animal drug applications and reactivations of such supplemental applications within 120 days after the submission date.

6. Investigational Animal Drug Study Submissions

a. The Agency will review and act on 90 percent of investigational animal drug study submissions within

i. 180 days after the submission date (Day 180) if the Agency determines that the submission is complete or incomplete. A submission is incomplete if it would require substantial data or information to enable the Agency to complete a comprehensive review of the study submission and reach a decision on the issue(s) presented in the submission; or

ii. 220 days after the submission date if the Agency determines that the submission of additional non-substantial data or information would likely complete the submission and electronically requests an end-review amendment to the submission on or before Day 180, but the sponsor fails to submit such amendment on or before Day 210. If a sponsor submits an amendment after Day 210, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (270 days) will not apply, and a complete action letter will be issued by Day 220 for the original submission; or

iii. 270 days after the submission date if the Agency electronically requests an end-review amendment to the submission on or before Day 180 and the sponsor submits an end-review amendment on or before Day 210.

b. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a study submission as described in paragraph 1.b. above.

7. Investigational Animal Drug Protocol without Data Submissions

a. Review and act on 90 percent of investigational animal drug submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, within

i. 60 days after the submission date (Day 60) if the Agency does not request an end-review amendment to the protocol.

(1) If the Agency determines that the protocol is acceptable, the Agency will notify the sponsor of this decision electronically on or before Day 50, followed by a complete action letter; or

(2) If the Agency determines that a protocol is not acceptable, the Agency will notify the sponsor of this decision electronically, providing preliminary broad areas of protocol deficiency, on or before Day 50, with the subsequently issued complete action letter providing the detailed protocol assessment. The sponsor may contact the Agency for a brief clarification of these areas of deficiency prior to the issuance of the complete action letter; or

ii. 75 days after the submission date if the Agency electronically requests an end-review amendment to the protocol on or before Day 50, but the sponsor fails to submit such amendment within 10 days of the amendment request date. If a sponsor files an amendment more than 10 days after the amendment request date, then the amendment is ineligible for consideration as an end-review amendment, the extended performance goal (refer to 7.a.iii below) will not apply, and a complete action letter will be issued by Day 75 for the original submission; or

iii. the greater of 60 days after the original protocol is received by the Agency or 20 days after the amended protocol is received by the Agency if the Agency electronically requests an end-review amendment on or before Day 50 and the sponsor submits such amendment within 10 days of the date the amendment is requested.

b. Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an animal drug application or supplemental animal drug application, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assessment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study.

c. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency by written order determines that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

d. The end-review amendment procedure is not intended to prevent the use of minor amendments during Agency review of a protocol without data submission as described in paragraph 1.b. above.

8. Electronic Review of Applications/Submissions

a. The Agency will develop an electronic submission tool for industry submissions and online review capability within 24 months of

appropriated ADUFA funds for FY 2009. The Agency will consult with the sponsors in the development of this tool.

9. Pre-Approval Foreign Inspections

a. The Agency and regulated industry are committed to improving the review and business processes that will facilitate the timely scheduling and conducting of pre-approval inspections (PAIs). To improve the timeliness and predictability of foreign PAIs, sponsors may voluntarily submit 1) at the beginning of the calendar year, a list of foreign manufacturing facilities that are subjects of animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and may be subject to foreign PAIs for the following fiscal year; and 2) a notification 30 days prior to submitting an animal drug application, a supplemental animal drug application, or investigational animal drug submission that informs the Agency that the application includes a foreign manufacturing facility. Should any changes to the annual list occur after its submission to the Agency, the sponsor may provide the updated information to the Agency.

b. The Agency will keep a record of the number of foreign PAIs conducted for new animal drug applications, along with the average time for completing the PAIs, and include this information in its annual performance report. The time for completing the PAIs is understood to mean the time from the date of scheduling the inspection through notification to the Center of inspectional findings.

10. Public Workshops

a. The Agency and regulated industry agree to participate in 10 public workshops by the end of FY 2013 on mutually agreed upon topics.

11. Additional Efforts Related to Performance Goals

a. The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable Application/Submission Goal time frame (noted above) will be reviewed with the highest possible priority among those pending.

b. The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences, workshops, etc.) and informal communication by both parties is critical to ensure high submission quality such that the above performance goals can be achieved.

c. The Agency and the regulated industry agree to explore and discuss the applicable use of pharmacokinetic/pharmacodynamic data in the development and evaluation of new animal drugs submitted for approval.

d. The Agency and the regulated industry agree to explore opportunities for exchange of information regarding the characteristics of a new animal drug, and to identify safety and effectiveness issues as early as possible in the drug development process.

e. The Agency and regulated industry commit to work together to explore shorter timeframes commensurate with the magnitude of the submitted data/information referenced under 11.c and 11.d.

12. Workload Adjustment

The Animal Drug User Fee Act requires FDA to annually adjust fee revenues after FY 2008 to reflect changes in review workload utilizing a weighted average of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions. The Agency will use the method detailed below to calculate the workload adjustment, and the percent increase in fees will be the amount of the

workload adjuster that is greater than one (1.0).

The term “workload adjuster” applicable to a fiscal year consists of the sum of the following 5 components:

a. The percent of change in the total number of original and reactivated animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated new animal drug applications over the most recent five-year period.

b. The percent of change in the total number of original and reactivated supplemental animal drug applications submitted for which data with respect to safety or effectiveness are required (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated supplemental animal drug applications for which data with respect to safety and effectiveness are required over the most recent five-year period.

c. The percent of change in the total number of original and reactivated manufacturing supplemental animal drug applications submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of original and reactivated manufacturing supplemental animal drug applications over the most recent five-year period.

d. The percent of change in the total number of investigational animal drug study submissions submitted (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug study submissions over the most recent five-year period.

e. The percent of change in the total number of submitted investigational animal drug protocol submissions (comparing the five-year average number of such submissions for fiscal years 1998–2002 to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the review of investigational animal drug protocol submissions over the most recent five-year period.

ANIMAL GENERIC DRUG USER FEE ACT PERFORMANCE GOALS AND PROCEDURES

The goals and procedures of the Food and Drug Administration (FDA or the Agency) as agreed to under the “Animal Generic Drug User Fee Act of 2008” are summarized as follows:

Five-Year Goals (to be implemented by September 30, 2013)

1. Review and act on 90 percent of non-administrative original abbreviated new animal drug applications (ANADAs) and reactivations of such applications within 270 days after the submission date.

2. Review and act on 90 percent of manufacturing supplemental ANADAs and reac-

tivations of such supplemental applications within 270 days after the submission date.

3. Review and act on 90 percent of generic investigational new animal drug (JINAD) study submissions within 270 days after submission date.

4. Review and act on 90 percent of JINAD submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an ANADA or supplemental ANADA, within 100 days after the submission date.

5. Review and act on 90 percent of administrative ANADAs (ANADAs submitted after all scientific decisions have been made in the JINAD process, i.e., prior to the submission of the ANADA) within 100 days after the submission date.

For the application/submission goals above, the term “review and act on” is understood to mean the issuance of a complete action letter after the complete review of an original ANADA, supplemental ANADA, or JINAD submission which either (1) approves an original or supplemental ANADA or notifies a sponsor that a JINAD submission is complete or (2) sets forth in detail the specific deficiencies in such original or supplemental ANADA or JINAD submission and, where appropriate, the actions necessary to place such an original or supplemental ANADA or JINAD submission in condition for approval (“incomplete letter”). Within 30 days of submission, FDA shall refuse to file an original or supplemental ANADA, or their reactivation, which is determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review a JINAD submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

FDA may request minor amendments to original or supplemental ANADAs and JINAD submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for JINAD submissions.

Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an original or supplemental ANADA, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assess-

ment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject new animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency issues a written order that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences) and informal communication by both parties is critical to ensure high submission quality such that performance goals can be achieved.

The term “submission date” is understood to mean the date the FDA Center for Veterinary Medicine (CVM) Document Control Unit (DCU) receives an application or submission. DCU date stamps an application or submission on the day of receipt.

Work Queue Review Procedures

The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable. Application/Submission Goal time frame (noted below) will be reviewed with the highest possible priority among those pending.

Interim Goals

Interim Application/Submission Goals

FY09 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2009 are reviewed within 700 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2009 are reviewed within 600 days after the submission date.

JINAD study submissions received during FY 2009 are reviewed within 700 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2009 are reviewed within 400 days after the submission date.

Administrative ANADAs received during FY 2009 are reviewed within 120 days after the submission date.

FY10 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2010 are reviewed within 680 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2010 are reviewed within 570 days after the submission date.

JINAD study submissions received during FY 2010 are reviewed within 680 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2010 are reviewed within 390 days after the submission date.

Administrative ANADAs received during FY 2010 are reviewed within 115 days after the submission date.

FY11 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2011 are reviewed within 500 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2011 are reviewed within 420 days after the submission date.

JINAD study submissions received during FY 2011 are reviewed within 500 days after the submission date. JINAD submissions consisting of protocols without substantial data received during FY 2011 are reviewed within 290 days after the submission date.

Administrative ANADAs received during FY 2011 are reviewed within 110 days after the submission date.

FY12 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2012 are reviewed within 380 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2012 are reviewed within 340 days after the submission date.

JINAD study submissions received during FY 2012 are reviewed within 380 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2012 are reviewed within 190 days after the submission date.

Administrative ANADAs received during FY 2012 are reviewed within 105 days after the submission date.

FY13 90 percent of:

Non-administrative original ANADAs and reactivations of such applications received during FY 2013 are reviewed within 270 days after the submission date.

Manufacturing supplemental ANADAs and reactivations of such supplemental applications received during FY 2013 are reviewed within 270 days after the submission date.

JINAD study submissions received during FY 2013 are reviewed within 270 days after the submission date.

JINAD submissions consisting of protocols without substantial data received during FY 2013 are reviewed within 100 days after the submission date.

Administrative ANADAs received during FY 2013 are reviewed within 100 days after the submission date.

Amending Similar Applications and Submissions

The Agency and regulated industry agree that applications and submissions to the Agency will be complete and of sufficient quality to allow the Agency's complete and timely review. The Agency will refuse to file poor quality and incomplete applications and submissions rather than allowing them to serve as "placeholders" in the review queue that are subsequently amended to add the missing or inadequate portions.

The Agency recognizes that there are circumstances in which a controlled amendment process can make the review of similar, pending submissions more efficient, without compromising the sponsor's responsibility for high quality submissions. Thus, starting no later than FY 2012, if the Agency requests an amendment to a non-administrative original ANADA, manufacturing supplemental ANADA, JINAD study submission, or a JINAD protocol submission (a "CVM-initiated amendment"), or issues an incomplete letter for such an application or submission, a sponsor may request to amend other, similar applications or submissions it has pending with the Agency ("sponsor-initiated amendment(s)") in accordance with the following criteria:

1. The amended information for these similar applications or submissions must be the same as in the CVM-requested amendment or incomplete letter; and

2. The amended information must not significantly change the pending application or submission; and

3. The amended information for these similar applications or submissions must be submitted no later than:

a. 120 days after the submission date for a pending non-administrative original ANADA, manufacturing supplemental ANADA, or JINAD study submission; or

b. 50 days after the submission date for a pending JINAD protocol.

If the Agency determines that the above criteria have been met, it will not change the user fee goal for a pending application or submission that has been amended by a sponsor-initiated amendment. If the above criteria have not been met, the Agency may consider the application or submission resubmitted on the date of the sponsor-initiated amendment, thereby resetting the clock to the date FDA received the amendment.

REPUBLICAN NATIONAL CONVENTION LAW ENFORCEMENT

Mr. COLEMAN. Mr. President, I rise to express a word of enthusiastic appreciation to the thousands of courageous and principled law enforcement members who did their utmost to allow the Republican National Convention in St. Paul to proceed in an orderly fashion. I saw some of their work with my own eyes and want them to know we respect them and the vital role they play in our Nation.

It has been said that every society is defined by the boundary between each individual's right to do whatever they want and the broader community's right to peace and order. Societies without such a border disintegrate into chaos and eventually repression. That boundary is not an abstract philosophical construct, but the life's work of law enforcement personnel who enforce society's laws.

This past week we saw an extreme test of that principle as self-described anarchists, who represented a very small segment of thousands of peaceful demonstrators, sought to disrupt proceedings of the convention. Law enforcement personnel acted with professionalism, restraint and great skill in the face of serious threats to public safety. The great irony is the actions of law enforcement guarantee the future rights of protestors to protest. I only wish the small minority of violent protestors had not created a climate of fear that may have regrettably kept observers away and reduced the patronage of St. Paul businesses, that were counting on increased sales during the convention week.

The convention, the first in Minnesota since 1892, presented many logistical obstacles. St. Paul is a town of less than 300,000, not the kind of metropolis where these events are usually held. The ability of multiple jurisdictions to work together to scale up their response to the level needed was a great example of the Minnesota can-do spirit.

Many thanks are due, specifically to St. Paul chief of police John Harrington whose team was able to ensure the safety of all of our visitors, displaying Minnesota admirably in the national spotlight. Special thanks are

also very much in order to the law enforcement officers who traveled from all over Minnesota and the rest of the country to assist in the security efforts.

I would also like to take a moment to express my thanks for the excellent work of a few other individuals during the convention: St. Paul assistant chief of police Matt Bostrum, Minneapolis chief of police Tim Dolan, Minneapolis deputy chief of police Rob Allen, Bloomington chief of police John Laux, Ramsey County sheriff Bob Fletcher, Hennepin County sheriff Rich Stanek, and Minnesota Department of Public Safety commissioner Michael Campion all deserve our gratitude. They, and their departments, performed with excellence in the way they did their duty and their integration with other departments.

The week of September 1, 2008, will be remembered by almost all of the thousands of visitors to Minnesota as a great week and proof-positive that our State is capable of putting on a world class event. The ability of our excellent law enforcement personnel to play defense against those who sought to disrupt the festivities allowed the people attending the convention and a worldwide audience to see an orderly process of our democratic society at its finest.

My heartfelt thanks to all the Minnesotans who worked so hard to make our dreams a reality.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thank you for this opportunity to express my concerns regarding the escalating price of living in Idaho due in large part to the ever increasing cost of energy.

I work for Alaska Airlines in Boise, Idaho. My gas bill to cover my commute has gone from \$100 to \$300 per month. My own industry has been heavily affected by the obscene rise in the cost of aviation fuel. Alaska Air is a profitable business. They have worked hard at putting a lot of cash in the bank. They never just spent their way into bankruptcy then emerged a few years later with

all of their debts relieved. Now in order to stay alive, in addition to raising air fares and reducing routes, they have to charge seemingly ridiculous charges for the ordinary services associated with travel. And still the cost of fuel rises. Just today we received the second corporate letter, advising us that Alaska Airlines is doing all it possibly can to reduce costs, that each of us needs to be conscious of everything we do and be as profitable as we can with each service we provide. I work in a call center. Are those the voices of Pakistani call center agents I hear at Alaska Airline's front door? So not only are some of the finest American customer service agents in danger of losing our jobs, but the least respected of all call center personnel will smudge the heretofore finest airline service in the world.

I read that you have worked on alternative fuels. This is a fine aspiration, but with what result? At present alternative fuels can not even begin to touch the huge volume it would take to replace gas and oil energy. As a result of corn-based fuels, corn-based commodities around the world have also escalated in price. Cereal, tortillas, breads, dog food, chicken and beef feed, the list goes on, are all affected by increased prices I pay every day. And in third world countries, where such commodities are staples, people are facing shortages and starvation. When the farmer cannot afford to cultivate his crops, the trucker cannot afford to pick up the crops and bring them to market, and the market has to raise the prices of staples, how far behind are we from becoming a society of haves and have-nots?

Senator CRAPO, for far too long we have let the environmental movement intimidate our energy policy in this country. It started with a little bit of this and that. We stopped drilling for oil and gas off our scenic coasts and large inland tracts of land deemed environmentally sensitive. We stopped approving refineries and thereby reduced our domestic supplies of fuel, relying instead on ever-increasing foreign sources. One of the biggest environmental accidents happened near Valdez, Alaska. Environmentalists blamed big oil. Ironically the oil spilled was imported from the Middle East. Accompanying all this was the slow rise in the price consumers pay to run their cars and heat their homes. Government has played both sides of the isle with C.A.F.E standards that have not improved gas mileage so much as to drive the price of cars to the same price as a good house in the 1960's. Refineries further increase the price of fuel required to manufacture multiple blends. All of these products are heavily taxed by our government. If the oil companies are accused of making obscene profits, then can we not say the same thing about the never-mentioned windfall profits our Federal government collects?

What would I do? I would ask you to start plans to find and develop our best sources of domestic oil and natural gas resources. I would ask you to find places in this country that would just love to refine petroleum and encourage their communities to do so. Just getting the plans on the board would burst this bubble of inflationary speculation. (These suggestions, if started today would take at least 10 years to get up and running).

I would also ask that we start plans to build safe and efficient nuclear power. France and Germany possess marvelous examples we can emulate and exceed. And further we need to fend off the environmentalist's incessant legal maneuvering that subvert inflate the price of energy development.

Well, this is more than two paragraphs. But it contains in my opinion, the elements we need to address today and with haste.

Thank you.

ROBERT, Boise.

I would expect that I am an average Idahoan in means of monthly financial resources. The average family in my valley has 2 full-time incomes of \$8/hr, totaling around \$2200.00/mo. take-home after taxes. The average family also has to travel 50 miles a day—5 days a week—just for that work. The average vehicle does 20MPG. That alone is \$220 in gas a month (\$30.00 over most people's monthly available gas budget). Now figure that the nearest shopping mall is 50 miles away, and the nearest shopping center is 15 miles away.

The economy is and will suffer to make the difference. On-line shopping to the lowest bidder is becoming a necessity, and activities of enjoyment are on the out. Some people find themselves in a position where they can no longer afford the job they have had for decades, and others like myself are forced to close storefronts, and look for alternative methods of doing business in order to make ends meet.

I consider myself a Statesman; amateur as that may be. It is near impossible to educate and influence the general populace toward principles of freedom and free market if my means of exposure to the people is severely hampered due to extravagant and unnecessary fuel costs.

If we want so much to be like Europe that we are willing to take on their fuel costs, then we better be ready to downsize our person per square foot ratios to match theirs, otherwise we will desolate ourselves, and their 200 year wait for our failure and re-absorption back into their kingdom will be complete.

We must learn to look at what is seen, and what is not seen. We must be able to see all the impacts, and not just 5-10 years down the road. We must have 20-30 and 50-80 year plans that will cause freedom from debt and servitude to others, or we will weaken and eventually fall . . . even if that fall may take a century, we will fall if we do not change the current direction of events. Gas price recognition is merely a baby step.

We must set up forms of governing that will ensure freedom for generations, and not get caught up in the mere momentary crisis.

I beg of you . . . as do many I know . . . be true to your positions of civil servants; handle all situations with no thought for self, and every thought for generations of freedom for those you serve and represent, not bondage and slavery and misery.

Be astute in your history. Civilization has repeated cycles of growth and downfall. Must we make the same mistakes? Or is ours truly wise enough, not pompous, to overcome the challenges that face our day? Our day is truly the greatest day in history . . . for we have yet to write its annals. Victorious or victored. After all, only a small degree, or percentage caused the great chasm that made two nations of one in 1776 . . .

You are the warriors in government for us, the people. I commend every effort on your behalfs to maintain and support the principles upon which our nation was founded. Be true, and be courageous. Do not let lost lives be in vain, lest that blood lie on your shoulders. I know you can, and will to help our Nation be great again. Press on!

JASON, St. Anthony.

It is a national security issue for our country to be energy independent. The issues outlined in the piece on your website are exactly the ideas and means I would try to implement. I feel that the environmental movement and powerful lobbyists have had too much power and influence over many Senators and Congressmen. I wish the names of the lobbyists could be widely broadcast and the bills that have been shot down could be widely circulated so people could see the

total dishonesty and power grab these environmental groups have taken. It is a real disaster that we do not have more nuclear energy, more domestic oil production, more coal and of course more refineries. The massive amount of lawsuits and cost of defending many annoyance suits has cost the government and utility companies hundreds of billions of dollars if not into the trillions. We have a small business and a huge increase in cost in transportation shrinks the profit and makes cuts in other important areas necessary.

LEW, Idaho Falls.

Thanks for the opportunity to respond to your request for energy stories. I do not have a sad one of not being able to heat my house or whether to put gas in my SUV so I can get to work (I drive a car that gets 27 mpg and I walk a lot) or put groceries on the table. But, I have sympathy for folks who do have to make hard choices. I'm glad you are looking for answers. I think I can offer some insights for you.

My background is this: I travel a lot and have spent 11 years living abroad and 5 of those years living in various places in the Middle East. I understand our energy needs very well, having personally negotiated the delivery of \$500 million dollars worth of free fuel for US/Coalition forces going into Iraq in 2003. I have spent a lot of time with guys in the petroleum industry in Kuwait. They are cranking out more than 2 million bbl a day and they consider U.S. needs their highest priority and have since 1991. From my experience I know there is not a fuel shortage, just an 8 million bbl per day shortfall in the needs of the U.S. Personally I think raising gasoline taxes will reduce waste, encourage conservation and utilization of mass transit and that might help close the gap, but I understand this might not be the popular option because we do like our power cheap and plentiful.

