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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Gracious Lord, Your love for us is changeless; keep us faithful even when the way is difficult.

Bless and use our Senators for Your honor. Infuse them with reverence and awe for You and Your purposes. Become their fountain of spiritual life and the source of their secret desire. Lift and liberate them from the petty and divisive, and fill them with genuineness and integrity. As You lead them from the false to the true, strengthen their faith in You. Set their hopes on things that are true and right as they serve You according to Your will.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 3:30, 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. Following morning business, the Senate will resume consideration of the motion to proceed to S. 2663, a bill to reform the Consumer Product Safety Commission.

At 5:30 today, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the product safety bill.

MEASURE PLACED ON THE CALENDAR—S. 12

Mr. REID. Mr. President, it is my understanding that there is a bill at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 12) to promote home ownership, manufacturing, and economic growth.

Mr. REID. I would object to any further proceedings with respect to this legislation at this time.

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

The majority leader.

SCHEDULE

Mr. REID. This weekend, the American people spent another $80-plus million in Iraq. That is $400 million on Saturday, $400 million on Sunday, and $400 million-plus today. The month of February came to a close. Another $12 billion was spent in Iraq, all $12 billion of it borrowed. Yet for the hundreds of billions we have borrowed and spent in Iraq already, the violence continues. This morning brought news of two car bombs in Baghdad killing dozens. A grave was discovered where 14 council volunteers were found dead.

Dealing with housing, Nobel laureate Joseph Stiglitz said this weekend that these billions upon billions spent in Iraq are largely responsible for the economic troubles here at home. Last week, Democrats in Congress attempted to help families impacted by the eye of the economic storm, the housing crisis.

Yet as we watched the Dow tumble—and tumble it did Friday by almost 4 percent, and oil closed above $100; one time it went above $103 a barrel for the first time in history—Republicans blocked our ability to try to move forward on the housing crisis. They could have chosen the side of families at risk to lose their homes to foreclosure and all Americans adversely affected by the housing crisis.

Over the weekend, I ran into a man of great respect. He told me a couple of years ago that he could see a housing crisis looming. He lives in the distinguished Presiding Officer's State; he lives, in fact, in northern Virginia. He mentioned to me that in Fairfax County, there are 5,000 homes in foreclosures now. A year ago there were 200. He said there would be more than that but the clerk of the court is so

overwhelmed with work that there are hundreds and hundreds of others waiting to be listed as being foreclosed upon.

My friends on the other side of the aisle could have chosen the side of families at risk. Instead they chose the side of President Bush, the side of big business. As the Republicans block and stall, people continue to suffer. We need to help them, and we in the majority remain ready to do so.

I urge my Republican colleagues to join Democrats in a bipartisan effort to get people the help they need and get our economy working again.

Before I brought this bill up, I extended the olive branch to my distinguished friend, the Republican leader: five amendments on each side. We simply were thwarted every time from moving to the bill. I had minority members come up to me and say: Well, why did you fill the tree?

Those words never came out of my mouth ever as it dealt with the housing matter. I would hope, as I conversed with Senator DODD late Friday evening, that he and my friend, RICHARD SHELBY, the Senator from Alabama, the ranking member on the Housing Committee, can maybe come up with amendments that the Republicans want to offer on this bill.

We believe, in fairness to the American people, it should be related to housing. As we know, the Republicans came out with their own stimulus package: lower taxes, tort reform, things of that nature, that have nothing much to do with housing reform. But we are willing to work with members of the minority to come up with a housing package. We are going to have to do it quite soon, because we are now trying to move to consumer product safety.

If we have some kind of a deal, I am sure we could work out something to move to this bill and spend a few days on it, because next week we have to go to the budget. That is statutory. We need to do that. That bill will be reported out of the committee on Thursday and then we need to move to that probably by Tuesday of next week, complete it.

As I recall, there is 50 hours of statutory time under the Budget Act, and then at the end we will run into the overwhelmingly unpopular vote-athon where people can offer amendments to their heart's content. It takes a lot of time to work our way through that.

We have two of our more experienced Senators, Senators JUDD GREGG and KENT CONRAD, the chairman and ranking member of their committee, and they are going to try to come up with a more condensed version of this to cut down the time significantly and maybe even limit the number of amendments. We have heard that before. But with two men who have so much experience with this legislation, I hope so.

Less than 2 weeks ago, Congress sent the intelligence authorization bill to the President's desk with overwhelming bipartisan support. Our country has been without an intelligence authorization bill for 3 years. That certainly is long enough.

Our bipartisan bill will strengthen intelligence capabilities to fight terrorists more effectively and keep our cities and towns safer. Our bill includes provisions to restore proper congressional oversight to the work of our intelligence community, and it includes another simple yet crucial provision that all intelligence professionals across all agencies of the U.S. Government must adhere to one standard of interrogation. Torture techniques, including sexual humiliation, electric shocks, electric burns, burns generally, with cigarettes, for example, mock execution, deprivation of food and medical care, and, of course, waterboarding are un-American, no ifs, ands, or buts about this.

There is little more precious to America than our moral authority. With moral authority, we have negotiated peace treaties, ended wars, and kept the American people out of harm's way. Our loss of moral authority may be remembered as the most damaging aspect of the Bush years.

Outrage at Abu Ghraib and Guantanamo led the world to question America's commitment to human rights and our moral authority. President Bush has made it clear that America does not torture. Instead, he says we cannot be telling our enemies our interrogation techniques.

I strongly disagree. We should be telling those who seek to harm us that no matter what they do, they will never make us sacrifice the values that lie at our core. There is no gray area when it comes to torture. It is a moral absolute, and our answer must be absolutely not.

When Republicans and Democrats joined together to overwhelmingly pass the torture ban in the intelligence bill, our message was very clear: The damage this President has done to our moral standing in the world is not irreversible. It can be restored. We cannot wait for a new President to begin.

The bill now rests on the President's desk. The decision is in his hands. Will he continue to assert our country's right to do wrong or will he join the overwhelming bipartisan majority of Congress and the American people by signing the torture ban?

Reports indicate we should expect a veto. But as the President makes his decision, perhaps he should listen to what is written in the military interrogation guideline handbook:

> Use of torture by U.S. personnel would bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It could also place U.S. and allied personnel in enemy hands at greater risk of abuse.

Every time President Bush has sought to continue his failed strategy in Iraq, he has said that generals on the ground, not politicians, should be making war decisions. He has called upon us often to heed the words of General Petraeus. What has General Petraeus said on the question of torture?

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such acts are illegal, history shows that they are also frequently neither useful nor necessary.

We now call upon President Bush to heed the words of General Petraeus, along with dozens and dozens of retired generals, bipartisan military experts, and the will of the American people by signing the torture ban.

As I indicated, we are on the consumer product safety legislation this afternoon. This is an important part of America's agenda, especially based on what happened right before Christmas last year—reforming the Consumer Product Safety Commission to make sure that the toys and other products our families use are safe—not only toys but other products.

Last year, more than 20 million dangerous toys were recalled. We all heard the terrible news of toys tainted with lead paint from overseas reaching our children, or of children having their intestines literally torn apart due to unsafe magnets in toys.

Every parent has a right to know that the toys they give their children will not cause them harm. Yet the Government agency responsible for ensuring toy safety, the Consumer Product Safety Commission, was employing one person, working in a dilapidated facility, to test toys before they were sold across the country.

The $400-plus million a day we are spending in Iraq speaks volumes. The Consumer Product Safety Commission was employing only one person, working in a dilapidated facility to test toys before they were sold to parents all across the country. That is outrageous and the tragic consequences are plain to see. Children died from ingesting toxins found in imported toys.

The Consumer Product Safety Commission estimates that 27,000 deaths and 33 million injuries per year stem from the consumer products under its use and regulation; 27,000 deaths, 33 million injuries each year. We cannot prevent every injury. We can do far better than what we have done.

The Consumer Product Safety Commission Reform Act is bipartisan. It provides comprehensive reforms to restore confidence that the Government is doing its most basic task, helping to ensure that the American people are shielded from avoidable harm.

The bill requires third-party safety testing and a comprehensive ban of lead in children's products. The legislation helps prevent deadly imports from entering our Nation's borders and increases the Commission's resources, staff, and facility.

The legislation helps ensure that information on unsafe products is made available more widely and quickly and

that when an unsafe product is recalled it is actually pulled from the shelves and not sold to unsuspecting families.

These provisions will help give parents the confidence to know that children are safe and reduce the risk of injury and death for all Americans. That is why every major consumer advocacy organization in the Nation supports this bill.

I hope my colleagues, my Republican colleagues, will follow suit by quickly agreeing to allow us to move to this bill. It is a shame we haven't been able to do it now and work today on amendments relating to it. We should debate it, do amendments, and move forward as quickly as possible and send it to the President.

RECOGNITION OF THE MINORITY LEADER

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

HOUSING CRISIS

Mr. MCCONNELL. Mr. President, last week the Senate squandered an opportunity to bring timely help to homeowners rather than propose a bipartisan plan targeted at those most in need. Our friends on the other side proposed a plan that would have helped some by increasing monthly mortgage payments on everyone else who owns a home. They checked the political box, knowing their plan wouldn't have broad bipartisan support. Then we walked away from the problem, leaving it unaddressed. It is my hope this week to bring our friends back to the table so the two parties can work together on addressing a crisis that did not go away over the weekend. America's economy is indeed slowing. A lot of families are struggling, and we need to work together without any more political posturing to help families most in need without harming other families or our long-term economic health.

Last week, Republicans proposed a variety of measures aimed, first of all, at helping those who need it most. The Treasury Department is already working on a number of major lenders to see what can be done by keeping certain mortgages from driving families from their homes. Republicans support these efforts to help families, not bailouts for banks and speculators who are losing money on a bad financial bet.

Many families that are making their payments on time are worried about the value of their properties going down, or of the crime rate going up in places where the foreclosure rate is high. To help them, Republicans are proposing a major tax credit for people who buy foreclosed homes in hard-hit areas, provided they intend to live in them.

State and local housing financing agencies are well-positioned to help families that are on the verge of foreclosure. That is why the Bush administration has proposed that State and local entities issue $10 billion in tax exempt bonds and then use the proceeds to refinance mortgages that are most at risk.

The centerpiece of the Democrat plan to aid struggling homeowners is to let bankruptcy judges refinance the terms of their mortgages. This, as I have indicated and as the Chicago Tribune editorialized over the weekend, might temporarily help some. But it would also lead to higher monthly mortgage payments for everyone else.

In California, where the housing crisis is most acute, mortgages for families that are making their monthly payments on time would potentially go up by nearly $4,000 a year. Homeowners in New York and some other States would potentially see payments go up by nearly $3,000. Homeowners in Oldham County, KY—to bring it home to my State—would see their monthly payments go up $2,100 a year.

It is not fair to penalize those who do make their payments in an effort to help those who can't. This is a principle Republicans are proud to defend.

Republicans believe the best way to ensure the long-term economic well-being of all homeowners and to create new opportunities for future homeowners is to stimulate the economy, help people keep their jobs, and to help workers keep more of what they earn.

That is why, in this economy, the Senate should act quickly to remove any fear that families have about paying the looming AMT tax. We know we will patch the loophole that puts this target on the backs of millions of middle-class taxpayers. Let us reject the political posturing and patch it now, without raising taxes, so families have one less thing to worry about.

In this economy, the Senate should also remove any uncertainty about the future status of tax credits that have helped millions of American families over the last few years.

We should extend the child tax credit which saves 44 million families an average of about $2,500 annually.

We should extend a ban on the marriage penalty so young couples don't get hit with a tax just for wanting to start a family.

We should extend the research and development tax credit, which is one of the most effective tools we have in keeping America at the leading edge of technology and in creating and retaining high-paying, high-quality jobs.

We should extend renewable energy and energy efficiency tax credits, which are a proven incentive for increasing the use of wind, solar, biomass, and other alternative forms of energy and a sure way to lower our dependence on foreign sources of energy. And we should do this too without raising taxes.

Next week, as we debate the budget resolution, we will see very clearly the vision our friends on the other side have for America's economy—a vision of higher taxes, so Washington can spend more of Americans' tax dollars, more regulation, and more litigation.

At a time of economic uncertainty, this approach would be a grave mistake. In the coming weeks, Republicans will offer a different vision based on a strategy for maintaining our Nation's long-term economic strength and competitiveness.

This is a debate we obviously are anxious to have.

Hopefully, as the majority leader indicated, we will have an opportunity to revisit the housing issue with some kind of agreement that is fair to both sides and gives us an opportunity to actually accomplish something in this important area.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, you can't bring back to the table someone who never left. My friend, the distinguished Senator from Kentucky, says he would hope we would come back to the table. We never left.

Procedurally, we have a unique situation here where you have to move to proceed to a piece of legislation. In years past, it was fairly easy, just move toward it, and then you got into a position at that time where you started legislating. If people wanted to offer amendments, they would do that. But since we have gotten into the majority, the Republicans basically have prevented us from doing that.

Our legislation is so concise and direct, so easy to understand. The President has tried to work through the Treasury Department. They have come up with a couple things that deal with less than 3 percent of the people in trouble, less than 3 percent, and it is all voluntary.

Our legislation has five issues. Our plan helps families keep their homes by increasing preforeclosure counseling funds. What does this mean? We, in our last legislation, put $200 million in that legislation to allow people to have counselors. They help a great deal. The reason we did that, in a time of foreclosure, panic around this country, the President cut funds, for example, in Nevada, for these nonprofit counselors, by 70 percent. You should be increasing them. He cut them. That money is gone. Our legislation calls for more money to keep people in their homes so they can have some counseling.

Our legislation expands refinancing opportunities for homeowners stuck in bad loans. President Bush, in his State of the Union Message, called for a proposal to allow a process to go forward where you would have bonds to work on homes that were being foreclosed upon and homes that would soon be foreclosed upon. We support that. That is in our bill.

Our legislation provides funds to help the highest need communities purchase and rehabilitate foreclosed properties, CDBG moneys going to these communities that really need to do something about these homes.

Our legislation helps families avoid foreclosure in the future by improving loan disclosures and transparency during the original loan financing process—something Jack Reed has advocated for some time.