I have lived through the oil embargo in 1973 and the little one in 1978. I've listened to the energy companies explain that they would go after oil shale in Wyoming in 1978, but it would not be profitable unless gas prices reached \$2.00 a gallon. I don't hear much about oil shale these days and gas is at \$4.00 a gallon.

The EPA recently (last few years) opened new areas for drilling on the North Slope of Alaska, off the California coast and in the Gulf of Mexico that the energy companies have been asking to drill in since 1978. Those areas were protected but when an energy producer threatened to close a profitable refinery in Santa Barbara a few years ago citing "lack of demand" gas prices spiked to \$4.00 a gallon in Phoenix, Arizona and in the Chicago area so in the interest of the national good, the EPA lifted the restrictions, so now they can get oil that was profitable at \$24 a bbl in 1978—must be really low fruit at \$130 a bbl in 2008. This would help explain some of the recent profits enjoyed by the energy companies and make their complaint that finding new energy is very expensive seem a bit hollow.

A Halliburton country manager told me in 2002 that Azerbaijan is awash in oil, has been for some time. A pipeline was opened in May 2005 in Azerbaijan that runs about a million bbl a day. There is more available but new pipelines are held hostage to the political process in a couple of those other countries. The Iraq fields are on the mend and they went from 200,000 bbl a day in 2006 to a reported 2 million bbl a day (but I don't believe that number yet) and they have the capability of generating 6 million bbl a day if that political situation ever stabilizes. Kazakhstan and some of the others are likewise situated, the trick has always been to

get the oil out of there. Obviously there is fuel out there and the energy companies are willing to get it—we just have to be willing to pay the price or develop alternatives. The energy companies have to spin “doom and gloom” so we give them a pass and do not question their methods. Political action committees and lobbyists are the point on that challenge, but you know that part already.

Sir, I don't understand the reluctance of our elected representatives to make energy independence a national priority, the same way President Kennedy made going to the moon a national priority. I do understand there is a lot of effort by the energy lobby to not encourage alternative production.

If the energy companies (gas/electric/coal) have no interest in finding alternatives, that impetus must come from the body politic.

By the way, the inside news is that banks in the Middle East are actively investing in alternative energy development, so why aren't we? They know oil will not last forever and they are getting ahead of the problem. We are not.

I will offer this. In Idaho we have a climate not unlike Seville, Spain. There they are working on a project using the sun's energy to eventually generate enough power for 600,000 homes. That would be the Treasure valley and beyond. Owyhee County is a great place to set one up. In 2007 it was already generating 11mw, enough for 6000 homes so we know the application works. It is expensive, but those costs will come down. The Spanish paid the big cost of R & D for all the rest of us. This is a place with no carbon footprint. You can see the BBC article about this effort at: <http://news.bbc.co.uk/2/hi/science/nature/6616651.stm>

So why is there only talk in Idaho of a nuclear power plant (very expensive, does make some waste) or a new gas fired electrical plant (very expensive, depletes resources and leaves a big carbon footprint)? Why is the battlefield being prepared by an Idaho Power rep saying recently “the era of cheap power is over.” Why is Idaho power (and all the other electricity providers) not championing alternative sources to generate electricity?

Why is the government not doing more to promote wind power as a source of electrical generation. I heard a story that it might affect birds. I studied a wind farm in Oklahoma recently (along the interstate). Those blades turn pretty slow and it would be a stupid bird who couldn't fly past it. We have lots of wind in Elmore County and most of Idaho along the interstate. For people concerned about birds or views, the birds will be killed the effects of global warming and the view is not worth much if our society collapses.

As an elected official and guardian to protect America from all enemies, foreign and domestic (it is in the oath) I am surprised that you (and the other elected officials) are just so stymied by this problem. It is not too hard a problem (we did figure out how to split the atom some years ago) and it cannot be too expensive since we have already spent a trillion dollars in Iraq.

You just have to want to do this.

Thanks for asking for my story. I will send this off to a couple of other Idahoans for them to share.

Respectfully,

MIKE, Boise.

RECIPIENTS OF THE 2008 DAVIDSON FELLOWS AWARD

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to 20 outstanding young scholars and recipients of the 2008 Davidson Fellows

Award, a scholarship granted to exceptional students to assist them in pursuing higher education. The Davidson Institute for Talent Development distributes grants to highly gifted individuals under the age of 18 who have demonstrated academically rigorous projects that demonstrate a potential to make a significant positive contribution to society. Mr. President, allow me to introduce the recipients and elaborate on their noteworthy accomplishments.

Akhil Mathew, a 16-year-old from Madison, NJ, proved a single filter, or system of weights, can decode only a finite number of rationals. Akhil's work is relevant to signal processing, analog-to-digital conversion, and representing numbers in an alternative way.

From Gaithersburg, MD, 17-year-old Sikandar Porter-Gill developed a novel process to clean wastewater and produce methane for use as an alternative form of energy by engineering bio-catalyzed microbial fuel cells to degrade organic material in wastewater. Sikandar's research is a promising step toward pursuing a cost-effective and environmentally friendly energy source.

A 17-year-old from Setuaket, NY, Christine Shrock, studied a region of the HIV protease, a protein crucial in the replication of HIV. She found that this region is a promising target for drugs to bind to change the shape of the protease, preventing it from performing its function. Christine's research is an important contribution to the development of a new class of drugs to reduce the number of infections and deaths caused by HIV.

Philip Streich, a 17-year-old from Platteville, WI, showed that carbon nanotubes are thermodynamically soluble, contradicting the generally held assumption that they were universally insoluble. He designed and custom built a unique photon-counting spectrometer that is more sensitive and precise than any commercially available. Philip's work has broad applications in the field of nanotechnology engineering.

At just 14 years old, Conrad Tao from New York, NY, has made classical music relevant to younger generations through his performances that display a vast knowledge, deep understanding, and mature interpretation of the repertoire. A composer, pianist, and violinist attending the Juilliard Pre-College Division, he has been featured on NPR's “From the Top,” performed at Carnegie Hall and has received five consecutive American Society of Composers, Authors and Publishers, ASCAP, Morton Gould Young Composer Awards.

Michael Cherkassky from Minneapolis, MN, compared the application of several machine learning methods to real-life medical data sets in order to understand the generalization capability of the estimated models, advancing the current predictive diag-

nostic model. Michael, who is 16 years old, also compared the diagnostic accuracy of two classification methods, allowing physicians to obtain more accurate diagnostic conclusions while advancing patient care.

Twelve-year-old Hilda Huang from Palo Alto, CA, has determined to change the way people feel about Johann Sebastian Bach. Performing on the harpsichord and piano, Hilda aims to bring Bach to everyone, especially young people who may be unfamiliar with his music. Her many accomplishments include performances on NPR's “From the Top” and at Carnegie Hall.

Jasmine Miller, a 17-year-old from Nashville, TN, examined her generation's interactions with technology and the impact of digital media on our identities. Through a one-act play, creative essays, and a novel excerpt, Jasmine explored the uncharted minds of the current generation of American youth.

At age 17, Saraswathi Shukla from Princeton, NJ, has conducted an in-depth study of sound and music in Franz-Anton Mesmer's theory of animal magnetism. Combining history, music, language, and literature, she examined the role of music in Mesmer's therapeutic seances in the context of broader changes in the popular perception of sound in pre-Revolution Paris. The importance of sound in mesmerism presents new ways to analyze scientific theories of this period.

Seventeen-year-old August Siena Thomas from Montague, MA, examined the ways in which personal and political histories are purposefully reimagined and rewritten. Through a historical novel, literary reflection, drama, and historical interpretation, August observed the manner in which interpretation of history remain fluid and reflected on how writers have used malice, ambition, flattery, and imagination through the ages to shape the way history is written.

Vijay Venkatesh, a 17-year-old from Laguna Niguel, CA, won the grand prize at the Los Angeles Music Spotlight Awards and the second prize at the Virginia Waring International Piano Solo Intermediate Competition. Vijay views music as a gift to move the world, serving as a common link to touch humanity, and believes it is his duty as a performer to assure the audience of the joy and love that transcend life's struggles.

Only 12 years old from Beaverton, OR, William Yuan invented a novel solar panel that enables light absorption from visible to ultraviolet light, doubling the light-electricity conversion efficiency. William also developed a model for solar towers and a computer program to simulate and optimize the tower parameters, providing 500 times more light absorption than commercially available solar cells and 9 times more than the cutting-edge, three-dimensional solar cell.

At age 17, Charles Zhang from Oakland Township, MI, has researched and

developed a prototype for renewable battery power that harvests energy from mechanical vibrations with a larger magnitude and efficiency of AC voltage. His prototype can be used as a primary power source in wireless structural monitoring sensors for bridges, implantable medical devices, tire pressure monitoring systems and portable devices.

Another 17-year-old, from Ponte Vedra Beach, FL, Nathan Georgette, developed a mathematical model intended to reduce the costs of stopping viral disease outbreaks in impoverished nations. He used mathematical modeling to generate a formula to calculate in real time the minimum number of vaccines needed to stop a measles outbreak. Nathan's research represents a new approach to understanding the dynamic effects of infectious disease spread and gradual immunization.

Seventeen-year-old Molly Hensley-Clancy from Minneapolis, MN, explored the primal human instinct of storytelling through the eyes and minds of young girls, demonstrating that geographic and linguistic differences do not change the universality of dreams, thoughts, and troubles. She believes the more we notice the commonalities that bind us together as human beings, rather than what sets us apart, the less we will be able to ignore those who are suffering among us.

Kyle Hutzler, a 16-year-old from Huntingtown, MD, authored a substantial policy paper on education reform, recommending that successful school reform must incorporate choice, autonomy, and accountability, along with the empowerment of parents, students, and teachers. His work articulates a vision for restructuring with specific proposals ranging from classroom organization and curriculum, to funding and teacher pay.

At 17 years old, Michael Leap from Okemos, MI, has examined the role of science in our society by synthesizing and applying several complex philosophical concepts to basic questions about science in everyday life. With the thesis that conventional views of science, truth, and nature only function from a self-referential viewpoint, he presents new, transversal perspectives in hopes that this critical examination will lead to a greater understanding of the world at large.

Divya Nag, a 17-year-old from El Dorado Hills, CA, developed both a thermal analysis technique to quantify the effects of forest fires and a novel ratio to determine organic matter loss in on-site situations. By using differential scanning calorimetry, thermogravimetry, and x-ray diffraction, Divya determined soil ignition temperatures and soil compositions before and after burning. These techniques can be used in evaluating the efficacy of prescribed burning and forest management.

Seventeen-year-old Avanthi Raghavan from Orlando, FL, studied mechanisms of protein transport critical to

the survival and pathogenicity of the malaria parasite, *Plasmodium falciparum*, which infects human red blood cells and causes malaria. By using confocal microscopy, Avanthi characterized the role of the SNARE proteins PfSec22 and PfBet1, thus identifying potentially exploitable targets for the future development of parasite-specific drugs.

Sarah Waliany, a 16-year-old from Arcadia, CA, discovered that expression of the gene t-Darpp can make Her-2 positive breast tumor cells become resistant to the drug Herceptin. Sarah demonstrated that t-Darpp alters a critical signaling pathway that regulates growth and survival in cells. Sarah's work shows that blocking the t-Darpp gene can eventually lead to more effective breast cancer treatment.

Mr. President, today each of these 20 young scholars deserve our praise for the commitment they have demonstrated to enriching our understanding in the fields of music, science, literature, and technology. These 20 young people also deserve our admiration for their desire to improve the lives of individuals worldwide by addressing issues of practical import. Finally, these young people deserve our gratitude for the shining example they have set for us by the excellence of their work and their desire to work on the behalf of others. I would also like to thank the Davidson Institute for the support and direction they provide to this group of our country's young leaders. The knowledge of such dedicated and gifted young Americans gives me great hope and comfort for the future. Clearly, the future of our country rests in capable hands.

REMEMBERING TERRANCE DAVIS

Mr. PRYOR. Mr. President, it is with great sorrow I rise today to remember a bright young man who was taken from us far too soon. Terrance Davis, 20 years old and from Osceola, AR, was a gifted student majoring in sociology, theater and performance studies, and African-American studies at Georgetown University.

My staff and I were blessed to benefit from this young man's talents this past summer when he served as an intern in my office. I had the privilege of getting to know Terrance during this time and to see his passion for public service.

Terrance was an enthusiastic leader who was not afraid to take on multiple responsibilities. After fulfilling his duties in the Senate he would attend rehearsals for the play he was directing at Georgetown University until late into the evenings. He also served as director of the Georgetown University Gospel Choir.

His friends at school and people in my office referred to him as someone with a positive attitude who was always ready to work. Other friends referred to him as having strong passion for his Christian faith.

Terrance had plans to serve our country by participating in the Teach for America program and wanted a future in helping students through higher education. He once said that becoming a college professor or dean was something he inspired to do.

Tragically, on September 1, 2008, Terrance Davis was involved in a fatal accident in Harkerville, South Africa, where he was traveling on a holiday break from his academic study abroad program at the University of Cape Town. I join his family and friends in mourning the loss of this great young man.

Mr. President, I ask my colleagues to join with me in honoring the life of this exceptionally talented young man, Terrance Davis.

ADDITIONAL STATEMENTS

40TH ANNIVERSARY OF EDEN HOUSING

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 40th anniversary of Hayward-based Eden Housing, one of northern California's oldest and most esteemed nonprofit affordable housing developers and managers.

In 1968 six community activists, troubled by the lack of affordable, non-discriminatory housing throughout Alameda County founded Eden Housing. Over the last 40 years, Eden Housing has expanded its advocacy for affordable housing beyond Alameda County. Through the dedicated work of its staff, volunteers, and board of directors, Eden Housing has succeeded in creating nearly 5,000 affordable housing units that have provided homes to thousands of Californians. Throughout the last 40 years, Eden Housing has grown to partner with 20 cities in 6 counties throughout California.

Eden Housing has an outstanding commitment to providing low to moderate-income families and seniors, people with disabilities, the formerly homeless and first-time homeowners with affordable housing opportunities, social services and supportive programs. Eden Housing has received numerous awards for its work in quality affordable housing, including being named one of the Top 50 Affordable Housing Owners in the United States by Affordable Housing Finance Magazine in 2007 and 2008.

In 2006, Eden Housing was honored by the California Housing Consortium for its "contribution to fostering the creation of affordable housing throughout California." The services and programs provided by Eden Housing offer those with limited incomes or disabilities, and potential first-time homeowners, the opportunity to turn the dream of quality affordable housing into a reality.

I commend Eden Housing staff and volunteers for their many accomplishments over the last 40 years and I send

my best wishes for many future successes over the next 40 years.●

REMEMBERING MATT GARCIA

● Mrs. BOXER. Mr. President, it is with a heavy heart that my friend Senator DIANNE FEINSTEIN and I ask our colleagues to join us today in honoring the memory of an extraordinary young man, Fairfield City councilmember Matt Garcia. Matt, a dedicated public servant, was shot in a senseless act of violence on the evening of Monday, September 1, 2008. Matt passed away on Friday, September 5, 2008. He was 22 years old.

In November 2007, Matt was elected to a 4-year term on the city council of Fairfield, CA. Just 21 years old when he was elected, Matt was the youngest councilman in Fairfield City history and one of the youngest elected officials in the State of California. With a deep sense of civic pride, Matt worked tirelessly to address Fairfield's crime rate and to develop effective gang prevention programs. In his short time on the council, Matt served with distinction and passion, earning the respect of both his colleagues on the council and the youth of his beloved city.

Mrs. FEINSTEIN. Long before being elected to the Fairfield City Council, Matt Garcia's ambition and dedication inspired his community to be better and to do better. Since the 6th grade, friends remember Matt telling them that one day he would become the mayor of his hometown of Fairfield. Matt attended Armijo High School, where he served as vice president of his senior class and was selected as both prom king and homecoming king.

Matt Garcia was a driven young leader who cared for his community deeply, and will be remembered by friends and colleagues as honest, passionate, and full of life. Matt served Fairfield with enthusiasm and a commitment to creating a better world. His dedication to his goals and dreams of improving his community will live on in those whose lives he touched.

Mrs. BOXER. Matt Garcia is survived by his grandmother, parents, siblings, and extended family members. Senator FEINSTEIN and I will always be grateful for Matt's example of passionate public service. Our hearts go out to Matt's family, friends, and colleagues who struggle with this incomprehensible loss.●

A TRIBUTE TO CAPTAIN ED W. FREEMAN

● Mr. CRAPO. Mr. President, on August 20, America lost one of her bravest heroes, and I am honored to say he was an Idahoan. Ed "Too Tall" W. Freeman, U.S. Army, retired, was awarded the Congressional Medal of Honor for actions undertaken during the battle of Ia Drang in Vietnam in November, 1965. Recounted in the book by Joseph Galloway, "We Were Soldiers Once . . . And Young," Ed's bravery became leg-

end. American forces were heavily engaged with North Vietnamese soldiers and the medical evacuation helicopters refused to fly into the battle zone to retrieve soldiers—it was deemed too dangerous. The infantry commander asked for volunteers, and young Captain Freeman, followed by LTC Bruce Crandall, stepped forward and offered to fly, unarmed, to the battlefield to bring supplies and carry out the wounded. Ed flew 14 separate missions and his actions, literally under fire, saved life and limb of 30 soldiers—all in a landing zone that was within 100 to 200 meters of the defense perimeter set up to engage the North Vietnamese Army at close range. Many of us have been to the Vietnam Wall—that tragic list is dozens of names shorter for Ed's extraordinary valor. Imagine the children and grandchildren that are here today because he saved the life of their father or grandfather. Incidentally, Ed himself had two young boys—preschool and elementary school-aged at the time.

When he retired from the Army in 1966, Ed continued flying helicopters, this time for the U.S. Department of the Interior, conducting animal censuses, herding horses and fighting fires. In 2001, Ed was presented the Congressional Medal of Honor by President George W. Bush for his actions during the Battle of Ia Drang.

Ed was laid to rest in the Idaho State Veteran's Cemetery, a beautiful place that overlooks a vista bounded to the south by the Snake River Valley and distant mountains, to the east and west by a vast expanse of open sky, and behind to the north, by foothills rising to meet their less-weathered relatives. The wind blows with reassuring regularity, and it seems that in this western meeting place of land and sky, at once comfortingly familiar and awe-inspiring, it is indeed an appropriate place for Ed.

In a tribute written upon Ed's death, author, former war correspondent and friend Joseph Galloway said:

Too Tall Ed was 80 years old when he died in a hospital in Boise, Idaho, after long being ill with Parkinson's disease. He turned down a full dress hero's funeral in Arlington National Cemetery in favor of a hometown service and burial . . . close to the rivers he loved to fish and the mountains he flew through in his second career flying for the U.S. Forest Service . . . Now Too Tall Ed Freeman, a much larger than life-size hero . . . and a much better friend than we deserved, is gone, and we are left with too large a hole in our hearts and in our dwindling ranks.

When Ed spoke to a reporter in Idaho back in 2000, he recounted those 14 harrowing hours. He said, "That Huey helicopter was my tool, and I was trained to use it. It was capable of flying into that hell hole, and I was capable of making it do that." When asked if he was afraid he said he ate "franks and beans" and chain-smoked. "God knows how many I smoked. Till I had a blister on my tongue." When asked about why he volunteered for this dan-

gerous duty, he said: "You don't think, 'I'm going to go out and win the Medal of Honor.' You're going to win a body bag if you're not real lucky."

And, in a testament to Ed's humble nature, his comment on his heroism was simply: "I did think I possibly did a little more than was required of me. But again, I had a job to do."

It is a tremendous honor for me to pay tribute to Ed W. Freeman, and my condolences go to his wife Barbara, his sons, and their families at this difficult time.●

REMEMBERING BILL GWATNEY

● Mr. PRYOR. Mr. President, it is with great sadness I rise to honor a great American, a great Arkansan and my friend. Bill Gwatney, a valiant public servant, was taken from us on August 13, 2008.

Bill was my friend for many years. This included his days as an elected official in Arkansas where he served as a State senator for 10 years. He was committed to improving the State of Arkansas by taking the lead on legislative redistricting, reforming ethics rules, and encouraging economic development throughout the State. While serving in the State senate he fought against insurance companies to pass the Any Willing Provider legislation. This allowed patients more flexibility in choosing their doctors. He inspired other great leaders to lift the State and the country into a prosperous future. He worked tirelessly every day to make Arkansas a better place for his children and for children from the Delta to the Ozarks.

He became chair of our State party in 2007 and was a leader in getting the party to where it is today. His work ethic and ability to bring people together were unmatched. His personality was contagious, likable, and he was an all around wonderful person. In the days following his death, he was praised on both sides of the aisle. Bill was taken from us too soon.

I echo a comment by Arkansas Governor Mike Beebe who said: "Arkansas has lost a great son, and I have lost a great friend." These words ring true to any Arkansan who had the privilege of knowing him. He believed strongly in integrity and good leadership within the State of Arkansas. His death put in perspective what he believed, that public service is about people, and with his passing Arkansas has lost one of its finest.

Bill leaves behind a wife Rebecca and children, Christian and Chase, along with two step-children, Zachary and Emily.

I ask my colleagues to join with me in paying tribute to the life of a great family man, business leader, and public servant, Mr. Bill Gwatney.●

COMMENDING THE CANYON LAKE LITTLE LEAGUE BASEBALL TEAM

● Mr. JOHNSON. Mr. President, today I wish to recognize and congratulate

the Rapid City Canyon Lake All-Star Little League baseball team. The Canyon Lake All-Stars, under coaches Doug Simons, Steve Nolan, and Jeff Minnick, have the honor of being the first South Dakota team to make it to the Little League World Series, held this year in Williamsport, PA.