Finally, it amends the Bankruptcy Code to allow home loans on a primary residence to be modified, only in certain circumstances with very strict guidelines.

Those are the five things. If the minority was serious about doing something with this legislation, they could offer amendments. If they don't like the bankruptcy provision, which they profess not to, let them move to strike it, let them move to modify it in some way. If they don't like any of these other four provisions—money for counselors, making it more transparent—let them offer amendments to strike them. I can't advocate strongly enough that if they don't like what we have, they can move to change it.

I have people on my side who would like to improve our bill. We can offer amendments. As I said, we can offer three, five on each side. It seems fair. But sadly, when the press conference was held last week on the Republicans' proposal to take care of the housing crisis, they want to lower taxes and they want to have tort reform.

To talk about our budget expending more taxpayers' dollars, we need only go back and look at how I started my remarks today. Today, we will spend $400 million on the war in Iraq, borrowed money. We don't have enough money under the present standard to have more than one person looking at the consumer safety commission—toys, for example, that come into this country. So we are willing to work. We are willing to legislate. It has been extremely difficult with 72 filibusters so far this Congress. But maybe today will bring a new day. Maybe we can move to the Consumer Product Safety Commission, which is a bipartisan piece of legislation, by the way. I would hope after that we don't have to use up the 30 hours. We can start this afternoon offering amendments on this legislation, doing opening statements. But maybe if we spend a couple days on this legislation, we can spend the rest of the week—if the Republicans finally decide what they want to do on the housing stimulus package—and finish that before we start the budget battle next week.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, the Washington Post just this morning—and I think we can all stipulate the Washington Post is not exactly a mouthpiece for Republicans or conservatism—began their editorial related to the housing issue this way:

It's much easier to identify well-intentioned housing policy proposals that might make a situation worse than to craft ones that will help. An example is the Democratic plan.

This is the Washington Post this morning taking a look at the proposal my good friend, the majority leader, discussed extolling the virtues of.

Now, look, there is a great opportunity to make matters worse. A good way to avoid that is to continue the discussions we can have not actually out here on the floor but the kind of discussions we have every day about a process for getting some kind of bipartisan approach on this bill.

I noted with interest that my good friend, the majority leader, the other day had his chart up with 72 filibusters on it. He is setting a record of his own, voting to cut off debate the first day a bill or resolution reaches the floor more than any previous majority leader, Republican or Democrat. During the first session of the 110th Congress, Senator REID filed cloture on the same day a bill or resolution was introduced nine times. This is three times more than Majority Leaders Frist, Daschle, Lott, Mitchell, and BYRD ever did in a first session of Congress and nine times more than in the first session of the 109th Congress.

Among these 72 Republican filibusters—and I guess, by the way, the vote this afternoon, which is probably going to be close to unanimous, will also make the list of filibusters and make it 73—includes Democratic filibusters—for example, Senator DODD's filibuster of the FISA bill last year; Democrats' filibuster of the McConnell-Stevens troop funding bill last November; Democrats' filibuster of Judge Leslie Southwick. Cloture motions that were filed by Republicans in an effort to end Democratic obstruction are also included. In fact, on more than half of the 72 Republican filibusters, Senate Democrats either voted to filibuster or voted with Republicans. On five of the filibusters, the vote was unanimous. On four of the filibusters, Democrats nearly unanimously voted against cloture themselves. Half the votes described as filibusters were actually successful votes where cloture was invoked and the bill was actually moved forward.

So if we are going to talk about this kind of thing, we at least need to get our facts right. Everybody is entitled to their own opinion, but they are not entitled to their own sets of facts. Those are the facts related to times in which we have had cloture votes in this 110th Congress.

So, Mr. President, back on the issue of housing, I think the best way forward, obviously—even though the Washington Post this morning is suggesting maybe we should delay for a while and see whether the administration's efforts produce some positive results—I think the best way forward in the Senate, as always, is to sit down and talk about some kind of process for going forward. I think the majority leader and I can do that as we do every day on every issue. I would look forward to having further discussions with him on how we might go forward and maybe come up with a bipartisan housing bill that will actually improve the situation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the 72 filibusters are Republican filibusters, not Democratic holds of any kind, like Southwick, like FISA.

I would say this: Of course, Democrats voted many times with Republicans to invoke cloture on motions to proceed. We had no choice. The purpose of the filibusters on motions to proceed is to slow things down here. Once cloture is invoked, then they wait for 30 hours, and we can try to do something else after that.

Now, I am told—I learned right here today—that it will be near unanimous that people vote to go forward on consumer product safety. Why couldn't we have, Friday, avoided this vote and just moved to the bill today? That is what has ordinarily been done in the past. The reason we hold the record for moving forward on cloture is because we have had so many objections on so many things, such as the motion to proceed, which has caused us to waste huge amounts of time.

Now, as to the merits of the Washington Post and various newspapers, Mr. President, we have newspapers all over the country, including the New York Times, which say we should do something on housing. They even support our provision dealing with changing the Bankruptcy Code to help people who are in such a desperate situation.

So if the Republicans want to do something on the housing crisis, we are ready to work with them. If they want to do something on consumer product safety, why don't we start legislating and by consent move to it right now. We can avoid the vote this afternoon. We do not need the vote this afternoon. We should not have had to file cloture on it in the first place. It is a tremendous delay. We could have legislated on this Friday afternoon, all day Monday morning.

We are willing to work with the minority. I hope there is a new day, that we do not have to go through all these procedural hurdles every time. But we have had no opportunity to legislate the old-fashioned way here because every step of the way has been procedurally blocked. That is why it has been necessary that we file cloture 72 times on Republican filibusters.

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 be a period of morning business until 3:30 p.m., 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.

The Senator from Tennessee.

ECONOMIC STIMULUS

Mr. CORKER. Mr. President, I rise today to talk about the Colombia Free Trade Agreement. I would like to say, just listening to our two leaders, there are certainly a lot of issues that our country needs to deal with. I would say that this body has lost a great deal of credibility as it relates to stimulus packages by virtue of the one we just passed.

While I know there will be people throughout our country who will be gleefully receiving checks in this election year, which certainly will make them feel good about us for a week or two, I think most of them realize our previous attempts at stimulating the economy did more to stimulate the good will toward us than the economy. I think all of us should be very slow to try to move toward a stimulus package, in that our past efforts, to me, have lacked the kind of credibility necessary in these difficult times.

COLOMBIA FREE TRADE AGREEMENT

Mr. CORKER. Mr. President, I actually rise today to talk about the Colombia Free Trade Agreement. I had the tremendous opportunity this weekend to travel to Colombia and spend time in Medellin with our Secretary of Commerce, our Secretary of Labor, the head of our SBA, Mr. Steve Preston, and also a bipartisan group of congressional Members.

Mr. President, I know you realize that just this last week, this body passed, on a voice vote, the Andean Trade Preference Agreement, which allows Colombia, along with other South American countries, to actually send goods into this country tariff free. Let me say that one more time. Last week, by voice vote, unanimously, this body agreed to extend the Andean Trade Preference Agreement that was first put in place in 1991 that allows Colombian companies to ship into this country tariff-free products for sale in our country.

The Colombia Free Trade Agreement would actually allow American companies—American companies, which employ Americans—to ship goods into Colombia. It is amazing to me we have not been able to vote on this agreement. I realize this has actually been used as a leverage point, if you will, by some of the major unions in our country to leverage us into maybe doing some other things.

I realize the other body, on the other side of the building, is the body that needs to take up this agreement. But I think most people realize what is taking place at this point in time.

I would like to go back in history and cause the American people to remember that Plan Colombia, where we, as a country, have invested $5.7 billion into the country of Colombia, is something that has been done on a bipartisan basis. This was started under President Clinton with a country that had a very fragile existence due to security, due to narcotics. It was something that was put in place to help our country be more secure. This has been carried through with the Bush administration.

Mr. President, I have to tell you, it has been incredible the progress that has taken place in Colombia, especially since the year 2002, under President Uribe's leadership. During that period of time, the country has become far more secure.

We were in a city that just a decade ago we would not have been able to travel to. Economic growth has continued; 32,000 members of paramilitary groups have actually put down their arms and come back into civil society in this country.

So we are at a point in time where this country has made tremendous strides. This country has made remarkable progress. They focused on human rights. Just in February of last year, they set up special prosecutors to focus on violence as it relates to union officials and have made tremendous progress.

As a matter of fact, today in Colombia, a place where union officials in the past had to worry about their safety, it is actually safer—by virtue of violence against union officials—it is safer to be a union official than it is another member of society: a teacher or someone else.

It makes no sense for any of us in this body to not want the Colombia Free Trade Agreement to come into existence because today they are able to sell products into our country tariff free, but we are not able to sell products into their country. If this trade agreement were to come about, Colombia would actually be held to international labor standards. So, in fact, the plight of labor there would be lessened. As a matter of fact, to have American companies playing a role in Colombia would also be something that would enhance human rights.

Over the weekend, a leader of one of the terrorist groups, FARC, which has wreaked havoc on the citizens there, was killed. It was something that was done certainly to create even more security there. We have seen the reaction today and yesterday of the leader of Venezuela, who has 4,000 to 6,000 troops on the Colombian border—in essence, a threat to that country.

Colombia has been a friend of our country for many years. They had people fighting side by side with us in the Korean war. They have been loyal friends. They have lived up to what we have asked them to do and are making even greater progress in some cases than we ever expected. This is about us honoring our friendships. This is about us honoring our commitments.

I will just say, as it relates to my own State, we have increased trade with Colombia, even under the arrangements that we have now where our companies have to pay tariffs on goods going into their country. In my own State, we would increase tremendously the amount of agricultural exports going into Colombia if this agreement were passed.

In conclusion, we have an ally in South America, an ally that is under immediate threat today but is under continual threat from countries nearby that harbor terrorists who commit terrorist acts against their country.

We have worked with them for years and have invested $5.7 billion or $5.8 billion into that country. Trade, we know, is a stabilizing factor. Right now, I think all of us understand that the leadership of the AFL–CIO and other organizations by virtue of their political relationships have been able to keep this treaty from passing, from being a part of our agreement with Colombia.

I think it is important for all of us to understand the negative impact that is having on our own States. As I mentioned earlier, farmers in my own State would benefit tremendously. Manufacturers of equipment would benefit tremendously. Chemical and pharmaceutical manufacturers would benefit tremendously. The fact is, in 2006, our trade with Colombia in my own State was up 49 percent, even with these tariffs in place.

So I hope the leadership of the body across the Hall will very soon allow the Members of that body to vote their conscience on this particular trade agreement; to not have a vote where they, in essence, direct people to vote against this agreement but allow people to vote for it because this is good for people all across America as it relates to employment. It is good for Colombia in that it shows that they are, in fact, our friend. It is good for our national security.

It is important for us to have in South America allies who think like we think and want to see democracy flourish, who want to see free trade, who want to see relationships with our people.

I think at this critical time, especially with the turmoil that is existing in that part of the world, it is important for us to pass this Colombia Free Trade Agreement.

Mr. President, I thank you for allowing me to express my views today. I hope we, as a body, will have the opportunity to pass this bill in the near future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend my colleague from Tennessee for bringing up this very important issue. We know from what has happened in Colombia in just the last 2 days that it is so important our country help them in every way as they struggle to get rid of the drug trafficking and trade that has plagued

their country for so long. Free trade would be an excellent way for our country to help them build their economy and keep their democracy alive and stable.

So I say thank the Senator from Tennessee for talking about that issue, which is very appropriate at this particular time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 439, the nomination of Mark Filip; that the nomination be confirmed, and the motion to reconsider be laid upon the table; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Mark R. Filip, of Illinois, to be Deputy Attorney General.

Mr. REID. Mr. President, this is Mukasey's chief deputy. We have been trying to get this nomination cleared for quite a long time.

Mr. LEAHY. Mr. President, today we continue the process of rebuilding the integrity and independence of the Justice Department by confirming the nomination of Mark R. Filip to be the new Deputy Attorney General, the number two position at the Department of Justice, who acts as the Attorney General in the absence of the Attorney General.

Regrettably, this important nomination has been stalled for over a month due to the bad faith of the Bush-Cheney administration in failing to process Democratic recommendations to independent boards and commissions, and Senate Republicans' rejection of up-or-down votes on nominations to the Federal Election Commission.

I commend the majority leader for his efforts to resolve this impasse. I also thank him for agreeing with me to allow the Filip nomination to proceed at this time. It is a demonstration of good faith on his part and I thank him. I strongly support the majority leader in his efforts to make progress by calling up Judge Filip's nomination today.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability that resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials—including then-Deputy Attorney General Paul McNulty, whose successor we consider today.

The tired, partisan accusations the President engaged in at the White House recently, in which he used Republican Senators and nominees as political props, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed ''unfair treatment'' and suggested ''his good name'' was ''dragged through the mud for political reasons.'' The U.S. attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

We need a new Deputy Attorney General. We need someone who understands that the responsibilities and duties of that office are not to act as a validator for the administration, or as the chief defense lawyer for the White House. We are reminded by the examples of Elliot Richardson and William Ruckelshaus from the Watergate era—and more recently the examples of James Comey, Jack Goldsmith, and Alberto Mora—that law enforcement officials must enforce the law without fear or favor to their benefactors at the White House. We have now seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives.

The truth is that it was the President who deferred the critical work of restoring the Department's independence and credibility by delaying this nomination for half a year. This administration knew from at least May 14, 2007, when Mr. MCNULTY announced that he was resigning, and should have known for weeks before, that there was to be a vacancy in the important position of Deputy Attorney General. Yet even after the former Deputy announced his resignation and proceeded to resign months later, the administration failed to work with the Senate to fill this vital position.

The President did not nominate Judge Filip until last December. I announced that the Judiciary Committee would hold a hearing less than 2 weeks later, before Congress adjourned for the year, immediately upon receiving the necessary background materials from the White House. The committee moved as expeditiously as possible and we reported out Judge Filip's nomination at our first executive business meeting of the 2008 session.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last few months, we have confirmed a new Attorney General, and held hearings for the number two and number three positions at the Department of Justice, as well as for several other high-ranking Justice Department spots.