The Rapid City Canyon Lake All-Stars went through the Central Regional Tournament with wins over such teams as Kansas, with a final score 15-3, and Iowa, 9-8. They advanced to the Little League World Series where they played the Southeast, New England, and West teams.

These young people represented Rapid City and South Dakota in an extraordinary fashion. While the final outcome of the Little League World Series was not what these young athletes had hoped for, their hard work and sportsmanship is representative of South Dakota. I would like to give credit to the coaches, parents, supporters, though especially the dedication of these young players. The community of Rapid City will recognize the hard work and sportsmanship this team has shown during the tournament with a welcome home celebration and parade Saturday. This is a well deserved victory and the team merits acknowledgment for their extraordinary achievement.

I want to recognize Manager Doug Simons, Coach Steve Nolan, and Coach Jeff Minnick for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Logan Anderson, Cale Fierro, Tanner Hagen, Jonah Hanson, William Hendricks, Matthew Minnick, TJ Nolan, Mark Petereit, Jesse Riddle, Tanner Simons, Carter Wevik, Matthew Wilson, and Alec Winter.

Again, congratulations to the Rapid City Canyon Lake All-Stars on fighting their way to the Little League World Series.●

60TH ANNIVERSARY OF THE BERLIN AIRLIFT

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 60th anniversary of the Berlin Airlift, for which the reunion is being held in Rapid City, SD. The Berlin Airlift Veterans Association will be holding the reunion September 29 through October 3, 2008.

The first skirmishes of the Cold War began with the Soviet blockade of Berlin in 1948, which prevented residents of West Berlin from accessing food and fuel from outside the city indefinitely. Later deemed "the greatest humanitarian airlift in history," American, British, and French Allies supplied the 2 million residents of West Berlin with coal, food, medicine, and other supplies. Through nearly 300,000 flights, 2.5 million tons of supplies were delivered before the USSR lifted the blockade in 1949.

I am proud to have this opportunity to honor those involved in the Berlin

Airlift, and their outstanding service to those in a most dire situation. The 50th anniversary reunion was held in Berlin in 1998, with President Clinton in attendance. Due to the deployment of B-29s from Ellsworth Air Force Base during the airlift, the 60th anniversary celebrations will be held in Rapid City, SD. Again, I commend the hard work and dedication of the American, British, and French pilots involved, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

125TH ANNIVERSARY OF THE FOUNDING OF EPIPHANY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of the city of Epiphany, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Epiphany for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Epiphany is located in Hanson County in northeast South Dakota. The town witnessed an influx of residents after the arrival of Father William Kroeger in 1893, who was known for his medical studies and work to build the Church of Epiphany. This grand, historic landmark continues to be a beautiful and inspirational symbol of pride to the community and its residents.

Epiphany originally featured several local businesses, including the J.P. Zeihen General Store, a blacksmith, saloon, barbershop, and cream station. Today, the town claims the Coonhunter Inn, the Village Hair Design, J & H Construction, and Denis & Evie Wingen's Appliance Shop.

Epiphany commemorated its anniversary with a celebration on the weekend of August 1-3. Even 125 years after its founding, Epiphany continues to be a vibrant community. I am proud to honor the accomplishments of the people of Epiphany, and congratulate them on this impressive achievement.●

100TH ANNIVERSARY OF SCANDIA LUTHERAN CHURCH

● Mr. JOHNSON. Mr. President, it is with great honor that today I recognize the 100th anniversary of Scandia Lutheran Church in Centerville, SD. This anniversary holds special meaning for my family and I, as my grandfather was previously blessed to be minister of Scandia Lutheran Church.

For many years, the Scandia Lutheran Church has provided extraordinary spiritual assistance to individuals throughout the Centerville community. The church's religious leadership and commitment to education serve to inspire others, and its efforts in providing compassionate and spiritual guidance have enhanced the lives of countless South Dakotans.

I am proud to have this opportunity to honor those, including my grandfather, who have made Scandia Lutheran Church what it is today. The celebration will be held September 13 and 14 with Bishop David Zellmer of the South Dakota Synod Evangelical Lutheran Church of America in attendance. Again, I commend the hard work and dedication of the pastors and congregation of Scandia Lutheran Church, and congratulate them on 100 years of worship.●

30TH ANNIVERSARY OF HORIZON HEALTH CARE

● Mr. JOHNSON. Mr. President, today I honor the board of directors and dedicated staff at Horizon Health Care on its 30th anniversary. In three decades, Horizon Health Care has been transformed into a pillar of the community by providing affordable health care to residents of rural South Dakota.

Beginning as a group of concerned citizens with hopes of providing quality, affordable health care in rural southwest South Dakota, Horizon Health Care began in 1978 as Miner-Hamlin Health Care and Tri-County Health Care. With the help of Federal funding and a steady influx of various physicians, the separate health care entities in the area finally merged in 1998, continuing their mission to serve the area. Horizon Health Care is governed by a volunteer board of directors, comprised of 16 members representing the community, with John Mengenhausen being hired as the chief executive officer in 1983.

I wish to congratulate the current and past directors and caregivers of Horizon Health Care on reaching this milestone for their business, and for their years of service to the community. Once again, I commend the individuals involved in this enterprise and am pleased to see them publicly honored.●

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 and withdrawals which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 3:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 1415. Resolution relative to the death of the Honorable Stephanie Tubbs Jones, a Representative from the State of Ohio.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The message further announced that the House passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

The message also announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert Merhige, Jr. Federal Courthouse".

The message further announced that the House passed the following bills, without amendment:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3023. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims (Rept. No. 110-449).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 2494. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 110-450).

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. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

By Mr. DORGAN:

S. 3455. A bill to rescind unexpended Iraq reconstruction funds; to the Committee on Appropriations.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 3456. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUNNING (for himself, Mrs. DOLE, and Mr. ENZI):

S. 3458. A bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CRAPO (for himself and Mr. THUNE):

S. Res. 652. A resolution designating the week beginning September 8, 2008, as "National Assisted Living Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from North Caro-

lina (Mrs. DOLE) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) 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. 1430

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1810

At the request of Mr. BROWNBACK, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 2102

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2227

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2319

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2326

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2326, a bill to improve the safety of motorcoaches, and for other purposes.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2579

At the request of Mr. INOUE, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Hampshire (Mr. GREGG) 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. 2681

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2908

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2921

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2921, a bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes.

S. 3242

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3242, a bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes.

S. 3252

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3252, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 3310

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 3310, a bill to provide benefits under the Post-Development/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 3311

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. CON. RES. 87

At the request of Mr. SMITH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 636

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kansas (Mr. BROWNBACK), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 5063 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 3454. A bill to transfer unexpended Iraq reconstruction funds to develop renewable energy and improve energy efficiency in the United States, and for other purposes; to the Committee on Appropriations.

Mr. DORGAN. Mr. President, I am introducing legislation today in two ways, and I will send the bills to the desk following my comments. The first bill is called the Iraq Self-Sufficiency and American Energy Independence Act, and, the second is called the Rescission of Unneeded Iraq Reconstruction Funds Act of 2008.

In a nutshell, the bills say this: We are going to take up to \$11.48 billion

that has been appropriated but not yet expended for Iraq reconstruction, funds that are American taxpayers' dollars and that the Iraqi Government says it does not need, and bring that money back to this country. In the first approach, we would use the funds to substantially increase our renewable energy and make us less dependent on foreign sources of oil. Alternatively, in the second approach, we would use those funds to reduce the deficit. Either is fine with me, and I am introducing it both ways.

Here is the Special Inspector General Report for Iraq Reconstruction. This report shows that there are now \$11.48 billion in U.S. funds destined for Iraq reconstruction.

And let me quote, if I may, the Deputy Prime Minister of Iraq: "Iraq does not need financial assistance."

That is for sure. The price of oil has gone way up like a Roman candle. They are producing 2 million barrels a day in Iraq. They have, by all accounts, somewhere around a \$49 billion surplus in bank accounts for the Government of Iraq, and there have been estimates that will reach a \$79 billion surplus. Meanwhile, our country is deep in debt, and yet we have money going to Iraq for reconstruction coming from American taxpayers' dollars while Iraqi money sits in the bank? It doesn't make any sense to me.

There is \$11.4 billion that has already been appropriated and is as yet unspent. My feeling is let's take the Iraqis at their word: "Iraq does not need financial assistance."

All right, I agree with that. Then let's not provide that financial assistance, and let's tell the Iraqis they have the capability to use their own surpluses to invest in their country.

It is interesting to me that we are now funding something like 900 water projects in the country of Iraq, and President Bush, in his budget, says let's cut back water projects in our country by a very substantial amount. We are going to take American taxpayers' dollars and build water projects in Iraq and stop building infrastructure in this country at a time when they have a big surplus and we have a big deficit? I don't think so.

I have a chart that shows what has happened to the price of oil from July 2003 to July 2008: \$27 a barrel to \$128 a barrel. The country of Iraq is producing 2 million barrels a day, and therefore their treasury is fattening in a way that is very significant.

I have a New York Times story on August 6, just a month ago:

Soaring oil prices will leave the Iraqi Government with a cumulative budget surplus of as much as \$79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

That makes no sense to me. It just makes no sense. I want to show something on page 10 of the special inspector general's report, which is a descrip-

tion of what is going on in Iraq. This is a picture of something called the Whale. This is referred to as the Whale in Iraq. It is actually the Kahn Bani Sa'ad Correctional Facility. U.S. taxpayers paid \$40 million to build that prison in Iraq. I am told the Iraqis said they don't want the prison, but \$40 million went to the Parsons Corporation.

Take a look at this photo. I will bring it to the Senate floor in a chart. It is in unbelievable disrepair. Apparently, after the \$40 million, they kicked the contractor off the site, brought another contractor in, and spent another \$10 million. So they have \$50 million invested in something called the Whale, a prison the Iraqis did not want, is not now being used, will never be used, and sits in the desert rotting with 50 million of American taxpayers' dollars having been spent on it. Reconstruction, American taxpayers' dollars, construction in Iraq, in some cases even construction Iraqis don't want.

The question, it seems to me, for us is, are we going to continue this? At some point, is some common sense going to prevail? We shouldn't take money from American taxpayers and send it to Iraq, a country that has substantial surplus in the bank, and build projects in Iraq even while we cut infrastructure projects in our country.

The legislation I am introducing will say we will take \$11.48 billion that is appropriated but as of yet unspent and rescind that spending and use it either to reduce this country's budget deficit or use it to substantially change our energy future so we are less dependent on that part of the world for our energy future.

The funds I am proposing to eliminate are in three categories. One is the IRRF2. It is called the Iraq Relief and Reconstruction Fund, which covers many projects, including, as I just described, the prison which sits unused and falling apart, a \$50 million prison called the Whale. The ISFF is the Iraq Security Forces Fund. A country with currently about \$50 billion in the bank in surplus surely should have the ability now, after these long years of the American taxpayers footing the bill, to provide for infrastructure for their own army and their own police. Finally there is the ESF, the Economic Support Fund, which includes funding for provincial reconstruction teams, microfinance, and so on.

I would note that I am not proposing to cut the Commander's Emergency Response Program, which gives field commanders some discretion to provide funds for local projects.

But I do suggest it is long past the time for this Congress to use just a small amount of common sense. Instead of shoveling money out the door in support of reconstruction projects in Iraq, money we don't have, money we are borrowing from the Chinese and Japanese, by the way, instead of shoveling money out the door to provide money in a country that is piling up its

own surpluses from oil sales, let's decide that which we previously decided to spend will no longer be spent and brought back home. It seems to me we must do that if we are going to begin to put this country's fiscal house in order.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3457. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Support for Democracy and Human Rights in Ethiopia Act of 2008. Senator LEAHY joins me as an original cosponsor. The purpose of this bill is to reaffirm policy objectives towards Ethiopia and encourage greater commitment to the underpinnings of a true democracy—an independent judiciary and the rule of law, respect for human and political rights, and an end to restrictions on the media and non-governmental organizations.

As many in this body know, I have spoken numerous times in recent months about the situation in Ethiopia and I continue to believe that the U.S.-Ethiopian partnership is very important—one of the more critical ones given not only our historic relationship but also Ethiopia's location in an increasingly strategic region. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and safe haven for terrorists, Eritrea an inaccessible authoritarian government that meddles across national borders, Sudan a genocidal regime, and Kenya still emerging from a profound electoral crisis. One look at the deteriorating situation across the Horn and the importance of a robust relationship with Ethiopia is obvious. And, by contrast with some of its neighbors, Ethiopia appears relatively stable with a growing economy. But I am concerned about a number of anti-democratic actions in that country, particularly since this administration has largely overlooked them.

The security threats in Ethiopia are real but, unfortunately, the Bush administration's approach to addressing these threats and strengthening this alliance remains short-sighted and narrow—focusing predominately on short-term ways to address insecurity while overlooking the need for long-term measures that are needed to achieve the same goal, such as desperately needed governance reform, the rule of law, and increased accountability. Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. It is also essential if we are going to successfully combat extremism, thereby bolstering our own national security here at home.

That is why today I am introducing the Support for Democracy and Human

Rights in Ethiopia Act of 2008—because as our administration fails to balance our priorities in Ethiopia, or to adopt comprehensive strategies to achieve those priorities, we are watching significant backsliding in previously hard-won democratic gains. As we turn a blind eye to the escalating political tensions, people are being thrown in jail without justification and non-government organizations are being restricted, while civilians are dying unnecessarily in the Ogaden region—just like so many before them in Oromiya, Amhara, and Gambella. Furthermore, the Ethiopian military has come under increasing scrutiny for its conduct in the Ogaden as well as Somalia, with credible reports from non-governmental organizations of torture, rape and indiscriminate attacks. By providing unconditioned security assistance we are also sowing the seeds of insecurity and creating new grievances both in Ethiopia and in its neighboring countries.

I want to see greater progress—not less—in Ethiopia which is why this bill authorizes an additional \$20 million for democracy and governance projects in Ethiopia. The addition of these funds would make it one of the top five countries on the continent receiving this kind of assistance from this U.S. Government. This bill calls on the President to take additional steps to implement these programs but also requires that funds made available to the Ethiopian government be subject to regular congressional notification. This ensures U.S. taxpayer dollars are being used appropriately—and used to support a government taking steps to become more democratic, not less.

I make it a practice to pay for all bills I introduce, and the authorization in this bill is offset by a transfer of funds from NASA. Some may disagree with me on the need for an offset, but recent Office of Management and Budget projections confirm that we now have the biggest budget deficit in the history of our country. We cannot afford to be fiscally irresponsible so we must make choices to ensure that our children and grandchildren do not bear the burden of our reckless spending. Instead of cutting specific programs, which are likely to have begun and thus would cost more to close, transferring \$20 million from the general budget would allow appropriators to evaluate, at their discretion, how best to make this transfer.

I ask my colleagues to consider what our own State Department has said about the political situation in Ethiopia and then consider how best to rectify the situation. The 2007 State Department Report on Human Rights notes that in Ethiopia the following occurred: "limitation[s] on citizens' right to change their government during the most recent elections; unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and

detention, particularly of those suspected of sympathizing with or being members of the opposition or insurgent groups; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights and frequent refusal to follow the law regarding search warrants; use of excessive force by security services in an internal conflict and counter-insurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; restrictions on freedom of assembly; limitations on freedom of association; violence and societal discrimination against women and abuse of children; female genital mutilation, FGM; exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including killing and harassment of union leaders."

The continued failure of the administration to acknowledge this reality is emblematic of its insular thinking and unwillingness to see the big picture. Without a balanced policy that addresses both short and long-term concerns in Ethiopia we are putting ourselves at greater risk and making ourselves more vulnerable, not less.

By Mr. FEINGOLD:

S. 3459. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, this week I am introducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4, because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. Today I am introducing a bill, the Connecting Education and Emerging Professions Act of 2008, to help promote better collaboration between our Nation's high schools and local, regional, and statewide businesses and workforce development groups.

This legislation seeks to address a couple of interrelated issues. The first issue is the alarmingly high dropout rate in our Nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our Nation's urban school districts report very high dropout rates, including the Milwaukee

Public School District. According to the Cities in Crisis report put out earlier this year by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the Federal, State and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our Nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our Nation's students why it is imperative that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our Nation's high school students who do graduate are increasingly unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, I am introducing the Connecting Education and Emerging Professions Act. My bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both aca-

demically and practically. States and local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying the local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculum and programs designed to teach the academic and work-based skills that are necessary to succeed in these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation all talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to pushing this legislation forward in the coming weeks and months. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alter-

native energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

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. 3459

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 "Connecting Education and Emerging Professions Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences, such as apprenticeships during secondary education are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, dropout rate reduction, and higher earning potential for graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, or workforce development organizations, labor organizations, and other non-profit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

“Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program

“SEC. 5621. DEFINITIONS.

“In this subpart:

“(1) COVERED COMMUNITY.—The term ‘covered community’ means a town, city, community, region, or State that has—

“(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

“(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

“(2) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means a State educational agency, a consortium of local educational agencies, a local educational agency that collaborates with State, regional, or local businesses, including small businesses, that serve a covered community in which qualifying schools are located, or a regional workforce investment board that serves a covered community in which qualifying schools are located, and at least 1 of the following entities:

“(A) An institution of higher education that provides a 4-year program of instruction.

“(B) An accredited community college.

“(C) An accredited career or technical school or college.

“(D) A tribal college or university.

“(E) A nonprofit community organization.

“(F) A labor organization.

“(3) EMERGING INDUSTRY PATHWAYS.—The term ‘emerging industry pathways’ means industry careers that—

“(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

“(B) require new academic skill sets because of new technology or innovation in the field;

“(C) are important to the growth of the State, region, or local area’s economy; and

“(D) may include—

“(i) green industries;

“(ii) health care industries;

“(iii) advanced manufacturing industries; and

“(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

“(4) QUALIFYING SCHOOL.—The term ‘qualifying school’ means a secondary school that—

“(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

“(B) has a graduation rate that is lower than the State average; and

“(C) is located in a covered community.

“(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term ‘school- and work-based curriculum or program’ means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

“SEC. 5622. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

“(b) PROGRAM PERIODS.—

“(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

“(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and developing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

“(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

“(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

“(2) OVERLAP.—The Secretary may award grant periods under this subpart that overlap.

“(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

“(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or an equivalent indicator of poverty established by the Secretary;

“(2) serve qualifying schools the majority of which have dropout rates in the top 25 percent statewide;

“(3) pledge to serve the students most at-risk of dropping out within qualifying schools;

“(4) develop school- and work-based curricula and programs serving green industries, health care industries, and advanced manufacturing industries; or

“(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges, labor organizations, and other non-profit community organizations.

“SEC. 5623. APPLICATIONS.

“An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the eligible partnership, including the responsibilities of each

partner and how each partner will meet its responsibilities;

“(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

“(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

“(4) a description of how the eligible partnership will engage students from qualifying schools to be served in the design and implementation of the school- and work-based curriculum or program;

“(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

“(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

“(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

“(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students’ readiness to enter into a career in an emerging industry or pursue postsecondary education;

“(9) a description of how the eligible partnership will design a school- and work-based curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

“(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

“(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

“(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

“(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

“(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

“(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

“SEC. 5624. PROGRAM ADMINISTRATION.

“(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

“(1) consider the information submitted by the eligible partnerships under section 5623;

“(2) prioritize applications in accordance with section 5622(c); and

“(3) select eligible partnerships that submit applications in compliance with section 5623.

“(b) AWARD AMOUNTS.—

“(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant in an amount of not more than \$5,000,000 for a period of not more than 5 years.

“(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

“(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

“(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

“(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

“(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

“(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

“(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

“(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

“(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

“(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

“(d) ELIGIBLE USES OF FUNDS.—

“(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the planning phase for the following:

“(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from non-profit organizations.

“(B) Identifying emerging industry pathways at the State, regional, or local level.

“(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

“(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

“(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

“(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

“(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

“(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

“(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

“(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

“(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

“(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

“(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

“(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

“(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

“(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

“(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

“(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

“(B) Disseminating the school- and work-based curriculum or program to—

“(i) the National Research Center for Career and Technical Education;

“(ii) State, regional, and local professional education organizations; and

“(iii) institutions of higher education.

“(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount for which the—

“(1) first year of the grant award shall be equal to 5 percent of the amount of the grant for such year;

“(2) second such year shall be equal to 10 percent of the amount of the grant for such year;

“(3) third such year shall be equal to 15 percent of the amount of the grant for such year;

“(4) fourth such year shall be equal to 20 percent of the amount of the grant for such year; and

“(5) fifth such year shall be equal to 25 percent of the amount of the grant for such year.

“(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education pro-

grams or career and technical education programs.

“SEC. 5625. EVALUATION AND REPORTS.

“(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

“(1) how the State educational agency or local educational agency that is a member of the partnership collaborated with local businesses, workforce boards, institutions of higher education, and community organizations to assess emerging industry pathways;

“(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

“(3) the effectiveness of the school- and work-based curriculum or program on improving student engagement, attendance, graduation rates, and preparation for and placement in a career in an emerging industry or in postsecondary education;

“(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

“(5) any other information the Secretary may reasonably require.