It is vital that we ensure that we have a functioning, independent Justice Department. A month ago, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We will hold another oversight hearing this week with FBI Director Mueller. These are more steps forward in our efforts to lift the veil of White House secrecy, restore checks and balances to our Government, and begin to repair the damage this administration inflicted on the Department, our Constitution, and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously to refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of Judge Filip today. In spite of the partisan, political display at the White House last month, staged while a convention of right-wing activists were in town, we are proceeding today.

With Judge Filip's confirmation, we will have confirmed 23 executive nominations, including the confirmations of nine U.S. attorneys, four U.S. marshals, and the top two positions at the Justice Department so far this Congress.

We could be in a position to make even more progress if the Republican

members of the Judiciary Committee would work with us in considering the nominations of this Republican President. We have had the nominations of Kevin O'Connor to be Associate Attorney General, the number three position at the Department, and Gregory G. Katsas, to be Assistant Attorney General of the Civil Division, on our agenda since the middle of February. Three weeks ago, I placed the O'Connor and Katsas nominations on the committee's agenda but Republican members of our committee did not show up to make a quorum at that meeting or at our meeting last week. I adjourned both our February 14 and February 28 meetings for lack of a quorum. At the first meeting, only one Republican Senator was present. At the latter, the ranking member chose to leave. I hope we will be able to act on those nominations this week.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of Federal law enforcement. There are now 19 districts across the country with acting or interim U.S. attorneys instead of Senate-confirmed, presidentially appointed U.S. attorneys, and for which the administration has still failed to send the Senate a nomination. For more than a year I have been talking publicly about the need to name U.S. attorneys to fill these vacancies to no avail and urging the President to work with the Senate.

I was disappointed but not surprised to see the administration return to tired political attacks. What better time than right now, when the economy is slipping farther off the tracks, when the President's budget shows record annual triple-digit deficits, when al-Qaida is stronger and more virulent than ever, according to General Hayden and Director McConnell, and with Osama bin Laden still at large, when gas prices and unemployment are rising, and a mortgage crisis grips many parts of the country. I wish the President would put aside his partisan playbook and work with us.

I trust that Mark Filip understands that the duty of the Deputy Attorney General is to uphold the Constitution and the rule of law not to work to circumvent it. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate Judge Filip and his family on his confirmation.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

The Senator from Texas.

172ND ANNIVERSARY OF TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today because it is the 172nd anniversary of Texas Independence Day.

I wish to take a moment to read a letter that is such an important part of the history of Texas. It is the letter of William Barrett Travis from the Alamo. This is a tradition I have continued that was started by my colleague and friend, Senator John Tower, to commemorate Texas Independence Day every year, which is March 2. Now, of course, March 2 was yesterday, which is Sunday, so I always try to do it as close to March 2 as I can, as Senator Tower did when he was serving in this body.

The Texas Declaration of Independence was a document that was signed by, among others, my own great, great grandfather, Charles S. Taylor, as well as his great friend, Thomas Rusk, who became one of the first two Senators from Texas and whose seat I hold today. They both hailed from Nacogdoches, which is the oldest town in Texas. It is the town where my mother grew up and where my great, great grandfather was a delegate to the convention that declared independence from Mexico for the territory that was Texas. It is a historic time for Texas. We celebrate Texas Independence Day every single year because we know fighting for freedom has made a difference in what Texas is. We love our history. We fought for freedom and we were a republic, an independent nation for 10 years. Then, we came into the United States under a treaty as a State.

The defense of the Alamo by 189 courageous men, who were outnumbered 10 to 1, was a key battle in the Texas revolution. The sacrifice of COL William Barrett Travis and his men made possible GEN Sam Houston's ultimate victory at San Jacinto, which secured independence for Texas. That is where Santa Anna, the general in charge of the Mexican Army, formally surrendered and that was end of the fight for Texas independence.

Colonel Travis wrote to his countrymen a letter asking for reinforcements:

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion; otherwise, the garrison is to be put to the sword if the fort is taken. I have answered the demands with a cannon shot and our flag still waves proudly from the wall. I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to 3,000 or 4,000 in 4 or 5 days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—victory or death.
>
> William Barrett Travis, LT. COL. Commander.

That was the letter he wrote from the Alamo. He did not get reinforcements. Those brave 189 men did, in fact, fight against what is estimated to be 4,000 or 5,000 Mexican soldiers, but they held long enough for GEN Sam Houston to muster his strength and add to his Army. Then, about a month later, in April, the San Jacinto battle did take place against the Mexican Army and Santa Anna surrendered. So it was an important part in Texas history which we value and celebrate very thoroughly every March 2nd. I will continue the tradition of Senator Tower as long as I am in the Senate, and I hope it can continue.

I yield the floor.

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

MORTGAGE CRISIS

Mr. DURBIN. Mr. President, last week we had a debate on the floor of the Senate about three different measures. The frustration was that at the end of the week, nothing happened. Now a lot of people who watch C–SPAN and observe the Senate in session wonder if anything ever happens. It seems as though there are a lot of gaps in activity here—so-called quorum calls—that seem to go on and on and on, and then you switch to another channel. Of course, if you are a Member of the Senate, there is a frustration about this if you came here and believed part of your job is to try to solve problems facing this country.

Early in the week, we tried to start a debate on the policy on the war in Iraq. It was an important debate. It is one we have tried to initiate many times over. Under the way the Senate rules are written, the minority party—the Republican Party—can ''filibuster'' is what they call it around here, which means stretch out the debate until there is no end in sight, and then you file what is called a cloture motion to close down the debate to get to a vote, but you need 60 votes to close down the debate. So these cloture motions to stop filibusters are brought to the floor, and if you don't have 60 Senators who will say close down the debate and get to a vote, you have to move to something else. The filibuster worked. Last week, three times the Republicans had successful filibusters, stopping us from debating a change in the policy in the war in Iraq to start to bring American soldiers home.

Then, the second vote was a report from the Bush administration on the progress that is being made to capture Osama bin Laden and to stop worldwide terrorism. They filibustered that too. They didn't want the administration to report.

Then came the housing bill to deal with the mortgage crisis around America, and we had six very sound and good ideas to try to deal with it. They filibustered that, too, and they stopped it. What a frustration. At the end of

the week, to say we spent all this time—30 hours between each vote, incidentally—and nothing happened. Frankly, if we were being paid on the basis of productivity here, none of us deserve a paycheck for last week because we did nothing. There were a few inspiring speeches on the floor, but nothing happened.

Well, the problem, of course, is the issues we addressed last week are still issues this week and will be for a long time to come. The war in Iraq is still claiming American lives. We are perilously close—sadly close—to 4,000 American soldiers who will have died in a war that has lasted longer than World War II, a war that is going into its sixth year, a war that has cost us 4,000 American lives, 25,000 or more American soldiers seriously injured, and by the end of this President's term, $1 trillion. We are spending $10 billion to $15 billion a month on this war. We have this budget that comes along, but we don't have enough money for medical research at the National Institutes of Health. We don't have enough money to fund No Child Left Behind so that the schools can improve their standards. We don't have money to expand health insurance coverage for uninsured children in America, but we have enough money to spend $10 billion to $15 billion a month indefinitely on this war in Iraq. Is that worth a debate? Is it worth it for Senators on both sides of the issue, both sides of the aisle to stand up and say where they stand and to vote? I think that is why we are here. If it isn't, then I have missed something completely. I am honored to be representing the great State of Illinois, and I don't believe for a minute that my views are the views of everybody in that State. When I cast a vote or make a speech, I go back home and people ultimately make a judgment as to whether I should continue to represent them.

This Senate has now become dysfunctional. This Senate is now wrapped up in filibusters. Last year, the Republican minority in the Senate initiated 62 filibusters—62 filibusters in 1 year. It was an all-time record. The record before that was 62 filibusters in 2 years. They doubled the record number—the rate of the record number of filibusters in the history of the Senate. Why? To avoid a vote; to avoid votes on issues that may be used against you in a campaign. Please.

My good friend, the late Congressman from Oklahoma, Mike Synar, used to say: If you don't want to fight fires, don't be a firefighter. If you don't want to stop crime, don't be a policeman, and if you don't want to vote on tough issues, don't run for Congress. I agree with him. I don't like facing tough votes, but it is a part of the job. You ought to at least have enough confidence in your beliefs to cast that vote and go home and explain it.

But the Republican side of the aisle is now trying to insulate their Members from even casting tough votes. Is it any wonder the national approval rating of Congress is so low after last week, the Republican strategy of filibuster after filibuster after filibuster and at the end of the week nothing happened.

One of the last things we debated is the housing crisis. I wish to tell my colleagues, if you read the newspapers over the weekend and this morning, we are whistling past the graveyard as a nation. Our economy is in serious trouble. I would not use the word ''recession'' because the recession is, by tight definition, two negative quarters of business growth. We have not had that. I hope we don't. But everyone knows the economy is in trouble. It is obvious from the unemployment statistics. It is obvious in the disparity of income, where some executive of a major company can make more money in 10 minutes than a worker who works all year in a factory. It is obvious in all the jobs we have lost in this country, good-paying factory jobs, now shipped overseas. For those who remain, ask the people working there about the cost of their health insurance. It goes up every year and covers less. Ask them about their pension plan: Oh, it used to be a good one for my dad, but I am in a new group of employees and ours is not so good. That is the reality of the economy today.

But at the heart of our economic problem is the housing crisis: 2.2 million Americans will face foreclosure in the few years—2.2 million subprime mortgagers who put a mortgage on their home and now they can't make the payment when the adjustable rate mortgages change. In the old days, you signed up for a 25- or 30-year mortgage and the interest rate and term of the mortgage and monthly payments were predictable: principal and interest. You knew what you were going to face. Not today. Under subprime mortgages, the mortgage banking industry came in with the most exotic products you could imagine: interest only mortgages, mortgages where you pay a little bit now and it changes later on. It became almost impossible to follow. Sadly, a lot of people signed up for mortgages they didn't understand, or that they were deceived into signing. I don't know if you have ever gone through a real estate closing—I have a few times in my life. I went through a lot of them as a lawyer. You know what they hand you at closing, that stack of papers, they shove it right in front of you and the banker or the realtor, whoever happens to be in the room, says: Well, you need to sign all these forms, you and your wife need to sign them.

What are they?

Oh, Federal forms, Truth in Lending, all of these things; the State requires them, the Federal Government.

So you turn the pages and sign and sign and sign, and then they say: Fine, OK. Thank you very much. You can move into the house next week.

You often wonder—I know I have—has anybody ever read those? Do you know what is in there?

Do you know what happened to a lot of people? They ended up going through closings and signing up for mortgages that were downright unfair. Many of them were deceived into signing up for mortgages which, frankly, I think were predatory, unfair, and a blight on the mortgage banking industry. That is why so many of them are so-called ''underwater'' now. Companies and banks are writing off so many of these loans because they were luring people into circumstances that weren't possible, and people ended up losing their homes.

What happens when 2.2 million homeowners, out of a population of 300 million people, lose their homes? You think: It doesn't sound like much, 2.2 million. If a person in your neighborhood files for foreclosure or bankruptcy because they are going to lose their home, it affects the value of your home, even if you are paying your mortgage every single month. Do you know why? Because the value of your home is based on the average sales price in the area. If the neighbor's house down the street went up for auction because of a foreclosure and sold below fair market value, it drags your property value down. One out of three homeowners in America now making their mortgage payments dutifully will see the values of their home go down through no fault of their own. The most important asset in your life for most families is diminishing in value because of the mortgage foreclosure crisis.

So what does the administration say we should do about this national economic crisis? Not nearly enough. The most forward-looking proposal from the Bush administration could affect 3 percent of the people facing foreclosure. Three out of one hundred might be helped by their approach. That isn't enough. Until we turn this housing crisis around, this economy will not turn around. I think that gets to the heart of it.

So here is what our bill says. Our bill says we are going to put more mortgage counselors out on the street. If you can't make your mortgage payment, it doesn't do you any good to hide in a cave. Eventually, they are going to catch up with you. Reach out and talk to somebody you can trust. That is what the mortgage counselors are all about.

Senator JACK REED of Rhode Island has a provision which I think is so simplistic and straightforward it makes eminent sense. When you sit down at that real estate closing, there ought to be a cover sheet right in front of you and it ought to say: You are borrowing X number of dollars. You are going to pay X interest rate. That interest rate in 2 years may change to X. Your monthly payment now is X. Your monthly payment then will be Y. There is a penalty or there is no penalty for

prepaying your mortgage. Five pieces of information: none of which are that hard to come up with, but at least as a buyer, right there in front of you, are the basics. You know what you are getting into. Senator REED of Rhode Island put that in our package, our housing package.

Well, maybe that would have passed but for one provision. The President announced last week he would veto our housing bill because of a provision I added to it. I wish to take a minute to explain it.

I think it really gets to the heart of this debate. If you listen to the Presidential campaign, it is all about who controls this place and the House of Representatives. Is it a special interest lobbyist out in the hallway, well dressed and well paid, or will it be the voters and the people in this country? That is the fundamental question of this Presidential campaign.

Why is Congress tied up in knots and failing to do anything? Who controls Congress? Whom does Congress answer to? That is the debate going on across America now. Boy, you would not hear much about it in this Chamber. Why? Because the Mortgage Bankers Association came out against my provision and said defeat this bill because of this provision.

Let me tell you what it does. About a third of the people facing foreclosure will end up in bankruptcy court. They will go to chapter 13, which is an effort to try to work it out, where you say: Here is my income, my assets, and my debts; is there any way I can make payments and keep my home and do these things? The court then looks at it and brings in all the creditors and tries to work out a package deal so you can stay in your home, through chapter 13, and get through it.

Now, if you are facing hard times and foreclosure on your vacation condo, the court could sit down and work out the terms of your mortgage—in terms of the length, how much you will pay, and the interest rate you will pay. If you have a farm or ranch, the court can do the same thing and work out the terms to see if maybe it can work, if a package can be put together that lets you keep your properties. But the law specifically prohibits the bankruptcy court from modifying the terms of the mortgage on your home—vacation condo, yes; farm, yes; ranch, yes; but your home, no. Why is that? It is because the law was written 20 years ago that says they cannot touch it.

Well, we change that law. We allow the court, under specific circumstances, to modify your home mortgage. Let me tell you the conditions.

First, it only applies to people currently holding a mortgage, not prospective, and it is not changing the law forever.

Second, it only applies to those with subprime mortgages, the ones with the serious problems.

Third, it only applies to those who can qualify to go into bankruptcy court. Most people cannot get into bankruptcy court because you have to prove that your debts are more than your income.

Fourth, when they modify the mortgage, they cannot go below the fair market value of the property. If the property goes into foreclosure and the bank ends up owning it and they sell it at auction, almost never do they get fair market value for it. We say that the fair market value is the bottom line as to what that mortgage can be modified to. We also say the interest rate will be the prime rate plus a premium for risk. So we look at the interest rate.

We add another provision. Say you bought the home for $500,000 and it is worth $450,000 now. They can work out an agreement in bankruptcy that you can stay in the home and pay the mortgage on $450,000. Then, in 2, 3, or 4 years, as the value goes back up to $500,000, that difference goes to the bank, not to the individual. So they are protected on the upside by that provision and on the downside by fair market value.

The mortgage banking industry opposes this. They won on the floor of the Senate last week. Only one Republican had the courage to vote with us for this change. Every other Republican Senator voted no. So if there is any question about a scorecard, the mortgage bankers who, incidentally, got us into this mess with the subprime mortgages and who, in many instances, deceived people into mortgages that were totally unfair to them and their families, these mortgage bankers prevailed. The housing stimulus package failed.

I hope we can return to this, and I hope we can do it this week. The problem is still there. Sunday, the Chicago Tribune editorialized against my bankruptcy provision and said this is going to raise interest rates across the board; that the industry is going to raise interest rates because if they have to face the prospect of modifying their mortgages, they are going to have to raise interest rates.

So I did a little calculation. If 600,000 people go into bankruptcy, on the upside, and we have about 120 million homeowners in America, that is one-half of 1 percent of those who would be affected by it.

So I don't think their fear-mongering is going to work. Sadly, they carried the day last Friday. We have to try again. There is not another provision in this housing stimulus that will reach as many people—even 600,000—as the provision I have described.

I see that the Senator from Pennsylvania is anxious to speak. I will wrap up in just a minute.

This situation with this provision is very important. When I asked the industry, ''Why do you oppose this?'' do you know what they tell me? The ''sanctity'' of the contract. Well, I will tell you, if sanctity means holiness, there is nothing holy about the subprime mortgages I have been told about or about a subprime mortgage that a person signed up for. For example, a poor lady who is retired, age 65, was lured in by some television ad and had papers pushed in front of her at closing. She was told she could save her home if she signed this package. There is nothing holy about what happened to the woman in Peoria, IL, who, after her husband faced a fatal illness, had to get into a one-story home so he didn't have to climb stairs. Some adviser along the way convinced her to consolidate all of her debt into her new home with an adjustable rate mortgage, and her monthly payments doubled to the point where she cannot now stay in there. There is nothing holy about the mortgage that the couple from Cleveland faced, who came to see us last week. They are both hard-working people, and they are about to lose their home outside of Cleveland. They thought they were doing the right thing. In the fine print, it said that the mortgage interest rate can never go down, it can only go up. They didn't know that. This poor man is a maintenance supervisor. Who told him the real terms of the mortgage? The sanctity of the contract. The holiness of the contract.

I will tell you, our job here is to make sure people in America are treated fairly; that big companies, whether they are mortgage banks or corporations, are held to a standard of conduct that recognizes civility, ethics, and moral conduct. What we have seen in this subprime mortgage mess—sure, there has been wrongdoing on both sides, but overwhelmingly a lot of people have been deceived into losing their homes.

The mortgage bankers won the first round last week. Congratulations. Hats off to them. They clearly have sway over the Congress at this moment. But I hope that changes. I hope some people in the Senate will reflect on this and really try to do something about the housing crisis and to get our economy back on its feet.

I yield the floor.

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

Mr. SPECTER. Mr. President, I had been advised that I would have 30 minutes in morning business. I ask unanimous consent that I be permitted to speak for up to 30 minutes.

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

Mr. SPECTER. Before the Senator from Illinois leaves the floor, I had come to the floor to talk about the confirmation of judges, but while the Senator from Illinois is still on the floor and has spoken on a subject he and I have been working on for some time, I would appreciate it if he would wait just a few minutes while I engage him in some dialog and debate and try to deal with the issue on which we have been working.

Mr. DURBIN. I am happy to.

Mr. SPECTER. Mr. President, the Senator from Illinois has proposed legislation that would authorize bankruptcy courts to reduce the principal value of mortgages—so-called ''cram down''. I have introduced legislation that would authorize bankruptcy courts to reduce the interest rates on variable rate mortgages. I have taken the position I have because I believe giving bankruptcy courts the authority the Senator from Illinois has advocated for would have a serious, disruptive effect, discouraging lenders from loaning money for home mortgages. I am not alone in that view. Congress expressed that view when it expressly barred bankruptcy courts from modifying mortgages. Justice Stevens noted this in Nobleman v. American Savings, when he said the following:

At first blush, it seems somewhat strange that the Bankruptcy Code should provide less protection to an individual's interest in retaining possession of his or her home than of other assets. The anomaly is, however, explained by the legislative history indicating that favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market.

That is to say, in essence, that if bankruptcy courts could modify mortgages, lenders would issue fewer mortgages in the future, a serious disadvantage to Americans who want to buy homes down the road.

It is this concern that led me to introduce legislation that would allow bankruptcy courts to modify mortgages in a very limited way. My bill focuses on the problem by allowing bankruptcy judges to modify interest rates on mortgages where the rate has increased dramatically. The number of these types of mortgages has increased substantially in recent years. In 2001, adjustable rate mortgages accounted for 16 percent of all home loans. By 2006, this share had increased to 45 percent.

The Senator from Illinois has characterized my legislation in somewhat uncomplimentary terms, to put it mildly. He said:

Specter's language is worse than useless. It's counterproductive. It creates the image of action and response and it does nothing.

Worse than useless. That is very tough talk, but let's examine what the facts are. The facts are that the rate of delinquency and foreclosure on adjustable rate mortgages has been very considerable, in contrast with what has happened on fixed rate mortgages. As payments on adjustable rate mortgages have reset, many homeowners have had their monthly payment increase substantially. On average, a $1,200 monthly mortgage payment has increased by $250 to $300. Among homeowners with subprime adjustable rate mortgages, the percentage that was either 90 days past due or in foreclosure has more than doubled from 6.5 percent in the second quarter of 2006 to 15.6 percent in the third quarter of 2007. The percentage of homeowners with prime adjustable rate mortgages who are either 90 days past due or in foreclosure has more than tripled, from less than 1 percent in the second quarter of 2006 to 3.12 percent in the third quarter of 2007.

Contrast this with delinquencies and foreclosures among homeowners with fixed rate mortgages. The percentage of homeowners with fixed rate mortgages who are either 90 days past due or in foreclosure has increased only slightly from 5.72 percent in the second quarter of 2006 to 6.61 percent in the third quarter of 2007. Similarly, among homeowners with prime fixed rate mortgages, the percentage who are either 90 days past due or in foreclosure has only increased from .63 percent to .83 percent.

The point of all this is that adjustable rate mortgages have created an enormous problem for many homeowners. But that has not occurred where there are fixed rate mortgages. So it hardly seems to me that ARLEN SPECTER's language is ''worse than useless.''

It hardly seems that my proposal is counterproductive or that it creates the image of action and response but does nothing.

The fact is, it attacks the very core of the serious we face today problem. On one point the Senator from Illinois and I agree—we have a very serious problem. I wish to see this Senate address it. The fact is we could use some constructive work around here. May the RECORD show the Senator from Illinois nods in agreement. So we have quite a few points here that are not totally ARLEN SPECTER useless.

Mr. DURBIN. May I ask the Senator a question through the Chair?

Mr. SPECTER. I don't mind the presumption if the Senator will use his microphone.

Mr. DURBIN. It is not turned on. Now it is turned on. I wish to respond through the Chair and not take anything away from Senator SPECTER's time; that any time I use be taken from me. I will be very brief.

Mr. SPECTER. I will finish in less time than the Senator from Illinois used when he said he was about to finish. I only wish to say that I hope we will take it up in the Judiciary Committee this week and report it out of Committee, which is what ought to be done before it comes to the floor. Then perhaps we will have more time for an extended debate.

I will be glad to hear the response from the Senator from Illinois.

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

Mr. DURBIN. Mr. President, I thank the Senator from Pennsylvania for his effort to cooperate and with me.

First, he is concerned about the impact on interest rates if my bankruptcy provision goes through. Understand, it only applies to a fixed, finite, limited group of adjustable rate mortgagees who are facing foreclosure and going to bankruptcy court. The up-side estimate is 600,000. I think more realistically 400,000, 500,000 would qualify.

To suggest we are changing the policy of mortgages in America and will precipitate higher interest rates for all Americans from this point forward does not apply. We are dealing with a specific emergency, a specific crisis, and a specific response.

I will readily concede with some humility that my remarks were harsh and perhaps strong in relation to the Senator's amendment. But I will tell him why I felt that way and why I reacted that way.

There is one point in his amendment that he has not said on the floor. He gives the bank the last word. The bank makes the decision whether the mortgage is going to be changed. As long as the bank has the last word, nothing is going to happen. There is not a thing that bank cannot already do today in renegotiating the terms of the mortgage, and they are not doing it.

I have said to the Senator from Pennsylvania that I think that is the critical element, the critical difference in our approach. I believe the bankruptcy court should have the last word. The Senator from Pennsylvania believes the mortgage bankers should always have the last word. I don't think that is a reasonable way to approach it.

In terms of the number of adjustable rate mortgages, they are the problem. Six years ago, some estimated that about one out of twelve faced foreclosure. Today the estimate is one out of two. Clearly, the problem needs to be addressed. I tried to narrow my amendment so it addresses those now, it does not have a long tail to it, and does not give the bank the last word.

Mr. SPECTER. Mr. President, the conclusive response to the argument by the Senator from Illinois is that my bill allows the court to reduce the principal on a mortgage—a so-called cram down—if the bank agrees and if it is indicated by the facts. What the Senator from Illinois failed to note is that my bill gives full leeway to bankruptcy courts to adjust interest rates—which the Senator from Illinois has already acknowledged is the real problem.

Under current law, the court does not have the power to reduce the principal on a mortgage. So I added the provision that if the lender were in agreement, and if it makes sense in many cases this option will cost less than foreclosing—then extend the authority to court to make that adjustment.

Mr. President, how much time remains of the 30 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 21½ minutes remaining.

JUDICIAL CONFIRMATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition today to comment about the serious problem in the judicial confirmation process where Federal judges are pawns in political partisanship. I wrote to my distinguished colleague Senator LEAHY on February

29, last Friday. I sent him an extensive letter on the subject.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the full text of that letter at the conclusion of my comments.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. President, during the past 20 years, we have seen a very serious deterioration in the processes in the Senate on the confirmation of Federal judges. Without a broad sweep of historical reference, I believe it has been a very low point in the confirmation of Federal judges since the beginning of the Republic, but in order to say that with absolute certainty, there would have to be a very intense historical survey undertaken.

It is plain that since the last 2 years of President Reagan's administration until the present day, the confirmation process has broken down whenever the White House has been controlled by one party and the Senate controlled by the other party. In the last 2 years of the Reagan administration, the judicial confirmation process broke down. In the 4 years of the administration of President George H. W. Bush, the confirmation process was riveted with partisanship. When Republicans gained control of the Senate starting in January of 1995, during the last 6 years of the administration of President Clinton, the Republican Senate retaliated, and more than retaliated; it exacerbated the problem. Then, when the administration of President George W. Bush came, the Democrats were in control for about a year and a half of that process. Again, the process was stymied. Then it got even worse. Then, even though the Republicans had gained control of the Senate, after the 2002 elections, there were filibusters, which were very destructive to the Senate. Then, there was a very serious challenge to the filibuster rule. The Democrats were filibustering President Bush's nominees and Republicans responded with a so-called constitutional or nuclear option to change the filibuster rule to reduce the number from 60 to 51.

During the course of these battles, with one side raising the ante and the other side raising the ante, exacerbating the controversy, I was willing to cross party lines and support the nominees of President Clinton who were qualified. For example, I crossed party lines to support Judge Marsha Berzon who was confirmed to the Ninth Circuit on March 9, 2000, and Judge Timothy Dyk who was confirmed to the Federal Circuit on May 24, 2000. I supported Judge Richard Paez who was confirmed to the Ninth Circuit on March 9, 2000, and Judge H. Lee Sarokin who was confirmed to the Third Circuit on October 4, 1994. Similarly, I supported President Clinton's nomination of Judge Gerard Lynch who was confirmed to the District Court for the Southern District of New York on May 24, 2000.

I also supported other controversial, nonjudicial confirmations such as Lani Guinier to be Assistant Attorney General for the Civil Rights Division of the Justice Department and the subsequent nomination of Bill Lann Lee for the same position. I was willing to cross party lines and support the nominees of the Democratic President. Now, I believe the Republican caucus is correct. In order to determine which caucus is to prevail, I believe the American people are going to have to be informed as to what is going on. It is a picture, which I submit requires correction.

Comparing the statistics on the confirmation of President Clinton's nominees versus President Bush's nominees shows a significant disparity. In the last 2 years of President Clinton's term, President Clinton was successful in confirming 15 circuit nominees and 57 district court nominees, while President Bush has been successful in confirming only 6 circuit court nominees and 34 district court nominees.

Looking at the total of 8 years, there is, again, a great disparity. In President Clinton's 8 years, 65 circuit judges were confirmed and 305 district judges. During the full two terms up to the present time with President Bush, 57 circuit judges have been confirmed and 237 district court judges have been confirmed.

It is not just a matter of statistics, it is a matter of very substantial impact on the public, a very substantial impact on the courts, and a matter of very significant unfairness to the nominees themselves.

It is impossible with any other statistical analysis to draw any firm conclusions because the years overlap. Senator LEAHY and I have already exchanged extensive, candidly argumentative correspondence, and he has made some points, but a close analysis shows that is not the case. When he cites the confirmations in the year 2007, for example, his figures look good because 13 of the judges were held over from the preceding 109th Congress. So, if those 13 are extracted, it is not the kind of a picture that would show the statistical battle as tilting in his favor. But, I believe it goes much further than the statistics. It goes to what is happening day in and day out in the Federal courts.