“(b) FINAL REPORTS.—

“(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

“(A) The number and percentage of students served by the eligible partnership who—

“(i) graduated from secondary school with a regular high school diploma in the standard number of years;

“(ii) entered into a job in an emerging industry; and

“(iii) enrolled in a postsecondary institution.

“(B) The emerging industry pathways school- and work-based curriculum or program and the—

“(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in graduation rates in qualifying schools utilizing the school- and work-based curriculum;

“(ii) areas of improvement for the school- and work-based curriculum or program;

“(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

“(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

“(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary of Education and the National Research Center for Career and Technical Education.

“(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

“(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

“(2) submit a report to Congress—

“(A) detailing aggregate data on—

“(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

“(ii) the impact of the grants on—
 “(I) student engagement, attendance, and completion of secondary school; and
 “(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and
 “(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and
 “(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

“SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration with the Departmental Management account in the Department of Education for each of fiscal years 2009 through 2012, there are authorized to be appropriated \$25,000,000 for each of fiscal years 2009 through 2012, respectively, to carry out this subpart.

“(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).”.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

“SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

“Sec. 5621. Definitions.

“Sec. 5622. Program authorized.

“Sec. 5623. Applications.

“Sec. 5624. Program administration.

“Sec. 5625. Evaluation and reports.

“Sec. 5626. Authorization of appropriations.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 652—DESIGNATING THE WEEK BEGINNING SEPTEMBER 8, 2008, AS “NATIONAL ASSISTED LIVING WEEK”

Mr. CRAPO (for himself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 652

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2008 is “Filling Life with Love”; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 8, 2008, as “National Assisted Living Week”; and

(2) urges all people of the United States—
 (A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

AMENDMENTS SUBMITTED AND PROPOSED ON SEPTEMBER 8, 2008

SA 5265. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5266. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5267. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5274. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5278. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5283. Mr. NELSON, of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5291. Mr. REID proposed an amendment to amendment SA 5290 proposed by Mr. REID to the bill S. 3001, supra.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, supra.

SA 5294. Mr. REID proposed an amendment to amendment SA 5293 proposed by Mr. REID to the bill S. 3001, supra.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5302. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, supra.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON, of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS ON SEPTEMBER 8, 2008

SA 5265. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”; and

(2) in subparagraph (B), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”.

SA 5266. Mr. REID (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “December 31, 2013” and inserting “September 30, 2008”; and

(2) in subsection (c)—

(A) by striking “December 31, 2013” and inserting “September 30, 2008”; and

(B) in paragraph (5), by inserting after “For a month during 2008” the following: “ending on or before September 30”; and

(C) by striking paragraphs (6) through (10); and

(D) by redesignating paragraph (11) as paragraph (6).

SA 5267. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall

submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) **REPORT ELEMENTS.**—

(1) **IN GENERAL.**—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) **OTHER CONTENT.**—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) **ASSISTANCE OF COMPTROLLER GENERAL.**—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) **DEFINITIONS.**—In this section:

(1) **AIR AMERICA.**—The term “Air America” means Air America, Incorporated.

(2) **ASSOCIATED COMPANY.**—The term “associated company” means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

TEXT OF AMENDMENTS

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.

(a) **IN GENERAL.**—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) either—

“(i) a qualified military spouse (as defined in subsection (1)(1)), or

“(ii) subject to subsection (1)(2), an eligible teleworking military spouse.”.

(b) **DEFINITIONS AND RULES RELATING TO QUALIFIED MILITARY SPOUSES.**—Section 51 of such Code is amended by adding at the end the following new subsection:

“(1) **DEFINITION OF QUALIFIED MILITARY SPOUSE; ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.**—For purposes of this section—

“(1) **DEFINITION OF QUALIFIED MILITARY SPOUSE.**—For purposes of subsection (d)(1)(J), the term ‘qualified military spouse’ means any individual (other than an eligible teleworking military spouse) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of the Armed Forces of the United States who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ‘extended active duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(2) **ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.**—

“(A) **IN GENERAL.**—Notwithstanding subsection (a), in the case of an employer with respect to whom an individual is an eligible teleworking military spouse by reason of employment with such employer described in subparagraph (B), the credit determined under this section—

“(i) shall be allowable for any taxable year which includes any portion of the eligibility period with respect to the spouse, and

“(ii) shall, with respect to any such taxable year, be equal to 40 percent of the qualified wages paid by the employer with respect to such employment occurring during such portion of the eligibility period.

“(B) **ELIGIBLE TELEWORKING MILITARY SPOUSE.**—For purposes of subsection (d)(1)(J) and this paragraph, the term ‘eligible teleworking military spouse’ means, with respect to any employer, an individual—

“(i) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of a regular component of the Armed Forces of the United States,

“(ii) substantially all of whose employment with the employer is reasonably expected to consist of services performed at the principal residence (within the meaning of section 121) of the individual, and

“(iii) whose qualified wages (expressed as an annual amount) for services performed for

the employer are reasonably expected to equal or exceed an amount equal to 150 percent of the median annual earnings for the United States (determined on the basis of the most recent occupational employment survey published by the Bureau of Labor Statistics before the calendar year in which the taxable year begins).

“(C) **ELIGIBILITY PERIOD.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘eligibility period’ means, with respect to any individual who is an eligible teleworking military spouse, the period—

“(I) beginning on the hiring date of the individual, and

“(II) except as provided in clause (ii), ending on the earlier of the last day of the employment described in subparagraph (B) or the last day of the taxable year in which occurs the date on which the individual’s spouse ceases to be a member of a regular component of the Armed Forces of the United States.

“(ii) **FAILURE TO MEET EMPLOYMENT AND WAGE REQUIREMENTS.**—If the requirements of clauses (i) and (iii) of subparagraph (B) are not met with respect to any individual for any taxable year—

“(I) the individual shall cease to be an eligible teleworking military spouse with respect to the employer as of the beginning of the taxable year, and

“(II) the employer shall not treat the individual as an eligible teleworking military spouse for any subsequent taxable year.

This clause shall not apply to any failure which is due to unforeseen circumstances or is beyond the control of the employer.

“(D) **QUALIFIED WAGES.**—The term ‘qualified wages’ has the meaning given such term by subsection (b)(1), except that the amount of wages which may be taken into account with respect to any eligible teleworking military spouse for any taxable year shall not exceed \$12,000.”.

(c) **EFFECTIVE DATE.**—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. FEDERAL EMPLOYMENT PREFERENCES FOR MILITARY SPOUSES.

(a) **ELIGIBILITY OF MILITARY SPOUSES FOR PREFERENCE.**—Section 2108(3) of title 5, United States Code, is amended—

(1) in subparagraph (F)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (G)(iii), by striking the semicolon at the end and inserting “; and”; and

(3) by inserting after subparagraph (G) the following new subparagraph:

“(H) the wife or husband of an individual serving on active duty or with orders to report for a period of active duty in excess of 90 days or for an indefinite period.”.

(b) **ELIGIBILITY FOR ADDITIONAL POINTS ABOVE EARNED RATING ON COMPETITIVE SERVICE EXAMINATIONS.**—Section 3309(2) of such title is amended to read as follows:

“(2) a preference eligible under subparagraphs (A), (B), or (H) of section 2108(3) of this title—5 points.”.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING WORK OPPORTUNITIES FOR UNDERGRADUATE AND GRADUATE LEVEL EDUCATED MILITARY SPOUSES.

(a) **STUDY.**—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their active duty spouses.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of undergraduate and graduate level qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses with graduate and undergraduate educations for assistance in finding and maintaining employment.

(D) An examination of the retention implications of insufficient employment opportunities for qualified military spouses with undergraduate or graduate level educations.

(E) A description of current programs to assist qualified military spouses with undergraduate and graduate level educations in securing telecommuting and home office employment.

(c) **QUALIFIED MILITARY SPOUSE DEFINED.**—In this section, the term “qualified military spouse” means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term “extended active duty” means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

On page 329, after line 14, add the following:

SEC. 1110. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) **AUTHORITY.**—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) **POSITIONS DESCRIBED.**—This section applies to candidates possessing an advanced degree with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) **LIMITATION.**—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) **EMPLOYEE DEFINED.**—As used in this section, the term “employee” has the meaning given such term by section 2105 of title 5, United States Code.

(e) **TERMINATION.**—The authority to make appointments under this section shall not be available after December 31, 2013.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1433. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

(a) **IN GENERAL.**—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note) is amended to read as follows:

“SEC. 922. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **DIRECTOR.**—The term ‘Director’ means the Director of National Intelligence.

“(2) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) **INTELLIGENCE COMMUNITY.**—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(4) **PROGRAM.**—The term ‘program’ means the grant program to promote language and intelligence analysis training authorized by subsection (b).

“(b) **AUTHORITY.**—The Director is authorized to carry out a grant program to promote language and intelligence analysis, as described in this section.

“(c) **PURPOSE.**—The purpose of the program shall be to increase the number of individuals qualified for an entry-level language analyst or intelligence analyst position within an element of the intelligence community by providing—

“(1) grants to qualified institutions of higher education, as described in subsection (d); and

“(2) grants to qualified individuals, as described in subsection (e).

“(d) **GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.**—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

“(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(3) The Director shall award a grant to an institution of higher education under this subsection—

“(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst or intelligence analyst position within an element of the intelligence community upon completion of study at such institution; and

“(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

“(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

“(A) a description of the benefits to students who participate in the course of study funded by such grant;

“(B) a description of the results and accomplishments related to such course of study; and

“(C) any other information that the Director may require.

“(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

“(e) **GRANTS TO INDIVIDUALS.**—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

“(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

“(B) that will prepare such individual for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

“(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

“(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

“(B) To pay the individual’s full tuition to permit the individual to complete such a course of study.

“(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

“(D) To pay the individual’s expenses for travel that is requested by an element of the intelligence community related to the program.

“(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

“(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at

such time and in such manner as the Director may require.

“(C) The total number of individuals receiving grants under this subsection at any 1 time may not exceed 400.

“(D) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

“(4) An individual who receives a grant under this subsection shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

“(5) If an individual who receives a grant under this subsection—

“(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

“(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

“(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

“(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

“(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

“(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

“(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

“(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

“(f) MANAGEMENT.—In carrying out the program, the Director shall—

“(1) be responsible for the oversight of the program and the development of policy guid-

ance and implementing procedures for the program;

“(2) solicit participation of institutions of higher education in the program through appropriate means; and

“(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

“(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

“(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

“(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.”.

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Language and intelligence analyst training program.”.

(2) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Language and intelligence analyst training program.”.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

“(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2008, the Secretary of Defense shall develop and maintain, in a handbook and on a publicly-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed

Forces as a result of a serious injury or illness.

“(b) CONTENTS.—The handbook and Internet website shall include the following:

“(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

“(2) Information concerning the Disability Evaluation System of each military department, including—

“(A) an explanation of the process of the Disability Evaluation System;

“(B) a general timeline of the process of the Disability Evaluation System;

“(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

“(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

“(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

“(4) The 20 most common serious injuries or illnesses that result in a member of the Armed Forces separating or retiring from the Armed Forces, and the benefits associated with each injury or illness.

“(5) A list of State veterans service organizations and nonprofit veterans service organizations, and their contact information and Internet website addresses.

“(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

“(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

“(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

“(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.”.

SA 5274. Mr. SCHUMER (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States

Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the National Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term "southern Colorado region" means the geographic region consisting of the following Colorado counties:

- (1) El Paso.
- (2) Pueblo.
- (3) Teller.
- (4) Fremont.
- (5) Las Animas.
- (6) Huerfano.
- (7) Custer.
- (8) Costilla.
- (9) Alamosa.
- (10) Saguache.
- (11) Conejos.
- (12) Mineral.
- (13) Archuleta.
- (14) Hinsdale.
- (15) Gunnison.
- (16) Pitkin.
- (17) La Plata.
- (18) Montezuma.
- (19) San Juan.
- (20) Ouray.
- (21) San Miguel.
- (22) Dolores.
- (23) Montrose.
- (24) Delta.
- (25) Mesa.
- (26) Crowley.
- (27) Kiowa.
- (28) Bent.
- (29) Baca.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . THEME STUDY FOR COMMEMORATING AND INTERPRETING THE COLD WAR.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee established under subsection (c).

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary of the Interior shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

- (i) intercontinental ballistic missiles;
- (ii) flight training centers;
- (iii) manufacturing facilities;
- (iv) communications and command centers (such as Cheyenne Mountain, Colorado);
- (v) defensive radar networks (such as the Distant Early Warning Line);
- (vi) nuclear weapons test sites (such as the Nevada test site); and
- (vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

- (i) sites for which studies for potential inclusion in the National Park System should be authorized;
- (ii) sites for which new national historic landmarks should be nominated; and
- (iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

- (i) State and local governments;
- (ii) local historical organizations; and
- (iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary of the Interior shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out

this section, the Secretary of the Interior shall establish an advisory committee, to be known as the "Cold War Advisory Committee", to assist the Secretary of the Interior in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary of the Interior, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary of the Interior for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary of the Interior (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 44. CONTINGENCY CONTRACTING CORPS.

"(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

"(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

"(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

"(d) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(e) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator’s designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary’s designee, must concur in the Administrator’s deployment determinations.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

“(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

“Sec. 44. Contingency Contracting Corps.”.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

Subtitle G—Governmentwide Contracting Provisions

SEC. 861. SHORT TITLE.

This subtitle may be cited as the “Accountability in Government Contracting Act”.

SEC. 862. DEFINITIONS.

In this subtitle:

(1) Except as otherwise provided, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “assisted acquisition” means the type of interagency contracting through which acquisition officials of an agency (the servicing agency) award a contract or task or delivery order for the procurement of goods or services on behalf of another agency (the requesting agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the “Economy Act”), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104-106), and the Government Management Reform Act of 1994 (Public Law 103-356; 108 Stat. 3410).

(3) The term “multi-agency contract” means a task-order or delivery-order contract established for use by more than one

agency to obtain supplies and services, consistent with the Economy Act (31 U.S.C. 1535). The term does not include contracts established and used solely within one executive department or independent establishment, as those terms are specified in section 101 of title 5, United States Code, and defined in section 104(1) of such title, respectively.

SEC. 863. FEDERAL ACQUISITION WORKFORCE.

(a) DESIGNATION OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsection:

“(j) ACQUISITION WORKFORCE DESIGNATION.—

“(1) IN GENERAL.—The Federal Acquisition Regulation shall be amended to designate those positions that are acquisition positions in all executive agencies except the Department of Defense. Such positions shall principally perform duties and have responsibilities related to acquisition (as that term is defined in section 4).

“(2) REQUIRED POSITIONS.—The positions designated under paragraph (1) shall include, at a minimum, the following positions:

“(A) Program management.

“(B) Systems planning, research, development, engineering, and testing.

“(C) Procurement, including contracting.

“(D) Industrial property management.

“(E) Logistics.

“(F) Quality control and assurance.

“(G) Manufacturing and production.

“(H) Business, cost estimating, financial management, and auditing.

“(I) Education, training, and career development.

“(J) Construction.

“(K) Joint development and production with other executive agencies and foreign countries.

“(3) MANAGEMENT HEADQUARTERS ACTIVITIES.—The positions designated under paragraph (1) may include positions that are in management headquarters activities and in management headquarters support activities and perform acquisition-related functions.

“(4) OTHER ACQUISITION POSITIONS.—The Federal Acquisition Regulation, as amended under paragraph (1), may provide that the Chief Acquisition Officer or Senior Procurement Executive, as appropriate, of an executive agency may designate as acquisition positions those additional positions that perform significant acquisition-related functions within that agency.

“(5) DATABASE IDENTIFICATION OF ACQUISITION WORKFORCE.—The Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management, shall add a data element to the appropriate database to allow for the identification and tracking of members of the Federal acquisition workforce.

“(6) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidelines under section 1721 of title 10, United States Code.”.

(2) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended as described under subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the designation of acquisition positions pursuant to subsection

(j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

“SEC. 44. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—The Administrator, in consultation with the Director of the Office of Personnel and Management, shall establish a government-wide Acquisition Intern Program to strengthen the ability of the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

“(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (41 U.S.C. 433a(a)) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give consideration to integrating existing intern programs.

“(c) TERMS OF ACQUISITION INTERN PROGRAM.—

“(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

“(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

“(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

“(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

“(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

“(4) EMPLOYMENT STATUS OF CURRENT FEDERAL EMPLOYEES.—Current Federal employees may participate in the Acquisition Intern Program without losing existing benefits and rights.

“(5) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer or the Senior Procurement Executive of each executive agency, as appropriate, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

“Sec. 44. Government-wide Acquisition Intern Program.”.

(c) ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a

fund to be known as the "Acquisition Workforce Development Fund" (in this subsection referred to as the "Fund").

(2) **USE OF FUNDS.**—Amounts in the Fund shall be used for—

(A) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps; and

(B) the costs of administering the Fund, not to exceed 10 percent of the total funds available in the Fund.

(3) **DEPOSITS TO FUND.**—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(d) **QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.**—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

"(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background."

SEC. 864. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) **CONTENT OF REGULATIONS.**—

(1) **IN GENERAL.**—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) **COMPETITIVE BASIS PROCEDURES.**—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) **EXCEPTION TO NOTICE REQUIREMENT.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) **LIMITATION ON EXCEPTION.**—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) **PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency—

(A) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) to publish on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy the determination required under subsection (b)(1) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(2) **EXCEPTION.**—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) **DEFINITIONS.**—In this section:

(1) The term "individual purchase" means a task order, delivery order, or other purchase.

(2) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) **APPLICABILITY.**—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 865. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) **CIVILIAN AGENCY CONTRACTS.**—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply."

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold."

(b) **DEFENSE CONTRACTS.**—Section 2304(d) of title 10, United States Code, is amended by

adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply."

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold."

SEC. 866. REGULATIONS ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK OR DELIVERY ORDERS UNDER CONTRACTS.

(a) **REGULATIONS REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts.

(b) **ELEMENTS.**—The regulations prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

(c) **APPLICABILITY.**—The Department of Defense shall continue to be subject to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2305 note).

SEC. 867. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) **CONTENT.**—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) **INSPECTOR GENERAL REVIEW.**—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

SEC. 868. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) **GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**—

Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) **ELEMENTS.**—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be “excellent” or “superior” and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be “acceptable”, “average”, “expected”, “good”, or “satisfactory”;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on award fees issued by the Department pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2321).

SEC. 869. DEFINITIZING OF LETTER CONTRACTS.

(a) **GUIDANCE AND INSTRUCTIONS.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that executive agencies other than the Department of Defense implement and enforce requirements applicable to undefinitized contractual actions.

(b) **ELEMENTS.**—The regulations prescribed pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that timelines for the definitization of undefinitized contractual actions are met;

(4) procedures for ensuring compliance with regulatory limitations on the obliga-

tion of funds pursuant to undefinitized contractual actions;

(5) procedures for ensuring compliance with regulatory limitations on profit or fees with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required timelines for definitization or fail to comply with regulatory limitations on the obligation of funds or on profit or fees.

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Administrator for Federal Procurement Policy shall submit to Congress an annual report on the use of undefinitized contracts and orders over the preceding fiscal year.

(2) **CONTENT.**—The annual report under paragraph (1) shall include—

(A) the number and value of undefinitized actions;

(B) the reasons for awarding undefinitized contracts or issuing undefinitized orders;

(C) the average number of days such actions were undefinitized; and

(D) the actions taken to better enable contracts and orders to be definitized when awarded or issued.

(d) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on definitizing of letter contracts issued by the Department pursuant to section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

SEC. 870. PREVENTING ABUSE OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.

(a) **OFFICE OF MANAGEMENT AND BUDGET SURVEY OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a comprehensive survey on interagency acquisitions and enterprise-wide contracts, including their frequency of use and management controls.

(2) **CONTENT.**—The survey under paragraph (1) shall include the following information:

(A) The name and number of interagency contracts with aggregate ceilings in excess of \$50,000,000 (including all options) that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(B) The name and authorities of the agencies conducting assisted acquisitions (excluding mandatory sources) and the level of assisted acquisition activity (in terms of primary users and value of obligations created for the most recent fiscal year).

(C) The name and number of enterprise-wide contracts that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(3) **PUBLICATION.**—The Director of the Office of Management and Budget shall make the survey under this subsection publicly available on the website of the Office, subject to the limitations established pursuant to section 552(b) of title 5, United States Code.

(b) **REVIEW OF COST-EFFECTIVENESS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services and the Secretary of Defense, shall review all contracts identified in the survey and determine whether each contract is cost effective or redundant considering all existing contracts available for multi-agency use. In determining whether a contract is cost effective, the Administrator for Federal Procurement Policy shall consider all direct and indirect costs to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power. Any determination under this subsection that an enterprise-wide contract of the Department of Defense is not cost effective, or is redundant, shall be made jointly by the Administrator for Federal Procurement Policy and the Secretary of Defense.

(c) **OFFICE OF MANAGEMENT AND BUDGET GUIDELINES.**—

(1) **GUIDELINES ON INTERAGENCY ACQUISITIONS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Secretary of Defense, shall issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) **GUIDELINES ON ENTERPRISE-WIDE CONTRACTS.**—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, the Administrator of General Services, and the Secretary of Defense shall jointly issue guidelines to assist the heads of executive agencies in improving the management of enterprise-wide contracts.

(3) **CONTENT.**—The guidelines under paragraphs (1) and (2) shall include the following information, as applicable:

(A) Procedures for the creation, continuation, and use of interagency acquisitions or enterprise-wide contracts to maximize competition, measure cost effectiveness and savings, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting appropriate for interagency acquisition or enterprise-wide contracts.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions or enterprise-wide contracts.