There recently was extended publicity given to the *Exxon Valdez* case. The situation first arose in 1989 when 11 million gallons of crude oil were spilled in Alaska. The district court acted on the matter in 1994. The case is just now coming to the Supreme Court of the United States, which heard argument last week. In the interim, some 8,000 plaintiffs have died.

In the text of the letter which I have sent to Senator LEAHY and which will be included in the CONGRESSIONAL RECORD, there are the designations of areas where there are judicial emergencies. ''Judicial emergencies'' means that there is an insufficient number of judges to handle the backlog of cases in the courts. That means the people who have gone to court to sue for damages in a personal injury case or to sue for defective automobiles or to sue for negligently formulated medicines are delayed. The adage is well established in our lexicon that justice delayed is justice denied. I shall not elaborate in the limited amount of time I have on the many circuits and district courts where they face judicial emergencies because well-qualified judges have not been confirmed. Here again, I can mention only a few. But one nominee, Peter Keisler, whose nomination to the District of Columbia Circuit Court has been pending in Committee for more than 20 months, is a man who graduated magna cum laude from Yale, then graduated from Yale Law School, and was editor of the Yale Law Journal. Editorials in the Los Angeles Times and the Washington Post have called for confirmation of Mr. Keisler, calling him a ''moderate conservative'' and a ''highly qualified nominee'' who ''certainly warrants confirmation.''

Robert Conrad, nominated to the Fourth Circuit, is nominated to fill a judicial emergency and has been pending over 220 days. He is rated unanimously well qualified and graduated magna cum laude from Clemson University. An editorial in the Charlotte Observer stated it is ''outrageous'' that the Judiciary Committee has not held a hearing on Judge Conrad, calling him a ''well-qualified judge who only 3 years ago received unanimous Senate confirmation,'' and who ''was appointed by Democratic Attorney General Janet Reno to head the Justice Department's Campaign Task Force.'' He is a former prosecutor and distinguished district court judge who was picked by the Attorney General of the opposite party to head a very important campaign finance task force.

Nominee Rod Rosenstein for the Fourth Circuit has been pending for over 100 days. The American Bar Association rated him unanimously well qualified. He graduated from the University of Pennsylvania, summa cum laude and Harvard Law School, cum laude. Two editorials in The Washington Post urged Senate confirmation of Mr. Rosenstein, and one stated:

> ''Blocking Mr. Rosenstein's confirmation hearing would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.''

I think that statement by The Washington Post is as good a characterization as you can find. The conduct of the Senate today is elevating ideology and ego above substance. So I would urge my colleagues on the other side of the aisle to extend their hands across the aisle, as I did on so many occasions during President Clinton's tenure in office. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

Mr. SPECTER. Eight minutes?

The ACTING PRESIDENT pro tempore. There is 7 minutes 58 seconds remaining.

Mr. SPECTER. I thank the Chair. The current presidential race provides the Senate with a unique opportunity to come to grips with the confirmation process of Federal judges and to make some very fundamental commitments and very fundamental changes to our process.

We are in the midst of a Presidential campaign, and I think it is fair to say the outcome is uncertain. It has fluctuated tremendously on both nomination pictures. But, this is a time, with the outcome uncertain, when neither side of the aisle would know who will gain an advantage; we would not know whose ox was being gored. It is a time, starting in the next Congress—if we can't act now, and my fundamental plea is that we act at the present time—we ought not to wait 11 months, until January 20, 2009. This is a unique time to tackle the problem for the future.

On April 1, 2004, I offered S. Res. 327, and I now offer the substance of that resolution again. The whereas clauses of the resolution recited a distressing array of facts similar to what we have at the present time, with filibusters by the Democrats and with the retaliatory prospect of changing the filibuster rule. The resolution called for establishing a timetable for hearings of nominees for district courts and courts of appeal and the Supreme Court to occur within 30 days after the names of such nominees have been submitted to the Senate by the President and then to establish a timetable for action by the full committee within 30 days after the hearings and for reporting out nominees to the full Senate. And then to have a timetable for the full Senate to act within 90 days, with a provision for reasonable extension of times, upon agreement of the chairman of the Judiciary Committee and the ranking member or the majority leader and the minority leader to extend the time.

This resolution would establish procedures which would guarantee that the confirmation of judges would go back to the good old days, where you took a look at the person's academic credentials, you took a look at the person's professional background, you interviewed the individual, you had an FBI background check, and the person didn't have to pass some ideological purity test. Or, the individual did not have to pass a test such as what Judge Southwick was subjected to on this floor for months and months and months.

It was particularly egregious in the case of Judge Southwick. Judge Southwick was a distinguished Mississippi State appellate court judge. He was nominated for the Fifth Circuit, and he had an extraordinary record, more than 10 years on the State court bench—more than 70 opinions. Objections were raised to two lines in two concurring opinions. Judge Southwick left the bench and went to Iraq and served for months in the Judge Advocate General's Corps. He was interviewed by many people of the Senate, and his confirmation hung on a thread until a courageous Senator from the other side of the aisle crossed party lines and led the way to get a few votes from the Democrats.

You don't have to be a profile in courage to support a judge such as Judge Southwick, and you don't have to be a profile in courage to support a nominee such as Rod Rosenstein or Peter Keisler or Robert Conrad or the others who were enumerated in my letter—some 10 circuit court judges and 18 district court judges.

I wish to quote a very respectable authority in my concluding comment. A man who has served in the Senate since he was elected from Vermont in 1974, twice chairman of the Judiciary Committee, and this is what the distinguished Senator from Vermont, Senator LEAHY, had to say on October 5, 2000.

This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year.

This is the last year of President Clinton's administration.

We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I hope we can look again and ask ourselves objectively, without any partisanship: Can we not do better on judges?

This is Senator LEAHY. Going on.

I quoted Governor George Bush—

He was in the campaign process at that time in the 2000 election. Senator LEAHY says:

I quoted Governor George Bush on the floor a couple of days ago. I said I agreed with him. On nominations he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They could vote against them if they want, but have the vote. Either vote for them or vote against them. Don't leave people such as Helene White and Bonnie Campbell, people such as this, just hanging forever without even getting a rollcall vote. That is wrong. It is not a responsible way and besmirches the Senate, this body, that I love so much.

Senator LEAHY, you were right on October 5, 2000, and you are right on March 3, 2008.

I yield the floor.

EXHIBIT 1

WASHINGTON, DC,
February 29, 2008.

Hon. PATRICK J. LEAHY,
Chairman, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR PATRICK: I write in the hope that you and I can work out an accommodation on the confirmation of federal judges without our respective caucuses coming to an impasse. Without going into an elaborate history on the confirmation of federal judges, the essence of the situation is that 15 circuit judges and 57 district court judges were confirmed in the last two years of President Clinton's Administration, compared to 6 circuit court and 34 district court judges for President Bush in 2007–2008. That means there must be confirmations or at least up-or-down votes on 9 additional circuit and 23 district court judges to equal President Clinton's record.

President Bush is even farther behind President Clinton in total confirmations when contrasting their entire terms, since President Clinton confirmed 65 circuit court and 305 district court judges while President Bush has so far confirmed only 57 circuit and 237 district court judges. In addition, thus far in the 110th Congress, only 5 of President Bush's circuit court nominees have been granted hearings. By this date in President Clinton's final two years in office, the Committee had held hearings for 10 circuit court nominees. Until the hearing for Ms. Catharina Haynes on February 21, 2008, we had not had a circuit court hearing since September 25, 2007, some 5 months ago.

While there have been many hotly contested issues in the Senate in recent years, the most bitter controversies have involved federal judicial nominations. In 2005, the battle over judges reached a high point, or low point, with the Republican caucus threatening to employ the ''nuclear option'' to combat the Democrats' filibusters. In my judgment, in the past twenty years, there has been a great deal of blame split evenly between both sides.

As the record shows, I dissented from the Republican caucus's position by casting key votes in favor of several circuit court nominees, including controversial nominees such as Judge Marsha Berzon, who was confirmed to the Ninth Circuit Court of Appeals on March 9, 2000, Judge Timothy Dyk, who was confirmed to the Federal Circuit on May 24, 2000, Judge Richard Paez, who was confirmed to the Ninth Circuit on March 9, 2000, and Judge H. Lee Sarokin, who was confirmed to the Third Circuit on October 4, 1994. Similarly, I supported President Clinton's nomination of Judge Gerard Lynch, who was confirmed to the District Court for the Southern District of New York by a vote of 63–36 on May 24, 2000. I also supported other controversial non-judicial confirmations such as Lani Guinier to be Assistant Attorney General for the Civil Rights Division of the justice Department and the subsequent nomination of Bill Lann Lee for the same position.

Now I believe that my caucus is correct in insisting on up-or-down votes on nominees with extraordinary records, including several who are nominated to fill seats deemed judicial emergencies. A listing of these nominees with their superb qualifications proves the point:

CIRCUIT COURT NOMINEES

Nominee: Peter D. Keisler, of MD, to the D.C. Circuit: Pending over 600 days.

Nominated: June 29, 2006 Hearing August 1, 2006; Renominated January 8, 2007.

ABA Rating: Unanimous Well Qualified.

Education: B.A., magna cum laude, Yale University, 1981; J.D., Yale Law School, 1985; Notes/Comments Editor, Yale Law Journal.

Career Highlights: Law Clerk, Judge Robert H. Bork, D.C. Circuit Court of Appeals; Law Clerk, Justice Anthony M. Kennedy, U.S. Supreme Court; Assistant Attorney General, Civil Division, Department of Justice; Acting Attorney General, United States Department of Justice (DOJ).

Editorials in the Los Angeles Times and the Washington Post have called for confirmation of Mr. Keisler calling him a ''moderate conservative'' and ''highly qualified nominee'' who ''certainly warrants confirmation.

Nominee: Robert Conrad, of NC, to the 4th Circuit (Judicial Emergency); Pending over 220 days.

Nominated: July 17, 2007.
ABA Rating: Unanimous Well Qualified.
Education: B.A., magna cum laude, Clemson University, 1980; J.D., University of Virginia. 1983.
Career Highlights: U.S. Attorney, Western District of N.C.; District Judge, District Court for the Western District of N.C.; Chief Judge, Western District of N.C.
An editorial in The Charlotte Observer stated that it is ''outrageous'' that the Judiciary Committee has not held a hearing for Judge Conrad, calling him a ''well-qualified judge who only three years ago received unanimous Senate confirmation'' and who ''was appointed by Democratic Attorney General Janet Reno to head the Justice Department's Campaign Finance Task Force.''

Nominee: Steve A. Matthews, of SC, to the 4th Circuit; Pending over 170 days.
Nominated: September 6, 2007.
ABA Rating: Substantial Majority Qualified, Minority Not Qualified.
Education: B.A., University of South Carolina, 1977; J.D., Yale Law School, 1980.
Career Highlights: Deputy Assistant Attorney General, Civil Division, DOJ; Deputy Assistant Attorney General, Office of Legal Policy. DOJ; Managing Director, Haynsworth Sinkler Boyd, P.A.

Nominee: Catharina Haynes, of TX, to the 5th Circuit (Judicial Emergency); Pending over 220 days. Nominated: July 17, 2007; Hearing February 21, 2008. ABA Rating: Unanimous Well Qualified. Education: B.S., with highest honors, first in her class, Florida Institute of Technology, 1983; J.D., with distinction, order of the coif, Emory University School of Law. 1986.
Career Highlights: Partner, Baker Botts, LLP; Judge, State of Texas, Dallas County, 191st District Court, Dallas, TX; Partner, Baker Botts, LLP.

Nominee: Rod Rosenstein, of MD, to the 4th Circuit (Judicial Emergency); Pending over 100 days. Nominated: November 15, 2007. ABA Rating: Unanimous Well Qualified. Education: B.S., summa cum laude, University of Pennsylvania, 1986; J.D., cum laude, Harvard Law School, 1989.
Career Highlights: Law Clerk, Judge Douglas Ginsburg, D.C. Circuit; Special Assistant to the Assistant Attorney General, (Criminal Division, DOJ; Associate Independent Counsel, Office of the Independent Counsel; Principal Deputy Assistant Attorney General, Tax Division, DOJ; U.S. Attorney, U.S. Attorney's Office for the District of Maryland.
Two editorials in the Washington Post urged Senate confirmation of Mr. Rosenstein and one stated ''blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.''

Nominee: Stephen Murphy, of MI, to the 6th Circuit (Judicial Emergency); Pending over 1100 days. Nominated: February 17, 2005; Renominated June 28, 2006; Renominated March 19, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.S., Marquette University, 1984; J.D., St. Louis University, 1987.
Career Highlights: Assistant U.S. Attorney, U.S. Attorney's Office for the E.D. of Michigan; Attorney, General Motors; U.S. Attorney, U.S. Attorney's Office for the Eastern District of Michigan.

Nominee: Raymond Kethledge, of MI, to the 6th Circuit (Judicial Emergency); Pending over 600 days.
Nominated: June 28, 2006; Renominated March 19, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.A., University of Michigan, 1989; J.D., University of Michigan Law School, 1993.
Career Highlights: Law Clerk, Justice Anthony M. Kennedy, U.S. Supreme Court; Counsel, Senator Spencer Abraham, U.S. Senate Judiciary Committee; Partner, Bush Seyferth Kethledge & Paige.

Nominee: William Smith, of RI, to the 1st Circuit (Judicial Emergency); Pending over 80 days. Nominated: December 7, 2007. ABA Rating: Substantial Majority Well Qualified, Minority Qualified. Education: B.A., Georgetown University Law Center, 1982.
Career Highlights: Counsel/Partner, Edwards & Angell, LLP; Staff Director, Senator Lincoln Chafee; District Judge, District of Rhode Island.

Nominee: Shalom Stone, of NJ, to the 3rd Circuit (Judicial Emergency); Pending over 220 days. Nominated: July 18, 2007. ABA Rating: Substantial Majority Qualified, Minority Well Qualified. Education: B.A., magna cum laude, Yeshiva College; J.D., cum laude, New York University School of Law. Career Highlights: Associate, Sills, Cummis, Tischman, Epstein & Gross; Member, Walder Hayden & Brogan, P.A.

Nominee: Gene Pratter, of PA, to the 3rd Circuit; Pending over 100 days. Nominated: November 15, 2007. ABA Rating: Unanimous Well Qualified. Education: A.B., Stanford University, 1971; J.D., University of Pennsylvania Law School, 1975.
Career Highlights: Partner, Duane Morris, LLP, District Judge, Eastern District of Pennsylvania.

DISTRICT COURT NOMINEES

Nominee: Thomas A. Farr, of NC, to the Eastern District of North Carolina (Judicial Emergency). Nominated: December 7, 2006. ABA Rating: Unanimous Well Qualified. Education: B.A., summa cum laude, co-salutatorian, Hillsdale College, 1976; J.D., Emory University School of Law, 1979; L.L.M., Georgetown University School of Law, 1982.
Career Highlights: Counsel, U.S. Senate Committee on Labor and Human Resources; Staff Attorney, Office of Personnel Management; Law Clerk, Judge Frank W. Bullock, Jr., U.S. District Court for the M.D. of NC; Adjunct Professor, Campbell University School of Law.

Nominee: James R. Hall, to the Southern District of Georgia (Judicial Emergency).
Nominated: March 19, 2007; Hearing Feb. 12, 2008; Scheduled for markup Feb. 28, 2008.
ABA Rating: Substantial Majority Well Qualified, Minority Qualified.
Education: B.A., Augusta College, 1979; J.D., University of Georgia Law School, 1982.
Career Highlights: Partner, Avrett & Hall; Corporate Vice President & General Counsel, Bankers First Corporation; 22nd District State Senator, Georgia State Senate; Partner, Warrick, Tritt, Stebbins & Hall.

Nominee: Gustavus Adolphus Puryear, of TN, to the Middle District of Tennessee.
Nominated: June 13, 2007; Hearing February 12, 2008.
ABA Rating: Unanimously Qualified.
Education: B.A., with highest honors, Emory University, 1990; J.D., with honors, University of North Carolina School of Law, 1993.
Career Highlights: Law Clerk, Judge Rhesa Hawkins Barksdale, Court of Appeals for the 5th Cir.; Legislative Director, Office of U.S. Senator Bill Frist; Executive VP, General Counsel & Secretary, Corrections Corporation of America.

Nominee: Brian Stacy Miller, of AR, to the Eastern District of Arkansas.
Nominated: October 16, 2007; Hearing February 12, 2008; Markup February 28, 2008.
ABA Rating: Unanimously Well Qualified.
Education: B.S., with honors, University of Central Arkansas, 1992; J.D., Vanderbilt Law School, 1995.
Career Highlights: Deputy Prosecuting Attorney, Arkansas Prosecuting Attorney's Office; Judge, Arkansas Court of Appeals (current).

Nominee: John A. Mendez, of CA, to the Eastern District of California (Judicial Emergency).
Nominated: Sept. 6, 2007; Hearing February 21, 2008.
ABA Rating: Substantial majority Well Qualified, minority Qualified.
Education: B.A., with distinction, Stanford University, 1977; J.D., Harvard Law School, 1980.
Career Highlights: United States Attorney, United States Attorney's Office for the N.D. of CA; Shareholder, Somach, Simmons & Dunn; Judge, Sacramento County Superior Court.

Nominee: Richard H. Honaker, of WY, to the District of Wyoming.
Nominated: June 29, 2006; Hearing February 12, 2008.
ABA Rating: Unanimous Well Qualified.
Education: B.A., Harvard College, cum laude, 1973; J.D., University of Wyoming College of Law, John J. Bugas Scholarship, 1976.
Career Highlights: State Public Defender, State of Wyoming; Member, Wyoming House of Representatives, 1987–1993; Partner, Honaker, Hampton & Newman.

Nominee: Lincoln D. Almond, of RI, to the District of Rhode Island.
Nominated: November 15, 2007.
ABA Rating: Unanimous Well Qualified.
Education: B.S., University of Rhode Island, 1985; J.D., with High Honors, University of Connecticut School of Law, 1988; Notes/Comments Editor, Connecticut Law Review.
Career Highlights: Law Clerk, Judge Peter C. Dorsey, District Court for the District of Connecticut; Partner, Edwards & Angell, LLP; Magistrate Judge, U.S. District Court for the District of Rhode Island.

Nominee: Mark S. Davis, of VA, to the Eastern District of Virginia.
Nominated: November 15, 2007.
ABA Rating: Unanimous Well Qualified.
Education: B.A., University of Virginia, 1984; J.D., Washington and Lee University School of Law, 1988.
Career Highlights: Law Clerk, Judge John A. MacKenzie, U.S. District Court for the E.D. of VA; Partner, McGuire Woods LLP; Partner, Carr & Porter, LLC; State Court Judge, Third Judicial Circuit of Virginia.

Nominee: David J. Novak, of VA, to the Eastern District of Virginia.
Nominated: November 15, 2007.
ABA Rating: Substantial Majority Well Qualified, Minority Qualified.
Education: B.S., magna cum laude, St. Vincent College, 1983; J.D., Villanova University Law School, 1986.
Career Highlights: Assistant District Attorney; Philadelphia District Attorney's Office; Trial Attorney, Criminal Division, DOJ; Assistant U.S. Attorney, U.S. Attorney's Office for the S.D. of Texas; Assistant U.S. Attorney, U.S. Attorney's Office for the E.D. of Virginia.

Nominee: William J. Powell, of WV, to the Northern District of West Virginia.
Nominated: May 24, 2007.
ABA Rating: Substantial Majority Well Qualified, Minority qualified, 1 abstention.
Education: B.A., magna cum laude, Salem College, 1982; J.D., West Virginia College of Law, 1985.
Career Highlights: Assistant United States Attorney, Southern District of WV; Member, Jackson Kelly, PLLC.

Nominee: David R. Dugas, of LA, to the Middle District of Louisiana.
Nominated: March 19, 2007.

ABA Rating: Unanimously Well Qualified.

Education: Cadet, United States Air Force Academy, 1973; J.D., Louisiana State University Law Center, 1978.

Career Highlights: Partner, Caffery, Oubre, Dugas & Campbell, L.L.P.; United States Attorney, Middle District of Louisiana (current); Exec. Director, Hurricane Katrina Fraud Task Force Joint Command Center.

Nominee: Stephen N. Limbaugh Jr., of MO, to the Eastern District of Missouri.

Nominated: December 6, 2007.

ABA Rating: Unanimously Well Qualified.

Education: B.A., Southern Methodist University, 1973; J.D., Southern Methodist University School of Law, 1976; Master of Laws in the Judicial Process, UVA School of Law, 1998.

Career Highlights: Circuit Judge: 32nd Judicial Circuit of Missouri; Supreme Court Judge, Supreme Court of Missouri; Chief Justice, Supreme Court of Missouri.

Nominee: David Gregory Kays, of MO, to the Western District of Missouri.

Nominated: Nov. 15, 2007.

ABA Rating: Substantial Majority Qualified/Minority Not Qualified.

Education: B.S., Southwest Missouri State University, 1985; J.D., University of Arkansas School of Law, 1988.

Career Highlights: Prosecutor, Laclede County Prosecuting Attorney's Office; Associate Circuit Judge, Laclede County Circuit Court; Presiding Circuit Court Judge, Twenty-Sixth Judicial District.

Nominee: James Edward Rogan, of CA, to the Central District of California (Judicial Emergency).

Nominated: January 9, 2007.

ABA Rating: Substantial Majority Well Qualified/Minority Qualified.

Education: B.A., University of California at Berkeley, 1979; J.D., University of California Los Angeles School of Law, 1983.

Career Highlights: Deputy District Attorney, Los Angeles County District Attorney's Office; Judge, Glendale Municipal Court; Member, California State Assembly; Member, United States House of Representatives; Judge, California Superior Court.

Nominee: William T. Lawrence, of IN, to the Southern District of Indiana (Judicial Emergency).

Nominated: February 15, 2008.

ABA Rating: Not yet rated.

Education: B.A., Indiana University, 1970; J.D., Indiana University School of Law-Indianapolis, 1973.

Career Highlights: Public Defender (Parttime), Marion County Superior Court, Criminal Division; Master Commissioner (parttime), Marion County Circuit Court; Judge, Marion County Circuit Court; Magistrate Judge, District Court for the Southern District of Indiana (current).

Nominee: G. Murray Snow, of AZ, to the District of Arizona.

Nominated: Dec. 11, 2007.

ABA Rating: Not yet rated.

Education: B.A., magna cum laude, Brigham Young University, 1984; J.D., magna cum laude, J. Reuben Clark Law School, Brigham Young University, 1987.

Career Highlights: Law Clerk, Judge Stephen H. Anderson, Tenth Circuit Court of Appeals; Member, Meyer, Hendricks, Victor, Osborn & Maledon, P.A.; Judge, Arizona Court of Appeals.

Nominee: Glenn T. Suddaby, of NY, to the Northern District of New York.

Nominated: December 11, 2007.

ABA Rating: Not yet rated.

Education: B.A., State University of New York at Plattsburgh, 1980; J.D., Syracuse University College of Law, 1985.

Career Highlights: Assistant District Attorney, Onondaga County District Attorney's Office; First Chief Assist, District Attorney, Onondaga County Dist. Attorney's Office; United States Attorney, Northern District of New York.

Nominee: Colm Connolly, of DE, to the District of Delaware.

Nominated: February 26, 2008.

ABA Rating: Not yet rated.

Education: B.A., University of Notre Dame; M.Sc., London School of Economics; J.D., Duke University Law School.

Career Highlights: Law Clerk, Judge Walter Stapleton, Third Circuit Court of Appeals; Assistant U.S. Attorney, U.S. Attorney's Office for the District of Delaware; U.S. Attorney, U.S. Attorney's Office for the District of Delaware.

It is my hope that we can work together to ensure that all of these nominees receive timely hearings and prompt votes in the Committee.

In light of my extensive consultation with you in scheduling the hearings for Chief Justice Roberts and Justice Alito, as well as our collaboration on numerous other Committee hearings, I was surprised when you scheduled a hearing for Judge Catharina Haynes on February 21st during the recess. I know you offered to postpone that hearing for a relatively brief period of time, but a formal, written request for a postponement would only have provided more grist for the argument mill on these issues. I was prepared to cancel my previously scheduled work in Pennsylvania to attend the Haynes hearing until Senator John Warner, who was in Washington, agreed to attend.

Given the uncertainty of who the next President will be, now would be a good time to change the confirmation process to guarantee prompt action on nominees with up-or-down votes. I again urge you to work for me to establish a schedule for prompt consideration of all currently pending judicial nominees and ensure they receive up-or-down votes in Committee and on the Senate floor. I have shared this letter with the other Republican members of the Committee.

Sincerely,

ARLEN SPECTER.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I wish to commend the ranking member of the Judiciary Committee for his comments, which I first watched from my office and then came to the floor.

I can recall, and I believe the Senator from Pennsylvania mentioned this, the Berzon and Paez nominations at the end of the Clinton administration, where there was a lot of discontent on the Republican side of the aisle—strong feeling that these nominees were ideologically unacceptable. I remember then-majority leader in the Senate, Senator Lott, saying: We don't want to set the precedent that the ideological leanings of these nominees will deny them an up-or-down vote.

I, similar to Senator SPECTER and Senator Lott, voted for cloture on those nominations, not to kill them but to move them forward. It was a very important decision on the part of then-Majority Leader Lott to prevent, to the maximum extent possible, the kind of meltdown that seems to have occurred in this Congress to which Senator SPECTER was referring.

At the beginning of this Congress, the majority leader, Senator REID, and I discussed the need for the Senate to have a fair, less-contentious confirmation process. To his credit, I think that is his view and his goal. We have made some progress on circuit court nominations last year. We didn't match President Clinton's number from the first session of his last Congress, but we came close. Now, we had one notable bump along the way and Senator SPECTER referred to that and that was the nomination of Judge Leslie Southwick. But we were able to get him through, thanks to, as Senator SPECTER pointed out, the courageous decision on the part of particularly one Senator on the other side. It was good for the institution that we did that.

Unfortunately, the prospect of turning the page on judicial nominations, a goal which I think all but the hardiest partisans share, has taken a wrong turn. Despite the best efforts of Senator SPECTER and others, progress has all but ground to a halt. There have been no—I repeat, no—judicial confirmations so far this year—not one. There has been only one hearing on a circuit court nominee since September of last year.

Let me say that again. So far this year, the second session of the 110th Congress, not a single judicial confirmation—not one. With regard to circuit court nominees, only one hearing since September of last year.

It is puzzling why progress has almost totally stopped. Some like to blame the President, but as the ranking member, Senator SPECTER, has noted, there are several circuit court nominees who have been pending for hundreds of days who have yet to receive a simple hearing—a hearing—let alone a committee or floor vote. In addition, many of these nominees satisfy most or all the chairman's specific criteria for prompt consideration. They have strong home State support—check the box on that—they fill judicial emergencies, and they have good or outstanding ABA ratings.

All these nominees Senator SPECTER referred to meet all those criteria. So it is puzzling why it is taking so long to move them. I hope the committee is not slow-walking these nominees based upon decade-old grievances, both real and imagined. That might be emotionally satisfying, but it will set a precedent that will serve us ill, regardless of who is in the White House and which party controls the Senate next year.

So I would hope our Democratic colleagues resist the desire by some to drag us into the judicial confirmation brinkmanship and establish a precedent they will regret. I hope they will treat these nominees fairly, before it is too late.

Again, I wish to particularly commend Senator SPECTER, our Republican leader on the Judiciary Committee, for pointing this out. He has excellent credentials to make this point because he made similar arguments when there was a Republican Senate and a Democratic President when he felt Members on our side of the aisle were being dilatory in providing fair consideration.

We know what the standard is. Each of the last three Presidents have ended their tenures in office with the opposite party in control of the Senate. We know that.

We know that the average number of circuit court judges appointed in the last 2 years of each of these three Presidents, when the opposite party controlled the Senate, was 17. We know the low end of that was President Clinton with 15. Right now, we have six. Even meeting the low threshold of President Clinton is a long way away.