(d) **REGULATIONS.**—

(1) **REGULATIONS REQUIRED FOR ASSISTED ACQUISITIONS.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions include—

(A) a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration of the contract; and

(B) a determination that an assisted acquisition is in the best interests of the Federal Government.

(2) **REGULATIONS REQUIRED FOR MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require any new multi-agency or enterprise-wide contract to be supported by a business case analysis justifying the award and detailing the administration of the contract, including an analysis of all direct and indirect costs to the Federal Government of

awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power.

(B) **DEPARTMENT OF DEFENSE ENTERPRISE-WIDE CONTRACTS.**—In the case of an enterprise-wide contract of the Department of Defense, the Department shall conduct a business case analysis in accordance with regulations implementing the requirements of section 2330 of title 10, United States Code, including a review of the available Multiple Award Schedule pursuant to section 2302(2)(C) of such title and Government-wide acquisition contracts under section 11302(e) of title 40, United States Code, to determine whether such contracts may be used to fulfill the needs of the Department more economically or expeditiously.

(e) **REQUIRED APPROVALS.**—

(1) **APPROVAL REQUIRED FOR CREATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.**—Following the promulgation of the regulations required under subsection (d)(2), no executive agency may award a new multi-agency or enterprise-wide contract without a business case that has been approved in accordance with such regulations.

(2) **APPROVAL REQUIRED FOR CONTINUATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.**—No executive agency may exercise an option on an existing multi-agency or enterprise-wide contract identified as non-cost effective or redundant in the review required under subsection (b) without the written approval of the Director of the Office of Management and Budget.

(3) **DEPARTMENT OF DEFENSE CONTRACTS.**—In the case of the Department of Defense, the approvals required under this subsection shall be the responsibility of the senior officials designated under section 2330 of title 10, United States Code, and the individuals to whom responsibility for specific categories of acquisitions have been assigned in accordance with section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2330 note).

(f) **ENTERPRISE-WIDE CONTRACT DEFINED.**—In this section, the term “enterprise-wide contract” means a single agency task or delivery order contract with an aggregate contract ceiling in excess of \$1,000,000,000 that is created to address common agency-wide needs that could be or have been satisfied through an existing Multiple Award Schedule pursuant to section 2302(2)(C) of title 10, United States Code, or Government-wide acquisition contracts under section 11302(e) of title 40, United States Code.

SEC. 871. LEAD SYSTEMS INTEGRATORS.

(a) **STUDY.**—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall—

(1) develop a government-wide definition of lead systems integrators, giving consideration to the definition provided in section 802(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2410p note); and

(2) complete a study on the use of such integrators by non-defense agencies.

(b) **GUIDANCE.**—Not later than 180 days after the study under subsection (a)(2) is completed, the Administrator for Federal Procurement Policy shall issue guidance for non-defense agencies on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

SEC. 872. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) **REGULATIONS.**—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than

the Department of Defense, to minimize the excessive use by contractors of subcontractors or tiers of subcontractors. The regulations shall ensure that the contractors and subcontractors do not receive indirect costs or profit when the contractors or subcontractors do not perform significant work under the contract.

(b) **COVERED CONTRACTS.**—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) **APPLICABILITY.**—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2321).

SEC. 873. ENSURING THAT FEDERAL AGENCIES APPROPRIATELY ASSESS THE RISK OF CONTRACTORS PERFORMING FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) **REVIEW OF POLICIES.**—

(1) **IN GENERAL.**—The Administrator for Federal Procurement Policy shall review the policies established by and pursuant to Part 7 of the Federal Acquisition Regulation to determine whether such policies—

(A) are effective in identifying and preventing the award of contracts for work that is an inherently governmental function;

(B) identify specific issues that should be addressed in agency acquisition plans when contracting for services that are closely associated with inherently governmental functions;

(C) require executive agency personnel to formally assess and document the risk associated with the use of contractors to perform such functions, the actions taken to mitigate any identified risks, and the effectiveness of the mitigating actions; and

(D) are consistently and appropriately reflected in policies established by each executive agency.

(2) **SCOPE.**—The review under paragraph (1) shall apply only to those executive agencies that awarded contracts and issued orders in a total amount of at least \$1,000,000,000 in the latest fiscal year for which data is available.

(b) **REPORTS REQUIRED.**—

(1) **REPORT ON REVIEW OF POLICIES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted pursuant to subsection (a).

(2) **RECOMMENDATIONS.**—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report with any recommendations of the Administrator for changes in policies based on the review conducted pursuant to subsection (a).

SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) **ENHANCED TRANSPARENCY FOR INTER-AGENCY CONTRACTING AND OTHER TRANS-**

ACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on inter-agency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) **TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.**—Section 19(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

“(d) **TRANSMISSION AND DATA ENTRY OF INFORMATION.**—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.”.

SEC. 875. USE OF AVAILABLE FUNDS FOR REGULATIONS AND REPORTS.

The promulgation of regulations and the production of reports required by this subtitle shall be carried out using available funds.

SEC. 876. ONE-YEAR EXTENSION OF AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking “Until September 30, 2008, the Secretary may carry out a pilot program” and inserting “If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program”; and

(B) in paragraph (1), by striking “subsection (b)” and inserting “subsection (b)(1)”;

(2) in subsection (b)—

(A) by striking “(b) REPORT.—Not later than 2 years” and inserting “(b) REPORTS.—“(1) **IN GENERAL.**—Not later than 2 years”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

(C) by adding at the end the following new paragraph:

“(2) **ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.**—

“(A) **IN GENERAL.**—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

“(B) **CONTENT.**—The report required under subparagraph (A) shall include the following:

“(i) The technology areas in which research projects were conducted under other transactions.

“(ii) The extent of the cost-sharing among Federal and non-Federal sources.

“(iii) The extent to which use of the other transactions—

“(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

“(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

“(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

“(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.”.

SA 5278. Mr. WYDEN (for himself and Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits

providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. EXTENSION OF MANDATE OF MULTINATIONAL FORCE IN IRAQ AFTER EXPIRATION OF ITS CURRENT UNITED NATIONS MANDATE.

(a) EXTENSION OF MANDATE.—

(1) IN GENERAL.—The President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek an extension of the mandate of the Multi-National Force in Iraq under United Nations Security Council Resolution 1790 (2007) in order to provide United States and Coalition forces within the Multi-National Force in Iraq with the authorities, privileges, and immunities necessary for such forces to carry out their mission in Iraq after December 31, 2008.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the extension under paragraph (1) should expire upon the earlier of—

(A) a period of one year; or

(B) the entry into force of a strategic framework agreement between the United States and Iraq as mutually agreed upon by the Government of the United States and the Government of Iraq.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended to implement an agreement containing a security commit-

ment to, or security arrangement with, the Republic of Iraq, unless such commitment or agreement enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article 1, section 7, clause 2 of the Constitution of the United States.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the status of the negotiations on the extension of the mandate of the Multi-National Force in Iraq as described in subsection (a).

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by \$100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to \$100,000,000 may be available for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component AN/TPY-2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to \$87,000,000 for Ground Based Mid-course Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to \$54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSs).

(C) Up to \$30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM-3 Block 1B missile in

order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) **SUPPLEMENT NOT SUPPLANT.**—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) **OFFSET.**—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by \$271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

“§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

“(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

“(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

“(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

“(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

“(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘immediate family’, with respect to a member of a reserve component, means all of the member’s dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(2) The term ‘TRICARE Standard’ means—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

“1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.”

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 532. Merchant Mariner Equity Compensation Fund

“(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the ‘Merchant Mariner Equity Compensation Fund’ (in this section referred to as the ‘compensation fund’).

“(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

“(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

“(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

“(B) has not received benefits under the Servicemen’s Readjustment Act of 1944 (Public Law 78-346); and

“(C) has engaged in qualified service.

“(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

“(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

“(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

“(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

“(iii) under contract or charter to, or property of, the Government of the United States; and

“(iv) serving the Armed Forces; and

“(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

“(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of \$1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

“(A) For fiscal year 2009, \$120,000,000.

“(B) For fiscal year 2010, \$108,000,000.

“(C) For fiscal year 2011, \$97,000,000.

“(D) For fiscal year 2012, \$85,000,000.

“(E) For fiscal year 2013, \$75,000,000.

“(2) Funds appropriated to carry out this section shall remain available until expended.

“(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

“(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item related to section 531 the following new item: “532. Merchant Mariner Equity Compensation Fund.”.

SA 5283. Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. ENHANCEMENT OF PAY, LEAVE, AND BENEFITS FOR MEMBERS OF THE ARMED FORCES FOR CERTAIN DEPLOYMENTS AND MOBILIZATIONS.

(a) CAREER DEPLOYMENT PAY FOR CERTAIN SERVICE IN QUALIFYING AREAS OR UNDER QUALIFYING CIRCUMSTANCES.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 305b the following new section:

“§305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances

“(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of the Secretary who serves a qualifying minimum period in a qualifying area or under qualifying circumstances in order to compensate such member for such time served in deployment to such area or under such circumstances.

“(b) QUALIFYING AREAS AND CIRCUMSTANCES; QUALIFYING MINIMUM PERIODS OF SERVICE.—Each Secretary of a military department shall prescribe in regulations for purposes of this section the following:

“(1) The areas or circumstances that shall constitute qualifying areas or qualifying circumstances of service for purposes of the payment of special pay under this section.

“(2) For each area or circumstance specified under paragraph (1), the minimum period of service to be served by a member in such area or circumstance before the member may be treated as qualifying for the payment of special pay under this section.

“(c) TREATMENT OF TIME OF RECOVERY FROM CERTAIN WOUNDS OR INJURIES.—(1) Subject to paragraph (2), any period spent by a member recovering from a wound, injury, or illness incurred in line of duty while serving in a qualifying area or qualifying circumstance for purposes of this section shall be treated as having been served by member in such area or circumstances for purposes of the payment of special pay under this section.

“(2) A period spent by a member as described in paragraph (1) may be treated as provided in that paragraph only to the extent such period is also spent by the member's unit in service in the qualifying area or qualifying circumstances concerned.

“(d) MONTHLY RATE.—The monthly rate of special pay payable under this section may not exceed \$1,500.

“(e) PAYMENT.—Special pay payable to a member under this section shall be paid under a schedule established in accordance with such specifications as the Secretary of the military department concerned shall prescribe for purposes of this section.

“(f) REGULATIONS.—Any regulations prescribed under this section shall be subject to the approval of the Secretary of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 305b the following new item:

“305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances.”.

(b) REST AND RECUPERATION ABSENCE FOR MEMBERS OF THE ARMED FORCES SERVING IN A COMBAT ZONE.—

(1) IN GENERAL.—Section 705 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Under regulations prescribed by the Secretary concerned, a member of the armed forces who serves at least six consecutive months in a combat zone (as determined in accordance with such regulations) during a tour of duty may be authorized a period of rest and recuperation absence for not more than 15 days with respect to such tour of duty.

“(2) Except as provided in section 705a of this title, a period of rest and recuperation absence authorized a member under paragraph (1) is in addition to any other leave or absence to which the member may be entitled under law.”.

(2) CONFORMING AMENDMENT.—The heading of section 705 of such title is amended to read as follows:

“§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by striking the item relating to section 705 and inserting the following new item:

“705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone.”.

(c) POST-DEPLOYMENT ADMINISTRATIVE ABSENCE FOR MEMBERS OF THE RESERVE COMPONENTS FOLLOWING DUTY UNDER INVOLUNTARY MOBILIZATION.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

“§ 705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization

“(a) ADMINISTRATIVE ABSENCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a member of the armed forces described in subsection (b) may be authorized administrative absence for not more than seven days in connection with service on active duty in the armed forces described in that subsection.

“(b) COVERED MEMBERS.—A member described in this section is a member of a reserve component of the armed forces who—

“(1) serves on active duty in the armed forces for at least 12 months pursuant to a call or order to active duty without the consent of the member; and

“(2) either—

“(A) is not authorized rest and recuperation absence in connection with such service on active duty under section 705(c) of this title; or

“(B) does not utilize any rest and recuperation absence so authorized the member under such section.

“(c) USE OF ABSENCE.—Any administrative absence authorized a member under subsection (a) in connection with service on active duty shall be utilized by the member before the member ceases such service on active duty.

“(d) CONSTRUCTION WITH OTHER LEAVE OR ABSENCE.—Except as provided in section 705(c) of this title, a period of absence authorized a member under subsection (a) is in addition to any other leave or absence to which the member may be entitled under law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 705, as amended by subsection (b)(3) of this section, the following new item:

“705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization.”.

(d) BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in paragraph (2) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(2) BENEFITS.—The benefits specified in this paragraph are the following:

(A) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this subsection, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(B) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this subsection, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(3) LIMITATION ON APPLICABILITY TO FORMER MEMBERS.—A former member of the Armed Forces is eligible under this subsection for the benefits specified in paragraph (2)(A) only if the former member was discharged or released from the Armed Forces under honorable conditions or with a general discharge under honorable conditions.

(4) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of

the Armed Forces under this subsection may not exceed 40 days of benefits.

(5) **FORM OF PAYMENT.**—The paid benefits providable under paragraph (2) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(6) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under this subsection are in addition to any other pay, absence, or leave provided by law.

(7) **DEFINITIONS.**—In this subsection:

(A) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(B) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(e) **REPEAL OF HIGH DEPLOYMENT ALLOWANCE AUTHORITIES.**—

(1) **REPEAL.**—Section 436 of title 37, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) **AMENDMENT.**—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

“(n) **NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part.

“(2) **ELIGIBLE BORROWER.**—In this subsection, the term ‘eligible borrower’ means an individual who—

“(A)(i) is serving on active duty during a war or other military operation or national emergency; or

“(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

“(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

“(3) **LIMITATION.**—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.”.

(b) **CONSOLIDATION LOANS.**—Section 428C(b)(5) of that Act (20 U.S.C. 1078-3(b)(5)) is amended by inserting after the first sentence the following: “In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty servicemembers program offered under sec-

tion 455(n), the Secretary shall offer a Federal Direct Consolidation Loan to any such borrower who applies for participation in such program.”.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) **STUDY REQUIRED.**—There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SEC. 723. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.

There shall be set-aside from amounts appropriated under section 1403, \$1,775,000 for fiscal year 2009, and \$3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

SEC. 724. TRAUMATIC BRAIN INJURY SURVEY.

There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary

of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 servicemember and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 725. COGNITIVE REHABILITATION STUDY.

(a) **IN GENERAL.**—There shall be set-aside from amounts appropriated under section 1403, \$10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10-year), integrated study of at least 10,000 participants (including injured servicemembers, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) **REQUIREMENTS.**—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) **REPORTS.**—

(1) **BASELINE REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) **PRELIMINARY REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) **FINAL REPORT.**—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 12 and 13, insert the following:

(e) ACCOUNTABILITY FOR EQUIPMENT PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—Such section, as so amended, is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

“(d) ACCOUNTABILITY FOR EQUIPMENT PROVIDED.—

“(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly establish procedures and guidelines for accountability for any equipment provided to a foreign country's national military forces under the program under subsection (a).

“(2) ELEMENTS.—The procedures and guidelines established under paragraph (1) shall—

“(A) ensure that any foreign military forces provided equipment under the program are informed of best practices in physical security and stockpile management with respect to such equipment;

“(B) ensure that an appropriate representative of the United States (whether from the combatant command having jurisdiction of the area in which the foreign country concerned is located or from the United States mission to such foreign country) is present when any equipment provided under the program is physically received by foreign military forces;

“(C) ensure that any foreign military forces provided equipment under the program submit to the Department of Defense on an annual basis a report on the current location of such equipment and on the uses, if any, of such equipment during the preceding year; and

“(D) provide for the retention and maintenance by the Department of Defense of any reports submitted pursuant to subparagraph (C) and of any other records or reports on equipment provided under the program.

“(3) GUIDANCE ON COMPLIANCE.—The Secretary of Defense and the Secretary of State shall take appropriate actions to provide guidance to the personnel of the Department of Defense and personnel of the Department of State who carry out activities under the program on the procedures and guidelines established under paragraph (1), including any procedures and guidelines established to meet the requirements of paragraph (2).”; and

(C) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking “subsection (e)(3)” and inserting “subsection (f)(3)”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect six months after the date of the enactment of this Act.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.

(a) ISSUANCE REQUIRED.—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) CONTINGENCY OPERATION DEFINED.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information required of a member of the Armed Forces by the form.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXIX, add the following:

SEC. 2914. LIMITATION ON MILITARY CONSTRUCTION PROJECTS IN IRAQ PENDING CERTIFICATION OF SATISFACTION OF CERTAIN REQUIREMENTS.

(a) NOTICE AND WAIT.—A military construction project described in subsection (b) may not be commenced until the date that is 21 days after the date on which the Secretary of Defense submits to the congressional defense committees the certifications on the project described in subsection (c).

(b) COVERED MILITARY CONSTRUCTION PROJECTS.—A military construction project described in this subsection is any military construction project as follows:

(1) A military construction project authorized by section 2901(b).

(2) A military construction project in Iraq that is first authorized by an Act enacted after the date of the enactment of this Act or for which funds are first appropriated in an Act enacted after the date of the enactment of this Act.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—The certifications on a military construction project for purposes of subsection (a) shall include each of the following:

(A) A certification that the project is not intended to provide for the permanent stationing of United States forces in Iraq.

(B) A certification that the project is required to satisfy an urgent temporary requirement in support of current United States military operations.

(C) A certification that the project is for the use of United States forces in Iraq.

(D) A certification that no reasonable alternative facility or installation will satisfy the requirements to be satisfied by the project.

(E) A certification that a written request for funding the project was submitted to Iraq, and that the Government of Iraq has considered the request.

(2) CORRESPONDENCE.—If the Government of Iraq has submitted to the United States a written response to a request for the funding of a military construction project described by subsection (b) at the time of the submission of the certifications on the project under subsection (a), the certification on the project under paragraph (1)(E) shall also include copies of the request and response.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill insert the following:

The provision of this bill shall become effective in 5 days upon enactment.

SA 5291. Mr. REID proposed an amendment SA 5290 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike “5” and insert “4”.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike “3” and insert “2”.

SA 5294. Mr. REID proposed an amendment SA 5293 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike “2” and insert “1”.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. ____ . ACTIVATION AND DEPLOYMENT OF AN/TYP-2 FORWARD-BASED X-BAND RADAR.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and available for Ballistic Missile Defense Sensors, up to \$89,000,000 may be available for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.

None of the funds appropriated or otherwise made available for the acquisition of land to expand the Pinon Canyon Maneuver Site, Colorado, may be obligated or expended for the acquisition through the exercise of eminent domain authority of any real property owned by any landowner who has not requested condemnation, including the filing of a declaration of taking or a complaint in condemnation.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed

by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. ENHANCEMENT OF EDUCATIONAL ASSISTANCE AVAILABLE UNDER POST-9/11 VETERANS EDUCATIONAL ASSISTANCE.

(a) MAXIMUM TUITION AND FEES TO BE DETERMINED USING MAXIMUM IN-STATE TUITION AND FEES CHARGED BY PUBLIC INSTITUTIONS THROUGHOUT THE UNITED STATES.—Subparagraph (A) of section 3313(c)(1) of title 38, United States Code (as added by section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110-252)), is amended by striking “in the State” and all that follows and inserting “in the United States that charges the highest amount for tuition and fees for in-State undergraduate students for full-time pursuit of such programs of education.”.

(b) AVAILABILITY OF MONTHLY HOUSING STIPEND FOR PURSUIT OF PROGRAM OF EDUCATION THROUGH DISTANCE LEARNING.—Subparagraph (B)(i) of such section (as so added) is amended by striking “the program of education” and all that follows and inserting “the program of education—

“(I) a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled; or

“(II) in the case of an individual pursuing a program of education through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing so payable for such a member residing in the military housing area in which the individual resides.”.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ENHANCEMENT AND IMPROVEMENT OF PROCEDURES RELATING TO OVERSEAS VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) ENHANCEMENT AND IMPROVEMENT OF CERTAIN PROCEDURES.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application, ab-

sentee ballot application, and completed ballot that is submitted by an absent uniformed services voter described by section 107(1)(A) without any requirement for notarization of such document;”;

(C) in paragraph (5), as redesignated by paragraph (1) of this subsection, by inserting before the semicolon the following: “and permit the submittal of the official post card form by electronic means (including by fax transmission and electronic mail transmission)”.

(2) CONFORMING AMENDMENT.—Section 104(a) of such Act (42 U.S.C. 1973ff-3(a)) is amended by striking “section 102(a)(4)” and inserting “section 102(a)(5)”.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for election for Federal office by electronic means; and

(2) to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2008”.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) Al Qaeda and its related affiliates maintain freedom of movement in the Afghan-Pakistani border region and continue to strengthen their operational capabilities to plot and carry out attacks.

(4) Nearly 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States.

(5) The July 2007 National Intelligence Estimate states, “Al Qaeda is and will remain the most serious terrorist threat to the Homeland”.

(6) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, “Al-Qa’ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa’ida’s central leadership based in the border area of Pakistan is its most dangerous component.”.