Senator SPECTER has pointed out a way to meet that standard by reporting out of committee and confirming people who meet all of the criteria that have been specified by the chairman of the committee.

I commend Senator SPECTER for his comments. I hope they will be heeded by people on both sides of the aisle here in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, what is our status right now on the floor? Are we still in morning business?

The ACTING PRESIDENT pro tempore. We are still in morning business.

Mr. PRYOR. Do we have any time remaining in morning business?

The ACTING PRESIDENT pro tempore. The majority has 6 minutes 52 seconds.

Mr. PRYOR. I ask unanimous consent to yield back that time.

CONCLUSION OF MORNING BUSINESS

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

CPSC REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2663, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consider Calendar No. 582, S. 2636, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. shall be equally divided between the two leaders or their designees.

Mr. PRYOR. Mr. President, this is a historic day for the Senate because we have the opportunity, starting today, to consider the Consumer Product Safety Commission Reauthorization Act.

What I would like to do, if I may, is, when Senator STEVENS of Alaska comes—apparently he has an urgent, pressing need, and he cannot stay for what would have normally been his allotted time. I would like to allow him to use his time—I think it is about 10 minutes or so—to speak, and we will cross that bridge when he walks in.

For most Americans, when they hear the term ''CPSC,'' they think of some sort of alphabet-soup Federal agency. They do not really understand what it does, why it exists, or why it is important.

In fact, I had that same reaction back when I was the attorney general of my State. I was out playing in my front yard with my kids, and my kids had some toys, and they were called Star Wars Lightsabers. They are like flashlights, but they look like a lightsaber. They were out there playing around, and one of my neighbors came up and said: Wait a minute, I think those have been recalled. Well, I did not know whether they had been recalled. She did not know for sure. I asked her, and she said: Well, I think I saw something on television about that, but I am not sure.

Well, one thing led to another. It was very hard for me to figure out whether my children's toys had been recalled. So through a process at the State Attorney General's Office in Arkansas, we established a Web site called childproductsafety.com, which had the goal of making it easier for parents like me and grandparents to go to one Web site and find all the recalled children's products that are out there. All we really did was link to the CPSC Web site. But that gave me my first experience with working with the CPSC, and it was through that process that I began to understand how important they are and why we need a very strong and capable Consumer Product Safety Commission.

To reinforce this, last year I became the chair of the Subcommittee on Consumer Affairs as part of the Commerce Committee. When I looked at all of the various consumer issues—and there are many we can focus on—I decided that the subcommittee's top priority should be to reauthorize the CPSC. The reason I did that is because in 2006 we had seen a record number of recalls. We began working on this, and we realized that because of the changes in the marketplace, because the U.S. marketplace had changed a lot because of imports—and a lot of other changes going on in the marketplace—we realized the Consumer Product Safety Commission had not kept up with the times. So we made a concerted effort to get the Consumer Product Safety Commission reauthorized.

We started that about a year ago, had a few hearings, and then, over the summer of last year, we began to see the toy recalls. I may have it wrong, but I think it was the Chicago Tribune which had the first story. But after that, a series of national news stories came out—television, radio, newspaper, and other media like the Internet and news magazines—to talk about the record number of toy recalls from last year.

In fact, if you look at the Consumer Product Safety Commission, every year they think there are about 28,200 deaths and about 33.6 million injuries from the products the CPSC overseas. They oversee 15,000 types of products. So when you see big numbers such as this, you have to understand that these numbers cover almost every product in the American marketplace, with a few exceptions. There are a few things in the automotive world and a few other things that it does not cover, but by and large, consumer products are covered by the Consumer Product Safety Commission.

We saw this again last year. We saw a record number of recalls. We thought 2006 was a bad year, but 2007 was even worse. What we are seeing now is we are seeing an escalating effect. We are seeing more and more products being recalled all the time.

So let me give a very quick background, again, for a lot of the staffers watching in their offices and for the Senators who have not yet made up their mind on how they are going to approach this Consumer Product Safety Commission legislation and maybe some amendments. Let me give a few minutes of background to talk about why we are here today and what role the CPSC plays and why it is so important to Americans all over this great country.

First, let me say that the CPSC was established in the 1970s. They have done a good job. In fact, I wish to praise the employees at CPSC, because what you have seen in the last few years is a dwindling budget. It has either been flatlined or they have had cuts. You have seen the staff there shrink over time.

Let me give you the CPSC overview that they have on their Web site. It says:

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the Nation more than $800 billion annually.

Let me read that again for those folks who are watching in their offices here.

Deaths, injuries, and property damage from consumer product incidents cost the Nation more than $800 billion annually. The CPSC is committed to protecting consumers and families from products that pose fire, electrical, chemical, or mechanical hazard or could injure children. The CPSC's work to ensure the safety of consumer products, such as toys, cribs, power tools, cigarette lighters, and household chemicals. . . .

Et cetera, et cetera.

The CPSC is a very important agency, and it is one that, unfortunately, Congress and the White House over the last several years have neglected. It is very important that we reauthorize the Consumer Product Safety Commission. It is long overdue and has not been done since 1990 in a major way. There was a little reauthorization in 1992, but

this is 18 years in the making. And we have seen a lot of changes in the American marketplace in the last 18 years.

Another thing I would like to mention is the personnel at the CPSC. When the CPSC was in its early days in 1977, they had 900 employees, full-time employees, at the CPSC. Today, they have 420. So this agency is less than half the size it used to be. That is a problem. Again, especially considering the changes in the marketplace, that is a serious problem. But the approach taken in our legislation, S. 2663, is not just to throw money or to throw people at a problem but actually to restructure the agency and retool the agency so it can be smarter and more effective from top to bottom.

One of the problems, one of the challenges we have with the CPSC right now is the matter of a quorum. Back in the old days, back in the 1970s when the CPSC was set up, there were five Commissioners. Somewhere along the line, that got changed to three Commissioners. Today, there are only two Commissioners at the CPSC—only two Commissioners—and they have a statute that says that after a certain time, they cannot function with two Commissioners. So last year, we had to get a provision added to the law to allow them to function with just two Commissioners. This bill contains that same provision, but also I think this bill makes a very important change; that is, it returns the CPSC to the five-member Commission it used to be.

Why is that important? Think about the number of products this Commission oversees. In some ways, I think it is a little bit like the Federal Trade Commission or the Federal Communications Commission or some of these other Commissions that have a lot of jurisdiction. What it is, when you have five members, they are able to generally specialize in various areas. When you talk to Commissioners on those other Commissions, they think that is very important. And when I have talked to former CPSC Commissioners, they think it is doing a great disservice to the country to only have three Commissioners. When you only have three, everyone has to be a generalist and you do not have enough manpower to specialize in everything.

One of the things this bill does is fix that problem. It fixes the immediate quorum problem until the full five Commissioners of the CPSC can be reappointed, but it also fixes the long-term problem of having three Commissioners versus five Commissioners.

The next thing I wanted to mention is there is, in our bill, in section 10, a very important provision that is a major innovation and a major improvement over existing law, and that is third-party certification for children's products. In other words, if this law passes, we are going to set up the situation where children's products will have to be certified by a third party. This is something which has worked in other contexts—that is, generally speaking, most industries. I am not saying every single company, but most like this innovation.

The goal here is to keep these dangerous products off our shores if they are made overseas and certainly keep them off our shelves by preventing any need for recall in the first place. If you have third-party certification, you would hope you would see fewer and fewer recalls over time.

I see my colleague from Alaska has walked in, and as I understand it, he has some constraints on his schedule today. So I will be glad to sit down and hear from him.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. I thank Senator PRYOR very much. I am involved in a series of classified briefings with Senator INOUYE, but I did want to make these comments.

Mr. President, this measure provides greatly needed resources and improved enforcement authority for the Consumer Product Safety Commission. And this bill has come a long way throughout this whole process. I thank Senators PRYOR and INOUYE for allowing me to work so closely with them to negotiate this bill. I consider it to be a solid and fair compromise position.

One of the favorite parts, I believe, of being a Senator is when we have a chance to improve the lives of children. This bill contains several important provisions to improve toy safety. When a child unwraps a gift on his or her birthday, the surprise should be what the toy is, not whether the toy is unsafe. It should not have dangerous substances or unsafe parts. Under this bill, children's products would require certification that they meet all applicable safety standards. Also, the testing and certification process would be strengthened to ensure the integrity of the testing.

Today, toys are not purchased the way they used to be. E-commerce allows Alaskans and many people throughout rural States the opportunity to find many products that are not on the shelves in rural towns. But it can be difficult for a parent to judge a product based on the manufacturer's description or photo of a child's toy. This bill would mandate that all Internet Web sites are labeled so that consumers are informed of any choking hazards or toys that are not suitable for children under 3 years of age.

There is another provision that has been included at my request, that I think is very important to my home state of Alaska, and also to the millions of Americans who use all-terrain vehicles, ATVs, every day for work and recreation. With the popularity of the ATVs, many domestic and foreign manufacturers are producing more of these vehicles in an effort to meet increased consumer demand, and many of the new market entrants are from China or Taiwan. The ATV provision in the bill would require all persons who market and sell ATVs in the United States to meet the same stringent safety requirements that are currently followed by major ATV manufacturers producing in the United States. The provisions also would preserve the authority of the CPSC to establish additional mandatory ATV safety rules through the normal rulemaking process.

I thank my colleague, Senator PRYOR, and our chairman, Senator INOUYE, for working so diligently on this legislation. It has been a privilege to work with them to craft a piece of legislation that will help protect the public from dangerous products and return consumer confidence in the marketplace. I look forward to working with them in the Senate to try to get this bill to conference with the House, so we can send it to the President. This is a needed bill.

I have called the attention of the Senate to the ATV problem several times previously this session. I am happy this provision is included in the bill.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, again, I want to give a special thanks to Senator STEVENS because he really has helped make this bill bipartisan and make it possible that we could actually pass this bill, hopefully, this week. So, I say to Senator STEVENS, thank you for all that you have done to make this legislation better.

Let me get back, if I may, to the bill itself. What I am trying to do, a lot of it is for the staff, or folks who are watching in their offices, and people around the country so they can understand what we are trying to accomplish. I want to run through the provisions of this bill. It is rather lengthy, but I will try to give an abbreviated, highlighted reel of what is in this bill.

A few moments ago we talked about third party verification for toys. This toy, the Thomas and Friends Railway Toys, in some ways became almost a poster child for the problem. It had lead. These are toys designed specifically for young children, little toddlers, and little kids. You know how children do. They put things in their mouths or scratch on them or crawl all over them. No telling where they end up. The fact that you see lead in so many toys today is a great concern.

We are trying to fix that. I mentioned one of the major innovations of this legislation is the third party certification. The other thing we want to do is put tracking label information on the toys. We have all been there. As parents we have had dolls or whatever the case may be. We like the doll; the doll is passed down from one child to another, maybe from a grandparent, a neighbor, who knows what it may be. But there is really no identifying information on that doll. So this bill makes sure that as practical as it can be, we are going to put that identifying information on it.

I mentioned the Star Wars lightsabers a few moments ago. You

can go on the Internet right now or to a toy store, and there are probably 10 or 20 different varieties of those lightsabers. So if they did a recall, it is important that there is something on there, some batch number or some ID number that parents and grandparents can know and, in fact, daycare can know when those toys should be taken away from their children.

Another major improvement is the corrective action plans. Some people might call these voluntary recalls. Sometimes they do end up in voluntary recalls—not always. But the importance of the corrective action plan is that as it stands today, basically under current law—I believe it is fair to say—it is up to the manufacturer to come up with a plan. Under this bill, if this bill were to pass and become law, that shifts, and it means the Consumer Product Safety Commission lays out the parameters of that action plan. That is a very important shift in responsibility.

Believe it or not, with a lot of these products that come onto our shores today, we have no idea who makes them. Right now it is not clear whether the CPSC even has the authority to ask the question about who actually makes the product, in many cases a toy. This bill fixes that. We also go through a long list of prohibitive acts. Some of those are just clarifications. Sometimes we make it clear in the law that it is unlawful to sell or distribute a product that has been recalled. Right now there is no law on the books that says it is unlawful to do that. It clarifies that. We go through a long list of things that you can't do. For example, you can't take a recall product and dump it on Third World markets. You can't take a recall product and send it over to Dollar Stores. You can't just willy-nilly go out and sell it on the Internet.

We have a list of prohibited acts. These are commonsense acts. These are acts that will save lives if this law is implemented.

We also enhance the penalties over what they are today. Again, the penalty section is a little complicated. Under current law, our fix therefore is a little bit complicated. I don't want to spend a lot of time on it today. But the committee bill actually had a $100 million civil penalty. We have chopped that down now with a bipartisan compromise to $10 million, plus an additional $10 million if there are aggravated circumstances. We doubt that will be triggered very often, but we think it is important for the CPSC to have that added ability to enhance that penalty, to go after the really egregious behavior, maybe repeat offenders, maybe people who are just absolutely thumbing their nose at U.S. law.

Sharing information with Federal, State, local, and foreign governments is very important. Again, we believe the information sharing is good. We have talked about stove piping when it comes to intelligence, when it comes to homeland security, when it comes to DOD. We have talked about the stove piping and how unhelpful that can be. We feel the same way about this type of information. We need to share this information and make it available to State governments, local governments, foreign governments, et cetera.

We also have a financial responsibility provision in this law. Again, this is a big improvement over current law. What we do with financial responsibility is under certain circumstances a company may have to have an escrow where they put certain dollars in or they have proof of insurance or they provide some sort of security. Again, I don't think the CPSC will require that all the time, but we give them that authority because right now they don't have it.

We also are asking the GAO to do a study and get back to Congress about injuries to minority children. There is anecdotal evidence that these defective and unsafe products disproportionately harm minority children. We don't have the facts to know that for sure, but there is some anecdotal evidence to that effect. We want to make sure GAO takes a good look at that and lets us know.

There are a lot of other miscellaneous provisions in here. I will not spend too much time on these, but there is a provision about child resistant portable gasoline containers. We have seen this problem all over the country for a long time. There is not a national standard. Most people are surprised to know that. We want to have one standard that is a good standard, and this bill takes care of that. We want a toy safety standard. There is not even a toy safety standard on the books. There is one in the private sector that industry has agreed to. We want to codify it. We want to make sure we have a strong toy safety standard.