(7) The Intelligence Reform and Terrorist Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission, and a subsequent executive order, assigned to the National Counterterrorism Center (NCTC) the responsibility to develop comprehensive, integrated strategic operations plans for all of the Federal Government and to assess the execution of these plans for the President. This vital aspect of the NCTC's mission is not sufficiently resourced or supported by the executive branch or Congress, resulting in a lack of coherent and effective planning and implementation in the struggle against terrorism.

(8) The "National Strategy for Combating Terrorism", issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 found that "no comprehensive plan for meeting U.S. national security goals in the FATA have been developed," and "no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation".

(9) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(10) There remains a paucity of information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives.

(11) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism.

(12) In its key recommendations to the 110th Congress, the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(13) The Secretary of State is required by law to submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(14) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(15) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(16) In March 2008, the Government Accountability Office reported to Congress that it found the data in these reports to be of "questionable reliability" and recommended improvements in transparency and reliability in Department of Defense reporting.

(17) The absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time.

(18) The Executive Branch should submit a comprehensive report to Congress, updated on a semiannual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(c) SEMIANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every 6 months thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 6-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the NCTC and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by NCTC and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) COUNTRY SELECTION.—The countries referred to in paragraph (1)(D)(iii) shall include Afghanistan, Algeria, Bangladesh, Democratic Republic of Congo, Egypt, India, Indonesia, Iraq, Jordan, Kenya, Lebanon, Morocco, Pakistan, Philippines, Saudi Arabia, Somalia, Spain, Syria, Thailand, Tunisia, Turkey, Yemen, and any other country that meets the conditions described in subclause (I) or (II) of paragraph (1)(D)(iii).

(3) INTERAGENCY COOPERATION.—In preparing the report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence;

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(4) REPORT CLASSIFICATION.—The report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, strike line 14 and all that follows through page 246, line 6, and insert the following:

(b) ESTABLISHMENT WITHIN THE ARMED FORCES OF UNITS FOR ASSISTANCE IN MANAGING CONSEQUENCES OF INCIDENTS OF NATIONAL SIGNIFICANCE INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.—

(1) IN GENERAL.—Subject to the direction and control of the President, the Secretary of Defense shall, by not later than December 31, 2009, establish within the Armed Forces three units having the primary mission of assisting State and local governments with managing the consequences of multiple incidents of national significance involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) REQUIREMENTS.—The responsibilities of the units established under subsection (a) in providing assistance under that subsection shall include, but not be limited to, the initial conduct of medical triage, search and rescue, decontamination, and such other activities in response to an incident described in that subsection as the Secretary of Defense considers appropriate in managing the consequences of such incident.

(3) ADDITIONAL REQUIREMENTS.—In establishing the units required by subsection (a), the Secretary of Defense shall establish such requirements relating to the equipping and training of such units, and for Department of Defense support of such units, as the Secretary determines appropriate in order to ensure that each unit is, commencing not later than December 31, 2009, at a state of full operational readiness for its domestic mission at all times.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCESS OF MEMBERS OF THE ARMED FORCES UNDERGOING MEDICAL OR PHYSICAL EVALUATION TO CERTAIN ORGANIZATIONS PROVIDING VETERANS COUNSELING AND SERVICES.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

“§1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation

“(a) IN GENERAL.—Each Secretary of a military department shall carry out a pro-

gram to facilitate the access of members of the armed forces under the jurisdiction of such Secretary for whom a medical evaluation board or physical evaluation board has been initiated, as soon as practicable after the initiation of such board, to representatives of military service organizations, veterans service organizations, and State veterans agencies that provide counseling and services to members of the armed forces.

“(b) NOTICE ON AVAILABILITY OF COUNSELING AND SERVICES.—In carrying out a program under this section, each Secretary of a military department shall provide to the members of the armed forces under the jurisdiction of such Secretary that are described in subsection (a), and their family members, notice that organizations described in that subsection provide counseling and services to veterans.

“(c) ACCESS TO SPACE AND EQUIPMENT.—The commander of a military installation may not refuse the use of space and equipment at military installations, that is required to be provided by section 2670(c) of this title, to representatives of a veterans service organizations, including those authorized to provide counseling and services at the installation under this section.

“(d) PRIVATE SPACE FOR COUNSELING AND SERVICES.—The commander of each facility or location at which access is provided under subsection (c) shall, at the request of a member seeking to receive counseling and services under the program under this section, provide private space in which the member may receive such counseling and services from organizations and agencies described in subsection (a).

“(e) ELECTION NOT TO PARTICIPATE.—A member of the armed forces may affirmatively elect not to participate in the program under this section.

“(f) REPRESENTATIVE DEFINED.—In this section, the term ‘representative’, with respect to a veterans service organization, means a representative of an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following:

“1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation.”.

SA 5302. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

“Sec.

“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

“§ 140401. Organization

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

“§ 140402. Purposes

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

“§ 140403. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

“§ 140404. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

“§ 140405. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

“§ 140406. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not

prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

“§ 140407. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 140408. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

“§ 140409. Service of process

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

“§ 140410. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 140411. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 140412. Definition

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America140401”.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1083. PAYMENT OF COMPENSATION TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES CAPTURED BY JAPAN AND FORCED TO PERFORM SLAVE LABOR DURING WORLD WAR II.

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, members of the Armed Forces of the United States fought valiantly against the Armed Forces of Japan in the Pacific. In particular, from December 1941 until May 1942, members of the Armed Forces of the United States fought courageously against overwhelming Armed Forces of Japan on Wake Island, Guam, the Philippine Islands, including the Bataan Peninsula and Corregidor, and the Dutch East Indies, thereby preventing Japan from accomplishing strategic objectives necessary for achieving a preemptive military victory in the Pacific during World War II.

(2) During initial military action in the Philippines, members of the Armed Forces of the United States were ordered to surrender on April 9, 1942, and were forced to march 65 miles to prison camps at Camp O'Donnell, Cabanatuan, and Bilibid. More than 10,000 people of the United States died during the march (known as the “Bataan Death March”) and during subsequent imprisonment as a result of starvation, disease, and executions.

(3) Beginning in January 1942, the Armed Forces of Japan began transporting United States prisoners of war to Japan, Taiwan, Manchuria, and Korea to perform slave labor to support Japanese industries. Many of the unmarked merchant vessels in which the prisoners were transported (known as “Hell Ships”) were attacked by the Armed Forces of the United States, which, according to some estimates, killed more than 3,600 people of the United States.

(4) Following the conclusion of World War II, the Government of the United States agreed to pay compensation to former prisoners of war of the United States, amounting to \$2.50 per day of imprisonment. This compensation, paid from assets of Japan frozen by the Government of the United States, is wholly insufficient to compensate fully such former prisoners of war for the conditions they endured. Neither the Government of Japan nor any corporations of Japan admit any liability requiring payment of compensation.

(5) Other countries, including Canada, the United Kingdom, Isle of Man, Norway, the Netherlands, New Zealand, and Australia have previously awarded such a compensation to their surviving veterans who were captured by the Japanese during World War II and required to perform slave labor. Currently, the United States is the only Western Allied power that has not awarded similar compensation to these distinguished heroes of World War II who were prisoners of war of Japan.

(b) PURPOSE.—The purpose of this section is to recognize, by the provision of compensation, the heroic contributions of the members of the Armed Forces and civilian employees of the United States who were captured by the Japanese military during World War II and denied their basic human rights by being forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II.

(c) DEFINITIONS.—In this section:

(1) COVERED VETERAN OR CIVILIAN INTERNEE.—The term “covered veteran or civilian internee” means any individual who—

(A) is a citizen of the United States;

(B) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(C) served in or with the Armed Forces during World War II;

(D) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(E) was required by the Imperial Government of Japan, or one or more corporations of Japan, to perform slave labor during World War II.

(2) SLAVE LABOR.—The term “slave labor” means forced servitude under conditions of subjugation.

(d) PAYMENT OF COMPENSATION REQUIRED.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Defense shall pay compensation to each living covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of \$20,000.

(2) REBUTTABLE PRESUMPTION.—An application for compensation submitted under this section by or with respect to an individual seeking treatment as a covered veteran or civilian internee under this section is subject to a rebuttable presumption that such individual is a covered veteran or civilian internee if the application on its face provides information sufficient to establish such individual as a covered veteran or civilian internee.

(e) RELATIONSHIP TO OTHER PAYMENTS.—Any amount paid to a person under this section for activity described in subsection (c)(1)(D) is in addition to any other amount paid to such person for such activity under any other provision of law.

(f) INAPPLICABILITY OF TAXATION OR ATTACHMENT.—Any amount paid to a person under this section shall not be subject to any taxation, attachment, execution, levy, tax lien, or detention under any process whatever.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. AC-130H SPECTRE GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130H Spectre gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven to ten year period beginning with the date of the enactment of this Act.

(b) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) An estimate of the maintenance costs for the AC-130H Spectre gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period,

which costs shall be set forth on a per-aircraft basis.

(B) A description of the age and serviceability of the armament systems of the AC-130H Spectre gunships.

(C) An estimate of the costs of retrofitting the armament systems of the AC-130H Spectre gunships with advanced medium caliber weapons and precision guided munitions during that period.

(D) A description of the age of the electronic warfare systems of the AC-130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(E) A description of the age of the avionics systems of the AC-130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(F) An estimate of the costs of replacing the AC-130H Spectre gunships listed in paragraph (2) with AC-130J gunships, including—

(i) a description of the time required for the replacement of every AC-130H Spectre gunship with an AC-130J gunship; and

(ii) a comparative analysis of the costs of operation of AC-130H Spectre gunships, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC-130J gunships.

(2) COVERED AC-130H SPECTRE GUNSHIPS.—The AC-130H Spectre gunships listed in this paragraph are the AC-130H Spectre gunships with tail numbers as follows:

(A) Tail number 69-6568.

(B) Tail number 69-6569.

(C) Tail number 69-6570.

(D) Tail number 69-6572.

(E) Tail number 69-6573.

(F) Tail number 69-6574.

(G) Tail number 69-6575.

(H) Tail number 69-6577.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Defense Testing Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Defense Testing Re-

source Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in section 232 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2489), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SERVICE AS FELLOWS OR INTERNS OF PUBLIC OFFICE OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are eligible to serve as follows:

(A) As a fellow of Congress, whether in the staff of a Member of Congress or the staff of a committee of Congress.

(B) As a fellow of the legislature of a State, whether in the staff of a member of such legislature or the staff of a committee of such legislature.

(C) As an intern in any other public office.

(2) DESIGNATION.—The program required by this section shall be known as the “Wounded Warrior Public Service Initiative”.

(b) PARTICIPATION OF MEMBERS OF THE ARMED FORCES.—

(1) RANGE OF MEMBERS.—In carrying out the program under this section, the Secretary shall encourage participation in the program by members of the Armed Forces in a range of grades, including enlisted grades, non-commissioned officer grades, and officer grades.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces in the program shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation in the program; and

(B) to facilitate participation in the program by members who elect to participate in the program, including through the provision of appropriate support for such members in participating in the program.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office under the program, a member of the Armed Forces participating in the program may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(c) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating in the program under this section shall not be entitled to any pay and allowances by reason of participation in the program other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating in the program shall be paid or reimbursed for the expenses incurred by the member in connection with participation in the program.

(d) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The program required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—In administering the program, the official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate in the program; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating in the program.

(e) PAYMENT OF COSTS.—Any costs associated with the participation of members of the Armed Forces in the program required by this section, including any costs of expenses of members under subsection (c)(2), shall be borne by the Department of Defense from amounts available to the Department for the Operation Warfighter Program.

(f) DURATION.—The program required by this section shall cease on the date that is five years after the commencement of the program. No member of the Armed Forces may serve under the program after the date of the cessation of the program.

(g) DEFINITIONS.—In this section:

(1) The term “public office” means an office within a department, agency, commission, board, corporation, or service of the Federal Government or a State government that exercises any function of government.

(2) The term “State” includes the District of Columbia.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 332. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE ENCROACHMENT OF CIVILIAN ACTIVITIES ON MILITARY INSTALLATIONS AND ACTIVITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States

shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the extent of the encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States during the period from 2009 through 2019.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has identified encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(2) A description of the extent to which the Department has identified non-attainment of air quality standards as a reason for not pursuing the expansion of military operations at military installations in the United States.

(3) A description of the extent to which the Department has identified the cost to the Department of programs and activities to mitigate the encroachment of civilian activities on military installations and activities in the United States as described under paragraphs (1) and (2).

(4) A description of the programs or processes of the Department for estimating the likely changes in the encroachment of civilian activities in the United States, and in the non-attainment of air quality standards, on military installations and activities in the United States during the period from 2009 through 2019 as a result of anticipated changes in relevant civilian activities (such as air travel).

(5) A description of the plans of the Department for mitigating civilian encroachment on military installations in the United States and to address non-attainment of air quality standards from 2009 through 2019, and a description of the extent to which the Department has identified the costs of such plans.

(6) An assessment of the adequacy of current Department actions to address civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(7) An identification and assessment of alternative courses available to the Department to minimize the effects of encroachment of civilian activities on military operations in the United States.

(8) Any other matters relating to the encroachment of civilian activities on military installations and activities in the United States that the Comptroller General considers appropriate.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. RESPITE CARE FOR SPOUSES OF MEMBERS OF THE ARMED FORCES DEPLOYING TO COMBAT ZONES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure that each spouse of a member of the Armed Forces who deploys to a combat zone has access to respite care with respect to children under the age of 13 throughout the period of the member's deployment to the combat zone.

(b) **ACCESS.**—For purposes of subsection (a), a spouse shall be treated as having access to respite care throughout the period of a member's deployment to a combat zone if—

(1) access to respite care is reserved for the spouse at the child development program at the permanent duty station of the member concerned during the entirety of such period;

(2) the Secretary of Defense provides (whether by payment or reimbursement) for access to respite care from some other source during the entirety of such period; or

(3) access to respite care throughout such period is achieved by a combination of the mechanisms described in paragraphs (1) and (2).

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the guidance issued under subsection (a), including a description of how respite care will be made available to spouses described in subsection (a) whether residing on a military installation or off a military installation.

(d) **RESPITE CARE DEFINED.**—In this section, the term “respite care” means short-term, temporary relief to those who are caring for dependent children.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. ADJUSTMENT OF STATUS FOR CERTAIN IRAQIS.

Section 1244 of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110-181; 122 Stat. 396) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) **ADJUSTMENT OF STATUS.**—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

“(1) was paroled or admitted as a non-immigrant into the United States; and

“(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).”.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN AUTHORIZED AMOUNTS OF TUITION AND SIMILAR ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) **INCREASE IN AUTHORIZED AMOUNTS.**—The maximum amounts of advanced education assistance providable to an individual under section 2005 of title 10, United States Code, and of tuition payable for an individual for off-duty training or education under section 2007 of title 10, United States Code, shall, under regulations prescribed by the Secretary of Defense, be the applicable amounts as follows:

(1) In the case of tuition—

(A) not more than \$350 per credit hour; and

(B) not more than \$6,300 per year.

(2) In the case of the stipend for books—

(A) not more than \$300 per semester; and

(B) not more than \$700 per year.

(b) **INCREASE IN RECEIPT OF ASSISTANCE.**—The Secretary of Defense shall take appropriate actions to achieve the objective of increasing the number of members of the Armed Forces provided advanced education assistance under section 2005 of title 10, United States Code, and of the number of individuals for whom tuition is paid for off-duty training or education under section 2007 of title 10, United States Code, including individuals who are also in receipt of post-9/11 veterans educational assistance under chapter 33 of title 38, United States Code, by a number equal to 25 percent of the number of members provided such assistance or for whom such tuition is paid, as the case may be, as of the date of the enactment of this Act.

(c) **REPORT ON ACTIONS TO FACILITATE RETENTION THROUGH PURSUIT OF POST-SECONDARY DEGREES BY MEMBERS OF THE ARMED FORCES.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committee a report on the actions being taken by the Secretary to enhance retention by assisting members of the Armed Forces in making progress toward receipt of associates', bachelor's degrees, master's degrees, and doctoral degrees from accredited institutions of higher education (including Department of Defense professional military education schools) while continuing their careers in the Armed Forces.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of the actions proposed to be taken by the Secretary of Defense under subsection (b).

(B) An assessment by each Secretary concerned of the projected effects on usage of in-service educational programs, and the effects on retention of officers and enlisted members of the Armed Forces through fiscal year 2011, of changes to post-service educational benefits under chapters 30 and 33 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code.

(C) Such recommendations as the Secretary of Defense considers appropriate for other actions to enhance retention and assist members of the Armed Forces in making progress toward receipt of associates' degrees, bachelor's degrees, master's degrees, and doctoral degrees while continuing their careers in the Armed Forces, including—

(i) modifications of policies on tuition assistance;

(ii) the extension of sabbaticals from service in the Armed Forces for educational purposes;

(iii) the provision of associates-level, bachelor-level, master-level, or doctoral-level courses of education by the military departments and through accredited civilian institutions of higher education; and

(iv) additional or enhanced payments of educational expenses for associates-level bachelor-level, master-level, and doctoral-level courses by the military departments or jointly by the military departments and the Department of Veterans Affairs.

(3) **CONSULTATION.**—In developing recommendations under paragraph (2)(B) for the report required by paragraph (1), the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) **REVIEW OF TEST AND EVALUATION ACTIVITIES.**—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) **SCOPE OF REVIEW.**—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Test Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Test Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in subtitle D of title II of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) **REPORT.**—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) **DISCLOSURE OF INVESTIGATION FILES.**—Paragraph (1) of subsection (b) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The file and any records of the investigation of a complaint under this paragraph shall be subject to disclosure in accordance with the provisions of section 552a of title 5.”

(b) **EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.**—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

“(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

“(i) Evidence that the official undertaking the reprisal knew of the disclosure.

“(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

“(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

“(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.”

(c) **BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.**—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following new subparagraph:

“(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.”

(d) **CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.**—Paragraph (5) of subsection (c) of such section is amended by striking “Any person” and inserting “Except in the case of a complainant who brings an action under paragraph (2), any person”.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 831 and insert the following:

SEC. 831. DATABASE FOR FEDERAL AGENCY CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) **IN GENERAL.**—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish, not later than one year after the date of the enactment of this Act, a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts for use by Federal agency officials having authority over contracts.

(b) **PERSONS COVERED.**—The database shall cover the following:

(1) Any person awarded a Federal agency contract in excess of \$500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) **INFORMATION INCLUDED.**—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of \$5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of \$100,000.

(D) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract with a State government.

(d) **REQUIREMENTS RELATING TO INFORMATION IN DATABASE.**—

(1) **DIRECT INPUT AND UPDATE.**—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) **TIMELINESS AND ACCURACY.**—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and to Congress.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of \$500,000, the Federal agency official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of \$500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts valued in total greater than \$10,000,000 shall—

(1) submit to the Administrator a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (7) of subsection (c) current as of the date of submittal of such report under this subsection; and

(2) update such report on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 3. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting “or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training” after “purposes”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN CERTAIN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) GRADE OF MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentence: “Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade.”; and

(2) in paragraph (2), striking “the grade of second lieutenant or ensign” in the first sentence and inserting “the member’s grade under paragraph (1)”.

(b) SERVICE CREDIT FOR PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2126(a) of such title is amended by striking “shall not be counted—” and all that follows and inserting “shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.”.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PROHIBITED ACTIVITIES AT MILITARY RECRUITMENT CENTERS.

(a) IN GENERAL.—Section 248(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

“(3) by force or threat of force or by physical obstruction, intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing services of a military recruitment center; or”;

(4) in paragraph (4) (as redesignated by paragraph (2))—

(A) by striking “or intentionally” and inserting “intentionally”; and

(B) by inserting before the comma at the end the following: “, or intentionally damages or destroys the property of a military recruitment center”.

(b) CIVIL REMEDIES.—Section 248(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking “and such” and inserting “such”; and

(2) by inserting before the period the following: “, and such an action may be brought under subsection (a)(3) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services of a military recruitment center”.

(c) RULES OF CONSTRUCTION.—Section 248(d)(2) of title 18, United States Code, is

amended by inserting “or military recruitment center” after “outside a facility”.

(d) DEFINITIONS.—Section 248(e)(4) is amended—

(1) by striking “services or to or from a place of religious worship” and inserting “services, a place of religious worship, or a military recruitment center”; and

(2) by striking “facility or place of religious worship” and inserting “facility, place of religious worship, or military recruitment center”.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly \$6,000,000,000 in 2007, up from \$2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the “Air Force Energy Program”) to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminants of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than

such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Within 60 days after enactment and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) AIR FORCE AS HOST TO ALTERNATIVE ENERGY PROJECTS.—

(1) IN GENERAL.—In order to generate revenue and provide increased security for base energy sources, the Secretary of the Air Force shall—

(A) by not later than 180 days after the date of the enactment of this Act, identify 10 installations or other facilities of the Air Force that could be suitable sites to host alternative energy projects that yield at least 10 megawatts of energy or commercial quantities of fuel or that use break-through technologies;

(B) establish a development program to solicit project concepts for suitable sites;

(C) solicit proposals for specific alternative energy projects for each suitable site;

(D) execute the design and operation of projects that are privately funded, privately developed, and privately operated on property leased by the Air Force to support such projects; and

(E) continue to seek and explore opportunities for alternative energy projects in addition to those identified in accordance with subparagraph (A).

(2) ANNUAL REPORT.—Within 60 days after enactment, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress an annual report on the progress made in hosting alternative energy projects on Air Force installations, including—

(A) projects solicited or closed in the previous year;

(B) projects expected to be solicited in the next year; and

(C) efforts to seek and explore further opportunities to identify suitable sites to host alternative energy projects as required by paragraph (1)(E).

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, after line 14, add the following:

SEC. 1110. FEDERAL EMPLOYEES PROGRAM FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) SHORT TITLE.—This section may be cited as the “Military Family Support Act”.

(b) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term “caregiver” means an individual who—

(i) is an employee;

(ii) is at least 18 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term “covered period of service” means any period of service performed by an employee as a caregiver—

(i) while the individual who designated the caregiver under paragraph (3)(A) remains a qualified member of the Armed Forces; or

(ii) after being designated as the caregiver under paragraph (3)(B) and while the applicable qualified member of the Armed Forces remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—Except as provided under paragraph (5), the term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term “qualified member of the Armed Forces” —

(i) means—

(I) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(II) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code; and

(ii) includes a member described under clause (i) who is medically discharged or retires from the Armed Forces, but only for the 36 month period beginning on the date of that medical discharge or retirement.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program that—

(A) authorizes a caregiver to—

(i) use any sick leave of that caregiver during a covered period of service; and

(ii) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency;

(B) provides a process under which a caregiver provides the employing agency reasonable notice of the need for leave under this section, similar to the process under which notice is provided to the employing agency under subchapter V of chapter 63 of title 5, United States Code; and

(C) protects employees from discrimination or retaliation for the use of the leave under this section and provides employees with the opportunity to appeal a denial of the use of leave under this section.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) INCAPACITATED MEMBERS.—If a qualified member of the Armed Forces who did not submit a designation under subparagraph (A) becomes incapacitated and is unable to submit that designation, a designation under subparagraph (A) may be submitted on behalf of that member by another individual in accordance with regulations prescribed by the Office of Personnel Management after consultation with the Department of Defense.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) PROHIBITION OF COERCION.—

(A) DEFINITION.—In this section:

(i) EMPLOYEE.—The term “employee” has the meaning given under section 2105 of title 5, United States Code.

(ii) INTIMIDATE, THREATEN, OR COERCE.—The term “intimidate, threaten, or coerce” includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

(B) PROHIBITION.—An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this section.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the program under subsection (b) that includes—

(1) an evaluation of the success of the program;

(2) recommendations for the continuance or termination of the program; and

(3) a recommendation for the program or an expansion of the Family Medical Leave Act of 1993.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by \$2,000,000.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

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

(1) \$1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) \$1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

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

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 11 and 12, insert the following:

SEC. 332. REDUCTION OF ON ORDER SECONDARY INVENTORY BEYOND REQUIREMENTS.

(a) PLAN FOR REDUCTION OF ON ORDER SECONDARY INVENTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory systems of the military departments and reducing the acquisition of unnecessary secondary inventory.

(2) CONTENT.—The plan submitted under paragraph (1) shall include—

(A) a plan for reducing the level of on order secondary inventory of each military department that is beyond requirements to 50 percent of the level of such inventory as of the date of the enactment of this Act;

(B) plans to improve related audit systems to reduce the gap between projected requirements and actual requirements; and

(C) such recommendations for legislative or administrative action as the Secretary considers appropriate, including actions relating to information technology, the hiring and training of personnel, and the oversight of contracts to acquire secondary inventory, to improve the inventory systems of the military departments.

(b) QUARTERLY REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the secondary inventory of each military department, including a description of the level of inventory beyond requirements, the levels of war time reserve, economic retention, and other categories of inventory, and the quantities and values of inventory on hand and on order that are not necessary to meet requirements, including the quantities and values of orders that are marked for disposal.

(c) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Defense shall certify to the congressional defense

committees that, except as provided under paragraph (2), the level of on order secondary inventory of each military department that is beyond requirements has been reduced to the level that is 50 percent of the level of such inventory as of the date of the enactment of this Act.

(2) EXCEPTION FOR INVENTORY ON ORDER UNDER CERTAIN CONTRACTS.—The Secretary of Defense may exempt from the reduction requirement under paragraph (1) inventory that is on order under contracts that cannot be cancelled or modified without a net economic loss to the Department of Defense.

(3) GAO REVIEW.—The Comptroller General of the United States shall review the certification under paragraph (1).

(d) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING SECONDARY INVENTORY REDUCTION.—Of the total amount authorized to be appropriated by this Act for secondary inventory for the Department of Defense, the amount available for obligation and expenditure shall be reduced by \$100,000,000 until the Secretary of Defense makes the certification required under subsection (c)(1).

(e) MILITARY DEPARTMENTS DEFINED.—In this section, the term “military departments” means the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. ETHICS ENHANCEMENTS FOR DEPARTMENT OF DEFENSE CONTRACTORS.

(a) INAPPLICABILITY OF SEPARATE STATUTORY AGENCY OR BUREAU DESIGNATIONS TO SENIOR MILITARY PERSONNEL.—Section 207(h)(2) of title 18, United States Code, is amended by striking “or (iii)” and inserting “, (iii), or (iv)”.

(b) ASSURANCE OF CONTRACTOR COMPLIANCE WITH POST-EMPLOYMENT ETHICS RESTRICTIONS.—

(1) IN GENERAL.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) CONTRACTOR ASSURANCE OF COMPLIANCE WITH POST-EMPLOYMENT RESTRICTIONS.—

“(1) ASSURANCE AT TIME OF BID, OFFER, OR PROPOSAL FOR CONTRACT.—Each person or entity making a bid, offer, or proposal for a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the bid, offer, or proposal for such contract that each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

“(2) ASSURANCE AT AWARD OF CONTRACT.—Each person or entity awarded a contract

with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the award of such contract the following:

“(A) That each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

“(B) The name of each former official of the Department of Defense described by subparagraph (A) with respect to such contract.”

(2) RECORDKEEPING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following new paragraphs:

“(1) DATABASE.—The Department of Defense shall maintain in a central database or repository the following:

“(A) Each request for a written opinion made pursuant to subsection (a), and each written opinion provided pursuant to such a request.

“(B) Each certification submitted pursuant to subsection (b)(1).

“(C) Each certification submitted pursuant to subsection (b)(2).

“(2) DEADLINE FOR INCORPORATION INTO DATABASE.—Any certification received by the Department as described in subparagraph (B) or (C) of paragraph (1) and any written opinion issued by the Department as described in subparagraph (A) of such paragraph shall be incorporated into the central database or repository required by that paragraph not later than seven days after receipt, or issuance, by the Department.

“(3) PERIOD OF RETENTION.—The Department shall maintain information in the database or repository as follows:

“(A) In the case of a written opinion provided as described in paragraph (1)(A), for not less than five years after the date of the provision of such opinion.

“(B) In the case of a certification submitted as described in paragraph (1)(B), for not less than five years after the date of the submittal of such certification.

“(C) In the case of a certification submitted as described in paragraph (1)(C), for not less than five years after the date of the submittal of such certification.

“(4) PUBLIC ACCESS TO INFORMATION.—The Secretary of Defense shall make information in the database or repository available to the public in such form and manner, and subject to such restrictions or limitations, as the Secretary shall provide.”

(3) CONFORMING AMENDMENTS.—Such section is further amended by striking “subsection (c)” each place it appears and inserting “subsection (d)”.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DISPOSITION OF QUALIFIED OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—
(A) in paragraph (1)—
(i) by striking “(1) Notwithstanding” and inserting the following:

“(1) IN GENERAL.—Notwithstanding”; and
(ii) by striking “specified in paragraph (2)” and inserting “beginning on November 18, 1997, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009”; and

(B) by striking paragraph (2) and inserting the following:

“(2) MINERAL LEASING ACT.—Beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, any amounts received by the United States from a lease under this section (including amounts in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be deposited in the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).”; and

(2) by striking subsection (g) and inserting the following:

“(g) USE OF REVENUES.—
“(1) IN GENERAL.—Of the amounts deposited in the Treasury under subsection (f)(1)—

“(A) 50 percent shall be transferred by the Secretary of the Treasury to the Secretary of the Interior, for use in accordance with paragraph (2); and

“(B) 50 percent shall be distributed by the Secretary of the Treasury to Garfield, Rio Blanco, Moffat, and Mesa Counties in the State of Colorado, in accordance with paragraph (3).

“(2) USE OF FEDERAL FUNDS.—

“(A) IN GENERAL.—Amounts transferred under paragraph (1)(A) shall be used by the Secretary of the Interior for the costs of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the remediation of the land transferred under subsection (a), including the former Anvil Points oil shale facility in the State of Colorado.

“(B) DEPOSIT IN TREASURY.—On completion of the remediation of the former Anvil Points oil shale facility, the Secretary of the Interior shall return any remaining amounts transferred under paragraph (1)(A) to the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

“(3) USE OF COUNTY FUNDS.—

“(A) IN GENERAL.—Of the amounts to be distributed under paragraph (1)(B), the Secretary of the Treasury shall transfer—

“(i) 40 percent to Garfield County, Colorado;

“(ii) 40 percent to Rio Blanco County, Colorado;

“(iii) 10 percent to Moffat County, Colorado; and

“(iv) 10 percent to Mesa County, Colorado.

“(B) AUTHORIZED USES.—The amounts provided to the counties under subparagraph (A) shall be used by the counties, or any cities or political subdivisions within the counties to which the funds are transferred by the counties, to mitigate the effects of oil and gas development activities within the affected counties, cities, or political subdivisions.

“(C) LIMITATION.—Amounts provided to the counties under subparagraph (A) shall not be considered for purpose of calculating payments for the counties under chapter 69 of title 31, United States Code.”.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting “or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),” after “is at war”;
(2) by inserting “or directly connected with or related to the authorized use of the Armed Forces” after “prosecution of the war”;
(3) by striking “three years” and inserting “5 years”;

(4) by striking “proclaimed by the President” and inserting “proclaimed by a Presidential proclamation, with notice to Congress,”; and

(5) by adding at the end the following: “For purposes of applying such definitions in this section, the term ‘war’ includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).”.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE DECISION OF THE SUPREME COURT ON THE DEATH PENALTY FOR CHILD RAPISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) 1 out of 3 sexual assault victims is under 12 years of age.

(2) Raping a child is a particularly depraved, perverted, and heinous act.

(3) Child rape is among the most morally reprehensible crimes.

(4) Child rape is a gross defilement of innocence that should be severely punished.

(5) A raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover.

(6) The Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape.

(7) The popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury.

(8) On March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter.

(9) The injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as “the most severe he had seen from a sexual assault”.

(10) The cataclysmic injuries to her 8-year-old body required emergency surgery.

(11) A jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death.

(12) The Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy’s crime.

(13) The Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States.

(14) On June 25, 2008, the Supreme Court of the United States held in *Kennedy v. Louisiana*, No. 07-343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be “cruel and unusual punishment”.

(15) The Supreme Court, in the 5-4 decision, overturned the judgment of Louisiana’s elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court.

(16) This decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional.

(17) As Justice Alito observed in his dissent, the opinion of the majority is so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape “no matter how young the child, no matter how many times the child is raped, no matter how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator’s prior criminal record may be”.

(18) In the United States, the people, not the Government, are sovereign.

(19) The Constitution of the United States is supreme and deserving of the people’s allegiance.

(20) The framers of the eighth amendment did not intend to prohibit the death penalty for child rape.

(21) The imposition of the death penalty for child rape has never been within the plain and ordinary meaning of “cruel and unusual punishment”, neither now nor at the time of the adoption of the eighth amendment.

(22) Instead of construing the eighth amendment’s prohibition of “cruel and unusual punishment” according to its original meaning or its plain and ordinary meaning, the Court followed a 2-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices’ own independent judgment in light of their interpretation of a national consensus and evolving standards of decency.

(23) To the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the *Kennedy v. Louisiana* decision by the presumptive nominees for President of both major political parties.

(24) The evolving standards of decency standard is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States.

(25) The standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years.

(26) The Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists.

(27) The Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision.

(28) The Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child in cases in which the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of *Kennedy v. Louisiana*, No. 07-343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the *Kennedy v. Louisiana* decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in *Kennedy v. Louisiana*, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about “cruel and unusual punishment”, nor by the text, structure, or history of the Constitution of the United States.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 of title 38, United States Code, is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

“(C) The member's stillborn natural child.”; and

(2) by adding at the end the following new paragraph:

“(1) The term ‘stillborn natural child’ means a natural child—

“(A) whose death occurs before expulsion, extraction, or delivery; and

“(B) whose—

“(i) fetal weight is greater than 500 grams;

“(ii) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

“(iii) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.”.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) of such title is amended by striking “section 1965(10)(B)” in the matter preceding clause (i) and inserting “subparagraph (B) or (C) of section 1965(10)”.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 602. ENHANCEMENTS OF SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) SPECIAL DISPLACEMENT ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 427 the following new section:

“§ 427a. Special displacement allowance

“(a) ENTITLEMENT TO ALLOWANCE.—In addition to any allowance or per diem to which such a member may be entitled under this title, a member of the uniformed services without dependents is entitled to a monthly allowance under this section if—

“(1) the member is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

“(2) the member is on temporary duty away from the member's permanent station for a continuous period of more than 30 days.

“(b) EFFECTIVE DATE OF ALLOWANCE.—The commencement of entitlement of a member to an allowance under this section shall be determined in accordance with the provisions of section 427(a)(2) of this title.

“(c) AMOUNT.—The amount of the monthly allowance to which a member is entitled under this section is the amount equal to one half the amount of the monthly allowance to which members are entitled under section 427(a) of this title for the month concerned.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 427 the following new item:

“427a. Special displacement allowance.”.

(b) ANNUAL INCREASE IN MONTHLY AMOUNT OF FAMILY SEPARATION ALLOWANCE.—Section 427 of such title is amended—

(1) in subsection (a)(1), by striking “\$250” in the matter preceding subparagraph (A) and inserting “\$250 (as increased from time to time under subsection (e))”; and

(2) by adding at the end the following new subsection:

“(e) ANNUAL INCREASE IN AMOUNT.—With respect to any fiscal year, the Secretary of Defense shall provide a percentage increase in the monthly amount of the allowance payable under subsection (a) equal to the percentage of such amount by which—

“(1) the Consumer Price Index (all items, United States City average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2008, and shall apply with respect to months, and, in the case of the increase required by subsection (e) of section 427 of title 37, United States Code (as added by subsection (b)(2) of this section), fiscal years, beginning after that date.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “September 11, 2001”; and

(2) by striking “in any fiscal year after such date” and inserting “in any fiscal year after fiscal year 2001”.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled “Proposed Camp Williams Land Transfer” and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G.

Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) **REVERSIONARY INTEREST.**—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) **HAZARDOUS MATERIALS.**—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the “State”) all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the

conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) **COLLECTION.**—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

“(b) **ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.**—

“(1) **IN GENERAL.**—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

“(2) **CONTRACT WITH EXPRESS MAIL PROVIDERS.**—

“(A) **IN GENERAL.**—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

“(B) **SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.**—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

“(3) **DEADLINE DESCRIBED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the deadline described in

this paragraph is noon (in the location in which the ballot is collected) on the last Friday that precedes the date of the election.

“(B) **AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.**—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

“(4) **PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.**—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

“(c) **TRACKING MECHANISM.**—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

“(d) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.**—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

“(f) **EFFECTIVE DATE.**—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **FEDERAL RESPONSIBILITIES.**—Section 101(b) of such Act (42 U.S.C. 1973f(b)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(2) **STATE RESPONSIBILITIES.**—Section 102(a) of such Act (42 U.S.C. 1973f-1(a)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(c) **OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.**—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in

November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) **REPORTS ON UTILIZATION OF PROCEDURES.**—

(1) **REPORTS REQUIRED.**—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) **DEFINITIONS.**—In this section:

(1) The term “absent overseas uniformed services voter” has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term “Presidential designee” means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. OPPORTUNITY FOR VOTER REGISTRATION OR UPDATE BY MEMBERS OF THE ARMED FORCES DURING PERMANENT CHANGE OF DUTY STATION.

(a) **IN GENERAL.**—Each Secretary of a military department shall take appropriate actions to ensure that each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing a permanent change of duty station is provided the opportunity, as part of processing upon arrival at the member's new duty station, to register to vote in elections for public office or update the member's existing voter registration.

(b) **ASSISTANCE.**—In providing a member an opportunity to register or update an existing registration under subsection (a), the Secretary of a military department shall provide the member with the necessary assistance, including the provision of appropriate forms.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

“§983a. Local educational agencies that prevent JROTC access on secondary school campuses

“(a) **DENIAL OF FUNDS FOR PREVENTING JROTC ACCESS TO CAMPUS.**—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

“(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

“(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

“(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

“(c) **COVERED FUNDS.**—The limitation in subsection (a) shall apply to the following:

“(1) Any funds made available to the Department of Defense.

“(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

“(3) Any funds made available to the Department of Homeland Security.

“(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

“(5) Any funds made available for the Department of Transportation.

“(d) **NOTICE OF DETERMINATIONS.**—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

“(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

“(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

“(e) **SEMIANNUAL NOTICE IN FEDERAL REGISTER.**—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘local educational agency’ has the meaning given that term in section

9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) The term ‘secondary school’ has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

“983a. Local educational agencies that prevent JROTC access on secondary school campuses.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to funds available for fiscal years beginning on or after that date.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include a plan to address future jet carrier trainer requirements, which plan shall be based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.

(a) **DETERMINATION AND NOTICE.**—

(1) **DETERMINATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall determine, and notify Congress pursuant to paragraph (2), whether the needs of veterans in Far South Texas for acute inpatient hospital care should be met—

(A) through a project for a public-private venture to provide inpatient services and long-term care to veterans in an existing facility in Far South Texas;

(B) through a project for construction of a new full-service, 50-bed hospital with a 125-bed nursing home in Far South Texas; or

(C) through a sharing agreement with a military treatment facility in Far South Texas.

(2) NOTIFICATION AND PROSPECTUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(A) identifying which of the three options specified in paragraph (1) has been selected by the Secretary; and

(B) providing, for the option selected, a prospectus that includes, at a minimum, the matter specified in paragraphs (1) through (8) of section 8104(b) of title 38, United States Code, and the project timelines.

(b) PUBLIC-PRIVATE VENTURE FOR MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.—

(1) PROJECT.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (A) of such subsection for a project of a public-private venture to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate private-sector entity to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a public-private venture project under this subsection.

(c) NEW DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (B) of such subsection for a project for construction in Far South Texas of a new full-service, 175-bed facility providing inpatient and long-term care services, such facility shall be located in the county in Far South Texas that the Secretary determines most suitable to meet the health care needs of veterans in the region.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Construction, Major Projects, account of the Department of Veterans Affairs, in addition to any other amounts authorized for that account, the amount of \$175,000,000 for the project authorized by paragraph (1).

(d) SHARED FACILITY WITH DEPARTMENT OF DEFENSE, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (C) of such subsection for a project of a Department of Veterans Affairs-Department of Defense shared facility to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate military treatment facility to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a Department of Veterans Affairs-Department of Defense venture project under this subsection.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term “Far South Texas” means the following counties of the State of Texas: Aransas, Bee, Brooks, Calhoun, Cameron, Crockett, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of

title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract complied with the requirements of section 885 of

the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 265).

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act, and a statement of the average amount of such cost that is returned to the contractor under such contract as a return on investment or profit.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) **AUTHORITY TO CONVEY.**—The Secretary of the Navy may convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as “transferee”), all right, title, and interest of the United States, except as set forth elsewhere herein, in and to Navy aircraft N40VT (Bureau Number 163283) and associated components and test equipment, previously specified as Government furnished equipment, specified in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift.

(b) **CONDITION OF AIRCRAFT.**—The aircraft shall be conveyed under subsection (a) in its current, “as is” condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) **CONVEYANCE AT NO COST TO THE UNITED STATES.**—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) **CLARIFICATION OF LIABILITY.**—Notwithstanding any other provision of law, upon the conveyance of the Navy aircraft N40VT (Bureau Number 163283) under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. EXCLUSION OF CERTAIN REST AND RECOVERY LEAVE FROM LIMITATIONS ON LEAVE ACCUMULATED BY MEMBERS OF THE ARMED FORCES.

Section 705 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) Any period of rest and recuperation absence received by a member under subsection (b)(2) shall not be treated as leave accumulated by the member for purposes of section 701 of this title.”.

NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, “Dividend Tax Abuse: How Offshore Entities Dodge Taxes On U.S. Stock Dividends.” The Subcommittee hearing will examine how some financial institutions have designed, marketed, and implemented transactions to enable foreign taxpayers, including offshore hedge funds, to dodge millions of dollars of taxes on U.S. stock dividends. The hearing will also examine whether current law relating to dividend taxation and withholding should be strengthened. The Subcommittee expects to issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings and recommendations. Witnesses will include representatives of U.S. financial institutions, offshore hedge funds, a tax expert, and the Internal Revenue Service.

The Subcommittee hearing is scheduled for Thursday, September 11, 2008, at 9 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

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 “Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,” on Thursday, September 11, 2008 at 10 a.m., in room 428A of the Russell Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on (1) S. 3128, the White Mountain Apache Tribe Rural Water System Loan Authorization Act; (2) S. 3355, the Crow Tribe Water Rights Settlement Act of 2008; and (3) S. 3381, a bill to authorize

the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

Those wishing additional information may contact the Indian Affairs Committee at, 202-224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, the Senate Committee on Energy and Natural Resources will hold a business meeting on Thursday, September 11, 2008 at 12 noon, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy Subcommittee of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 16, 2008, at 2:30, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on recent analyses of the role of speculative investment in energy markets.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina weinstock@energy.senate.gov.

For further information, please contact Angela Becker-Dippmann at (202) 224-5269 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2008, at 10 a.m., to conduct a hearing entitled “Strengthening the Ability of Public Transportation To Reduce Our Dependence on Foreign Oil.”

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Improving Health Care Quality: An Integral Step Toward Health Reform".

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 3:15 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled "Nominations" on Tuesday, September 9, 2008, at 10 a.m., in room SD-562 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Protecting the Right to Vote: Oversight of the Department of Justice's Preparation for the 2008 General Election" on Tuesday, September 9, 2008, at 2:15 p.m., in room SD-562 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, September 9, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Economic Development Administration Oversight."

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

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that MAJ Anthony Williams, Mr. Yariv Pierce, and Mr. Ramy Yaacoub be granted the privilege of the floor for the remainder of the week on behalf of Senator BILL NELSON.

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

SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR., FEDERAL COURTHOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the House message to accompany S. 2403.

The PRESIDING OFFICER (Mr. MENENDEZ) laid before the Senate the amendments of the House of Representatives to the bill (S. 2403) entitled "An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, VA, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse'." do pass with the following amendments:

S. 2403

Resolved, That the bill from the Senate (S. 2403) entitled "An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse'." do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, shall be known and designated as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

Amend the title so as to read: "An Act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the 'Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse'."

Mr. REID. Mr. President, it is my understanding there is no objection to this, and it has been cleared by the Republicans. I ask unanimous consent that the Senate concur in the House amendments, that the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

Mr. WARNER. Mr. President, I rise today to speak on S. 2403, a bill to name the new U.S. courthouse in Richmond, VA, after two distinguished jurists and sons of Virginia.

Senator WEBB and I introduced this bill last year, and the bill passed the Senate on June 24, 2008. The House of Representatives passed the bill last night, with a minor technical change, by a vote of 376 to 0. Tonight, I would like to thank the Senate for accepting this minor modification and once again passing this bill.

Our bill recognizes two of Virginia's outstanding jurists: Spottswood Robinson III and Robert Merhige, Jr. They were lawyers who throughout their careers adhered to the principle of "equal justice under law."

The first, Spottswood William Robinson III, was born in Richmond, VA, on

July 26, 1916. He attended Virginia Union University and then the Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case *Brown v. Board of Education*. *Brown* outlawed public school segregation declaring "separate but equal" schools unconstitutional.

In 1964, Judge Robinson became the first African American to be appointed to the U.S. District Court for the District of Columbia, and in 1966, President Johnson appointed Judge Robinson the first African American to the U.S. Court of Appeals for the District of Columbia Circuit. Finally, on May 7, 1981, Judge Robinson became the first African American to serve as Chief Judge of the District of Columbia Circuit.

Our second jurist, Judge Robert R. Merhige, Jr., was born in 1919 and later attended High Point College in North Carolina. He subsequently earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the U.S. Air Force. He practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30, 1967, Judge Merhige was appointed U.S. District Court judge for the Eastern District of Virginia, Richmond Division, by President Lyndon B. Johnson, serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a "strict constructionist" who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

As my colleagues may be aware, I have worked to name the new courthouse in Richmond for these two men for several years. I am proud that the Virginia Congressional Delegation, the Virginia Bar Association, the mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named.

With the ribbon cutting for this grand facility tentatively set for October 17 of this year, I am pleased by the passage of this legislation in honor of

Spottswood Robinson and Robert Merhige. Mr. President, in conclusion, I thank my colleagues in joining me in support of this legislation, and I thank you for this opportunity to speak on behalf of these two great Virginians.

ORDERS FOR WEDNESDAY, SEPTEMBER 10, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, September 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 3001, the Defense authorization bill, as provided under a previous order.

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

PROGRAM

Mr. REID. Mr. President, I conferred with Senator LEVIN. It is clear in our minds that we should proceed on this bill. I think we are making progress on it. We may be able to finish this bill. There was some consideration given to filing cloture, but we both agreed that there is no need to do that; that we may be able to complete this legislation this week, and I hope in fact that is the case.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Wednesday, September 10, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL MARITIME COMMISSION

SEAN T. CONNAUGHTON, OF VIRGINIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2012, VICE A. PAUL ANDERSON, RESIGNED.

DEPARTMENT OF EDUCATION

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE JOHN PORTMAN HIGGINS, RESIGNED.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

PAMELA A. REDFIELD, OF NEBRASKA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE AMY OWEN, TERM EXPIRING.

THE JUDICIARY

LORETTA A. PRESKA, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE CHESTER J. STRAUB, RETIRED.

J. MAC DAVIS, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ORNA T. BLUM, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JANUARY 9, 2008:

DEPARTMENT OF STATE

MIN CHANG, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALYCE ABDALLA, OF CALIFORNIA
MICHAEL A. AGUILERA, OF WASHINGTON
JEAN ELIZABETH AKERS, OF THE DISTRICT OF COLUMBIA

DAVID CHRISTOPHER ALLEN, OF VIRGINIA
MARCIA SOFIA ANGLARILL, OF MARYLAND
CLAUDIA L. BAKER, OF CALIFORNIA
PETER R. BARTE, OF VIRGINIA
ARTHUR J. BELL, OF CALIFORNIA
CARLA ANN BENINI, OF WASHINGTON
MICHAEL L. BENTON, OF MARYLAND
KATHARINE E. BERNSOHN, OF THE DISTRICT OF COLUMBIA

WENDY S. BRAFMAN, OF SOUTH CAROLINA
BRETT PLITT BRUEN, OF NEW YORK
MALGORZATA BULA-DUANE, OF NEW YORK
DEBORAH LYNN CAMPBELL, OF FLORIDA
KELLY HAPKA CARRILLO, OF TEXAS
MARK A. CAUDILL, OF VIRGINIA
HUNTER B. CHEN, OF CALIFORNIA
CECILIA S. CHOI, OF CALIFORNIA
CHARLOTTE ANN CROUCH, OF ARIZONA
JENNIFER D. CROW, OF CALIFORNIA
BRIAN SEAN DARIN, OF NEW YORK
HILARY CHISATO WATANABE DAUER, OF VIRGINIA
LEARNED H. DEES, OF THE DISTRICT OF COLUMBIA
GARY LEE DEWEY, OF ARIZONA
DANIELA A. DIPIERRO, OF MASSACHUSETTS
TIMOTHY PATRICK DOUGHERTY, OF CALIFORNIA
JAMES A. DRAGON, OF VIRGINIA
JOHN HOLMES DUNNE, OF ALASKA
ARTHUR THOMPSON EVANS IV, OF OHIO
CHRISTIANA MARIE FOREMAN, OF CALIFORNIA
ERIC M. FRATER, OF CALIFORNIA
WARREN MITCHELL GRAY, OF FLORIDA
PHAEDRA MARIE GWYN, OF TEXAS
JENNIFER DIANA HARRIS, OF FLORIDA
JOHN CHARLES HARTMAN, OF TEXAS
CHRIS DHARMAN HENSMAN, OF RHODE ISLAND
ANDREW JAY, OF NEW YORK
DENISE JOBIN WELCH, OF VIRGINIA
PETER JAMES KAUFMAN, OF CALIFORNIA
BARBARA S. KEARY, OF THE DISTRICT OF COLUMBIA
JULIANNA JUNGHWANG KIM, OF ILLINOIS
LAWRENCE JOHN KIMMEL, OF WASHINGTON
JOEY E. KLINGER, OF PENNSYLVANIA
WENDY A. KOLLS, OF CALIFORNIA
MARIA V. LANE, OF COLORADO
JOHN S. LAROCHELLE, OF FLORIDA
ALICA EMIN LEJLIC, OF ILLINOIS
DEBORAH BERNIS LINGWOOD, OF FLORIDA
SARA L. LITKE, OF WASHINGTON
INGA LITVINSKY, OF MASSACHUSETTS
DONALD E. LOCKE, OF TEXAS
STEPHEN E. LYNAGH, OF NEW YORK
JOSLYN MACK-WILSON, OF VIRGINIA
HONG-GEOK T. MAERKLE, OF CALIFORNIA
RYAN D. MATHENY, OF CALIFORNIA
BRIAN J. MCGRATH, OF NEW YORK
ALEXANDER J. MCLAREN, OF VIRGINIA
ROBERT R. MEARKLE, OF MINNESOTA
CHRISTINE ELIZABETH MEYER, OF TEXAS
LIA N. MILLER, OF NEW YORK
SUMREEN K. MIRZA, OF CALIFORNIA
GLADYS ANGEL MOREAU, OF CALIFORNIA
BINDI KIRIT PATEL, OF CALIFORNIA
SARAH CATHERINE PECK, OF MASSACHUSETTS
ANDREW POSNER, OF CALIFORNIA
IDRIS RAHIMI, OF VIRGINIA
RONA RATHOD, OF CALIFORNIA

GARY L. REX, OF FLORIDA
MICHELLE LEE RIEBELING, OF MISSOURI
BRADLY J. ROBERSON, OF CALIFORNIA
KRISTIN LYNN ROCKWOOD, OF FLORIDA
MICHAEL R.J. ROTH, OF NEW MEXICO
JASON D. SEYMOUR, OF CALIFORNIA
JASON W. SHEETS, OF CALIFORNIA
FRANC XAVIER SHELTON, OF TEXAS
CARRIE ANNA SHIRTZ, OF WISCONSIN
NOAH SIEGEL, OF OREGON
RUSSELL SINGER, OF NEW YORK
ANDREW LEWIS SISK, OF VIRGINIA
LINDSEY DIANE SNOW, OF WASHINGTON
G. MICHAEL SNYDER, OF VIRGINIA
MICHAEL G. SPRING, OF ILLINOIS
RAYMOND W. STEPHENS III, OF NEW YORK
ROY THERRIEN, OF CALIFORNIA
CAROLYN L. TURPIN, OF FLORIDA
BERNARD CHITONGCO UADAN, OF FLORIDA
PAUL M. VALDEZ, OF TEXAS
NAOMI JOYCE WALCOTT, OF CONNECTICUT
CHARLENE WANG, OF CALIFORNIA
RUDDY KERFUN WANG, OF CALIFORNIA
ELIJAH J. WATERMAN, OF PENNSYLVANIA
SAMUEL WERBERG, OF NEW YORK
JOHN WILLIAM WHITELEY, OF ILLINOIS
NINGCHUAN ZHU, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LINDA L. CARUSO, OF WISCONSIN
JENNIFER GOTHARD, OF THE DISTRICT OF COLUMBIA
GREGORY HARRIS, OF WASHINGTON
ILONA SHTRUM, OF THE DISTRICT OF COLUMBIA
ALIZA L. TOTAYO, OF MARYLAND
MARK WILDMAN, OF MARYLAND

DEPARTMENT OF STATE

KATHRYN E. ABATE, OF NEW JERSEY
MARK J. ABREU, OF VIRGINIA
JANICE ANDERSON, OF CALIFORNIA
RAMONA APONTE, OF MARYLAND
JASON M. ARVEY, OF VIRGINIA
DEBORAH H. ASCHENBACH, OF ILLINOIS
SHELLEY J. ASHER, OF VIRGINIA
ERIC TRANSFELDT ATKINS, OF WASHINGTON
MARK MADISON ATKISSON, OF MARYLAND
KARA L. AYOTTE, OF NEW MEXICO
ROLANDA N. BECKWITH, OF VIRGINIA
BARRY M. BELKNAP, OF MINNESOTA
JAMES M. BLACK, OF MARYLAND
BILLY BRIAN BLACKWELL, OF CALIFORNIA
DANIEL J. BLANK, OF VIRGINIA
ELIZABETH J. BLUMENTHAL, OF THE DISTRICT OF COLUMBIA
DANIEL C. BOLSINGER, OF NEW MEXICO
AMY BOYD, OF VIRGINIA
MEGHAN EILEEN BRADLEY, OF VIRGINIA
ERIC CHRISTOPHER BRIANS, OF VIRGINIA
RONALD A. BRIGGS, OF MARYLAND
PETER BROADBENT, OF TEXAS
LORETTA A. BUSHNELL, OF VIRGINIA
HARRY T. CALL, OF VIRGINIA
LEANNE R. CANNON, OF VIRGINIA
GEORGE EDWARD CARR, OF THE DISTRICT OF COLUMBIA
HEATHER K. CARSON, OF VIRGINIA
TYLER J. CARSON, OF VIRGINIA
AMANDA J. CAULDWELL, OF VIRGINIA
SUNG W. CHOI, OF NEW YORK
KAREN E. COX, OF VIRGINIA
FILOMENA C. CRAWFORD, OF VIRGINIA
JEFFREY D. DAHLBY, OF VIRGINIA
REBECCA M. DANIS, OF MISSOURI
ERICK M. DANZER, OF WISCONSIN
AMANDA R. DEKIEFFER, OF VIRGINIA
JAMES BUTLER DEWEY, OF IDAHO
CHRISTOPHER D. DOEHL, OF VIRGINIA
JUAN DOMENECH CLAR, OF PUERTO RICO
NICOLE MARIE DUTRA, OF VIRGINIA
KATHERINE E. EISENLOHR, OF MICHIGAN
JAMES E. ERDMAN III, OF MICHIGAN
BRADLEY J. FERNANDEZ, OF VIRGINIA
RONALD A. FERRY, OF KENTUCKY
MARY FRANGAKIS, OF NEW YORK
KIMBERLY R. FURNISH, OF FLORIDA
PETRA SELVAGGIA GARDNER, OF VIRGINIA
NEIL S. GIPSON, OF NEBRASKA
GUDRUN ERIKA GOMEZ, OF MARYLAND
CARISSA EILEEN GONZALEZ, OF VIRGINIA
KATY A. GORE, OF VIRGINIA
KAREN GRAHAM, OF VIRGINIA
SARA D. GREENGRASS, OF FLORIDA
DERRICK J. GWYN, OF VIRGINIA
CRAIG ACTON HALBMAIER, OF NEW HAMPSHIRE
COURTNEY A. HAMMOND, OF VIRGINIA
BENJAMIN C. HARVEY, OF VIRGINIA
JOHN C. HEINBECK, OF MICHIGAN
JAMES HENDERSON, OF VIRGINIA
DANIEL J. HORNING, OF MICHIGAN
SHARON A. HOWE, OF TEXAS
TRACY E. HUFF, OF VIRGINIA
FRANK A. INHOFF, OF VIRGINIA

KATHERINE N. ISGAR, OF NEW YORK
 MARCUS R. JACKSON, OF FLORIDA
 MATTHEW JAROSZEWSKI, OF VIRGINIA
 DAVID JOHNSON, OF VIRGINIA
 LOUISE A. JOHNSON, OF NEW HAMPSHIRE
 KRISTEN-MARIE DILEO KACZYNSKI, OF MASSACHUSETTS
 STEVEN COLLAT KAMENY, OF CALIFORNIA
 ANGELA P. KATCHEVES, OF TEXAS
 GARY B. KEELEY, OF VIRGINIA
 BROOKE G. KIDD, OF VIRGINIA
 MARY MARTHA KOBUS, OF VIRGINIA
 ROBERT M. KOKTA, OF VIRGINIA
 CHRISTINA B. KROUSE, OF VIRGINIA
 PETER J. KUNKEL, OF VIRGINIA
 DANA LAST, OF VIRGINIA
 ANGELA LEIGH LEWIS, OF VIRGINIA
 BRUCE WILLIAM LIBERI, OF VIRGINIA
 MATTHEW R. LOHR, OF VIRGINIA
 LAVONNE LEE LOVEDAY, OF VIRGINIA
 JENNIFER L. LUERS, OF NEBRASKA
 AARON P. LUKAS, OF VIRGINIA
 JOAN E. MARSHALL, OF VIRGINIA
 VALERIE J. MARTIN, OF CONNECTICUT
 MARTHA C. MASHAV, OF THE DISTRICT OF COLUMBIA
 KUROSH MASSOUD ANSARI, OF VIRGINIA
 BEVERLY E. MATHER-MARCUS, OF MARYLAND
 THERESA JEAN MATTHEWS, OF MINNESOTA
 SHANNON K. MCCOMBIE, OF VIRGINIA
 DEREK MERCER, OF VIRGINIA
 JAMIE L. MIGNON, OF VIRGINIA
 MARK IAN MISHKIN, OF CALIFORNIA
 LISA ANN MOOTY, OF GEORGIA
 NEAL SHAUN MURATA, OF CALIFORNIA
 BEN MURPHY, OF VIRGINIA
 KENNETH LEE MYERS, OF VIRGINIA
 MARGOT L. NADEL, OF VIRGINIA
 ANDREW NELSON, OF CALIFORNIA
 SELENA NELSON-SALCEDO, OF MINNESOTA
 BRENT S. O'CONNELL, OF VIRGINIA
 AAMOD OMPRAKASH, OF NEW YORK
 JEFFREY M. O'NEAL, OF TEXAS
 MICHAEL OSE, OF IOWA
 MAYSA M. OSMAN, OF VIRGINIA
 ABRAM WIL PALEY, OF TEXAS
 MATTHEW J. PASCHKE, OF THE DISTRICT OF COLUMBIA
 MICHAEL D. PEARLSTEIN, OF THE DISTRICT OF COLUMBIA
 DONALD G. PETKOVICH, OF VIRGINIA
 SARAH MOORE PRATT, OF THE DISTRICT OF COLUMBIA
 RAUL ENRIQUE PULIDO, OF COLORADO
 DELIA DAY QUICK, OF TEXAS
 MICHAEL QUIGLEY, OF VIRGINIA
 SCOTT D. QUINLAN, OF VIRGINIA
 MICAH RAPOPORT, OF THE DISTRICT OF COLUMBIA
 MARQUEX DOMINIQUE REY, OF TENNESSEE
 MARISSA K.E. ROLLENS, OF TEXAS
 KRISTIN JOY RUNZEL, OF VIRGINIA
 TAMANNA S. SALIKUDDIN, OF VIRGINIA
 J.M. SAXTON-RUIZ, OF VIRGINIA
 DOROTHY I. SCANLAN, OF VIRGINIA
 JOSHUA SHEN, OF VIRGINIA
 JEFFREY J. SILLMAN, OF VIRGINIA
 KARL ALEXANDER SNYDER III, OF VIRGINIA
 REBECCA ANN SNYDER, OF VIRGINIA

SARA VELDTHUIZEN STEALY, OF VIRGINIA
 ANTHONY J. STROMMEYER, JR., OF VIRGINIA
 TIMOTHY W. SWETT, OF ILLINOIS
 JESSUP L. TAYLOR, OF NORTH CAROLINA
 GREGORY JAMES THOMPSON, OF VIRGINIA
 TEDDE H. THOMPSON, OF VIRGINIA
 DANIEL A. THORLEY, OF MARYLAND
 ANNA E. TIEDECK, OF THE DISTRICT OF COLUMBIA
 JON THOMAS TOLLEFSON, OF MINNESOTA
 PATRICIA ELAIN TRIPLETT, OF VIRGINIA
 JOSEPH GREGG TRIPOLI, OF VIRGINIA
 NEAL W. TURNER, OF GEORGIA
 AMY UNANDER, OF ILLINOIS
 STANLEY J. UNDERDAL, JR., OF VIRGINIA
 WILBUR A. VELARDE, OF CONNECTICUT
 JOHN L. VENABLE II, OF VIRGINIA
 ANNE WAN, OF CALIFORNIA
 BRIAN W. WARREN, OF MARYLAND
 MATTHEW DANIEL WARIN, OF VIRGINIA
 DAVID W. WARNER, OF VIRGINIA
 MARK THOMAS WHITEHEAD, OF VIRGINIA
 CAROLINE G. WIDEGREN, OF VIRGINIA
 ERIC CODY WILLIAMS, OF VIRGINIA
 BEN YATES, OF TEXAS
 RACHAEL ZASPEL, OF TEXAS
 THOMAS S. ZIA, OF THE DISTRICT OF COLUMBIA

CONSULAR OFFICER IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN G. FAKAN, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE NOVEMBER 27, 2006:

EDWIN RICHARD NOLAN, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 06, 2008:

ALICE G. WELLS, OF VIRGINIA

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN 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. H. STEVEN BLUM

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER SECTION 271, TITLE 14, U.S. CODE:

To be rear admiral

REAR ADM. (LH) THOMAS F. ATKIN

REAR ADM. (LH) KEVIN S. COOK
 REAR ADM. (LH) DANIEL A. NEPTUN
 REAR ADM. (LH) THOMAS P. OSTEBRO
 REAR ADM. (LH) STEVEN H. RATTI
 REAR ADM. (LH) JAMES A. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

To be rear admiral (lower half)

CAPTAIN ROBERT E. DAY, JR.
 CAPTAIN JOHN H. KORN
 CAPTAIN WILLIAM D. LEE
 CAPTAIN CHARLES D. MICHEL
 CAPTAIN ROY A. NASH
 CAPTAIN MICHAEL N. PARKS

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DARRELL I. MORGAN

To be major

ROGER E. JONES

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK V. FLASCH

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 9, 2008 withdrawing from further Senate consideration the following nominations:

JOAQUIN F. BLAYA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.

DENNIS M. MULHAUPT, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, VICE BLANQUITA WALSH CULLUM, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2007.