All-terrain vehicles, Senator STEVENS mentioned something he has been working on a long time, and so have I, as part of the Commerce Committee. There is a garage door standard. Right now almost all garage doors—it is not required in most States—have two mechanisms for safety. One is like a laser beam mechanism, and the other is a motor; that if it feels too much pressure, it will stop or go back up. That is not required. We want to make sure on the Federal level all the new garage doors have those two safety mechanisms because we believe that will save lives.

I can go through a lot of other issues with regard to this legislation. Let me cover three of the issues that have been somewhat controversial. I want everybody to hear what I am saying about these controversial issues because we have found common ground. We have found the commonsense solution to some issues that had been very controversial and very negatively received as this bill came out of committee, but we have made major changes to these three areas.

First is the database. The goal is to have more transparency in the system. I will talk about this in the upcoming days. But we are trying to fix a real-life problem that has caused a lot of injuries. That is, there are many examples of when a product is dangerous, and that product is being sold in stores, people are buying it, people are using it, but the CPSC is in negotiations or discussions with the company, that product has been identified as dangerous, but the public doesn't know about it. We are trying to provide the transparency. The public has a right to know. So we have been working on this for a year. We have come up with this database idea. We have put a lot of parameters around it. If it is not true information or not accurate, it can be pulled off, and the companies are able to list an explanation. We don't identify the people, so you would not be able to use this, for example, where trial lawyers could go out and troll around and find new plaintiffs. We have tried to build in safeguards around this to take the objections away. But at the end of the day, if someone has a better idea on how to increase this transparency, we would love to hear about it. So far the best thing we have been able to come up with is this database.

The second controversial provision—and it was very controversial when it came out of committee—is this State attorneys general provision. I am a former State attorney general, so the AG provision is not going to cause me as much heartburn because I have lived through that for 4 years. I know how the State AGs work, and I know how diligent and careful they are. They have to manage their resources as well. But we have done two major things to the provision that came out of the committee.

First, we make sure—and we write it into the statute. We make sure the State attorneys general have to follow what the CPSC does. They can't get out in front of the CPSC. We are not going to have 51 different standards out there. They follow what the CPSC does. We made that very clear in the statute. The second thing is, we limited the State AGs to injunctive relief only.

So the situation that would be the most common would be that the CPSC does a recall, 6 months later in a State, whatever State it may be, they notice these recall products start to end up in the Dollar Store. Well, the CPSC has moved on. They are working on other things now. They don't have the resources or the time to deal with that. But the State might. If it is important enough for a State AG, he can get an injunction and make sure those products come off the shelf. These are products already identified as dangerous. We are not letting the States get out in front of the CPSC on this issue. They are following the CPSC. It is limited only to injunctive relief. We believe we have found the balance there.

The last thing I want to talk about in terms of the controversial parts of this legislation that have changed substantially since we have come out of committee is the whistleblower provision. The goal is to make sure people are not punished for doing the right thing. If an employee finds something his company is doing and he actually tells the CPSC about it and he later gets fired, we want to make sure he has some whistleblower protections such as in other areas of Federal law. We took this provision from a transportation act, the STAA, that the Senate passed not too long ago. So it is based on existing law. We have some statistics on how it should really work. So I want to encourage my colleagues to look at that.

Mr. President, how am I doing on time?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. PRYOR. OK. Mr. President, let me speak just for another couple minutes. I see a couple colleagues coming in the Chamber to talk.

There has been a little bit of discussion about the House bill. Again, I want to thank our House colleagues for working hard down the hall here in getting a bipartisan bill. We have a bipartisan bill. But I think there are three fundamental differences between their bill and our bill.

One, our bill has more transparency. I think that is good. I think that is something we, the Senate, should insist on.

Second, our bill has more enforcement. We are able to get these products off shelves quicker and able to make sure they stay off shelves more so than the House bill.

Third, our bill is more comprehensive reform. I have gone through a long list of items on how our bill has a lot of comprehensive reform in it.

I think our bill should stand. I understand there are some people who might be interested in looking at the House bill and some of those provisions, but I think when you lay them down side by side you will see the Senate bill is stronger because it is more transparent, there is more enforcement, and it is more comprehensive.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. PRYOR. Mr. President, I will be glad to yield.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the great Senator from Arkansas for his leadership on this issue and handling the whole package having to do with the Consumer Product Safety Commission. He is the chairman of that subcommittee in the Commerce Committee. He has done an excellent job. He has crafted together all the ideas.

The one little idea this Senator contributed is the requirement of independent testing of the products when they come out of these foreign countries because of the experience we had with China in which they had all these tainted toys that were coming in and hurting our children because they did not have any independent testing. It was like the fox guarding the hen house. You cannot put a fox in there and know that the hens are going to be safe unless you have someone who is independent to see that those items that are coming from another country are, in fact, safe.

I thank the Senator for the leadership he has given us and reaching out and melding a number of these ideas: the increased staff, the increased spending—which the CPSC Acting Chairman even said she did not want, of all things—and the independent testing, the standards. I express my appreciation to the Senator.

Mr. PRYOR. Mr. President, I thank the Senator.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I know the Senator from Minnesota is going to speak next, but I would ask the manager of the bill if he would be willing to enter into a unanimous consent agreement where it would just sequence our statements on this bill so that I would follow the Senator from Minnesota.

Mr. PRYOR. Mr. President, I have no objection to that.

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

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the Consumer Product Safety Commission Reform Act of 2007 represents some of the most sweeping reforms we have seen in consumer product safety laws in 16 years. In fact, the Wall Street Journal called it ''the most significant consumer safety legislation in a generation.''

I am proud to be a member of the Commerce Committee that passed this legislation under the leadership of Chairman INOUYE, Senator STEVENS, and Consumer Subcommittee Chairman PRYOR, and with the help of Senator BILL NELSON and Senator DURBIN. I thank all the Senators for their help on this bill.

I am pleased this legislation contains two key bills that I drafted. The first bans lead in children's toys, and the second makes it easier for parents to identify toys once they have been recalled.

This bill is not just a matter of implementing consumer safety laws and regulations, it is a matter of protecting consumers from harmful products. This bill is a matter of saving the lives of children. We have seen children who have died from lead paint or choking on toys. It means saving lives like that of a little boy named Jarnelle from Minnesota, who died after swallowing a charm that was 100 percent lead. That is how I got interested in this bill.

This bill is a matter of helping parents to understand toy recall procedures and making it easier to identify toys that are not safe. It is a matter of keeping consumers informed about whether products are safe and where the products are from. It is getting serious about consumer safety.

This is a good bill, a comprehensive bill, and a necessary bill. With the bipartisan help of our Senate colleagues, we can pass a meaningful consumer safety bill that gives the Consumer Product Safety Commission the tools to do their job and also sets clear and unequivocal standards for consumer products in this country.

It is clear that the current system we have in place is broken. It is broken for the most vulnerable consumers: the children in this country. It needs to be fixed.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled—29 million. They were recalled because they were found to be dangerous and, in some cases, deadly for children.

As a mother and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. When I first got involved in this issue last June, my 12-year-old daughter was not that excited because it involved things such as SpongeBob SquarePants. But when the Barbies started to be recalled, she came into the kitchen and said: Mom, this is getting serious.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace has changed greatly in 16 years, and this summer we saw firsthand how ill-equipped the Commission is to deal with the increased number of imports coming into this country from other countries that clearly do not have the same safety standards as our country.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled—in recent years. As the number of recalls is increasing by the millions, the number of Commission staff and inspectors at the Consumer Product Safety Commission has dropped by more than half. So you see a tripling of the imports while you see the Commission staff being cut in half. At the same time, you see an enormous increase in the number of recalls.

Let's look first at the number of staff. Well, it dropped by more than half, falling from a high in 1980 of 978 to 393 today. At the same time, the number of total recalls in 1980 was 681,300. In 2007, the number of toy recalls alone was over 28 million. So you go from 680,000 to 28 million at the same time you cut your staff in half. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

This legislation we are proposing today more than doubles the Consumer Product Safety Commission's budget authorization by the year 2015.

We now know that this past year the Commission had only one official toy inspector—pictures of his office have been shown in newspapers around this country—one toy inspector to ensure the safety of $22 billion worth of toys. His name is Bob, and he just retired. This bill provides some needed help to increase the CPSC inspection, research, and regulation staff. It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country.

Not only does the bill give necessary funding and staff to the Safety Commission, but it gives the Commission the ability, by giving them more tools, to enforce the laws. I think it is shocking for most parents when they realize we never had a mandatory ban on lead. We never had a Federal mandatory ban on lead. Instead, we have a voluntary guideline for lead. It is this voluntary guideline that is clearly not being followed as it should which led us to the sad situation we are in now.

To me, the focus is simple: We need to get these toxic toys out of our children's hands—not just voluntarily, not just as a guideline, but with the force of law. As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products. This bill finally gives the Consumer Product Safety Commission the enforcement mechanisms it needs to do its job.

On top of these critical improvements to the Consumer Product Safety Commission, this bill finally sets standards for lead in children's toys and establishes requirements for recalls and the labeling of toys.

As I mentioned at the outset, this past year we saw a record number of recalls of children's toys, totaling 29 million pieces of children's jewelry, toys that were choking hazards or contained deadly amounts of lead paint. This is about little kids swallowing jewelry, but it is also about teenagers chewing on jewelry while they are sitting in class—teenage girls not realizing the jewelry is full of lead.

For months now, news of recalled toys has dominated our headlines—and for parents, this news has been pretty scary.

In November 2007, more than 4 million children's craft toys called Aqua Dots were recalled because they morphed into a dangerous, dangerous date rape drug. Now, I had cases as a prosecutor involving that date rape drug. It is nothing to fool around with. Just to think that you have 4 million children with products, when these kids accidentally put them in their mouth because they are these little Aqua Dots that suddenly became a date rape drug and put these kids into a coma. At least two children slipped into comas after swallowing this dangerous toy.

Another 9 million toys were recalled last year for containing toxic levels of lead. The lead levels in these toys can lead to developmental delays, brain damage, and even death if swallowed.

As if the appalling number of recalls this past year is not bad enough, these recalls have illuminated other problems with pulling toys from the store shelves, the daycare center floor, or the drawer under a child's bed.

Except for my mother-in-law, I have to say I do not know a lot of mothers and grandmothers who keep the packaging that comes with toys. So what happens is, if you get rid of the packaging and there is a recall, you do not really know if the toy is one that should be recalled. It is very hard to tell one Thomas the Train Set from another, one SpongeBob from another, one Barbie doll from another. That is what parents have been struggling with.

So what this bill does—instead of making parents sort through the red caboose and the green car and the blond Barbie and the brunette Barbie—what it does is it puts a requirement in place that says the date stamp, the recall stamp, has to be on the packaging because sometimes you might be selling the toys on the Internet or it might be in a small mom-and-pop grocery store that will not allow for the computer systems we have in our bigger stores, but it also requires that the date stamp be on the actual toys whenever practical. It is not going to go on a pick-up stick, but it sure can go on a Thomas the Train Set.

This legislation also requires, as I said, that it be on the packaging. Again, it is for small retailers and people selling things on eBay. Big major outlets, such as Target, are able to, once they find out that a batch number is on the toy, close down their register so these toys cannot be sold. However, if you are selling on eBay, you want to have that number on the packaging. So that is why our legislation requires that the batch number be not only on the packaging but also the toy itself.

The other piece of this bill I drafted addresses some of the most deadly discoveries of this past year.

As more and more toys are coming in from other countries such as China with lower safety standards, we are seeing deadly amounts of lead surfacing in children's toys. The people in my State know this well.

Two years ago, a 4-year-old boy named Jarnelle Brown went with his mom to buy a pair of tennis shoes. He got this pair of tennis shoes, and with the tennis shoes came a little charm. She did not buy this charm. She did not ask for this charm. It was given free with a pair of tennis shoes. So they bring the shoes home with the charm, and this little boy is playing with it. He swallowed the charm. He did not die from swallowing the charm. He did not die from choking on the charm. He died as the lead in this charm seeped into his system one day after one day. His airway was not blocked. He just swallowed that lead charm, and it went into his stomach. Over a period of days, the lead in this charm went into his system and it went into his bloodstream. Over a period of days, he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm from China was 99 percent lead—a little free charm given to a mom with a pair of shoes.

This little boy's death is made so much more tragic by the fact that it could have been prevented. He should have never been given that charm in the first place. It shouldn't take a child's death to alert us to this problem, but now we know it for a fact, and we cannot now sit here and do nothing.

Parents should have the right to expect that toys are tested and that problems are found before they reach their toy box. The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill and we are considering on the floor today. It basically says any lead in any children's products shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead and empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology evolve.

This was reached after many discussions with toy manufacturers and retailers to get a sense that there sometimes are trace levels of lead. That is why we included this in here, to be practical, but allowing as science develops for the Consumer Product Safety Commission to go below that trace level. We see similar trace levels in some State legislation throughout the country. Some of it is different for jewelry than it is for toys, but we have yet to see a mandatory threshold for trace levels of lead in the Federal Government.

For 30 years we have been aware of the dangers posed to children by lead. The science is clear. It is an undisputed fact that lead poisons children. It shouldn't have taken us this long to take lead out of their hands and out of their mouths. It is the Consumer Product Safety Commission's job to do that. In recent months, it has become all too obvious that this commission needs much reform and that reform is long overdue.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel it is very important to take this step to protect the safety of our children. When I think about that little 4-year-old boy's parents back in Minnesota and I think about all of those other kids who have been hurt by these toys—they have no control over these toys. They don't know where they came from.

At this moment I say that the time has come to get this bill passed. I thank the retailers from Minnesota, including Target as well as Toys 'R Us. Their CEO testified before the Appropriations Committee and was very positive about moving forward and understood the need to beef up the tools

the CPSC has, as well as increasing the resources for that agency. We can beef up this agency that has been languishing for years and that is a shadow of its former self. We can put the rules in place that make it easier for them to do their job. We cannot sit around bemoaning the results anymore; we have to act. We have our opportunity. Our opportunity is this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the Consumer Product Safety Commission Reform Act of 2008. I applaud the leadership of Senators PRYOR, STEVENS, and INOUYE in this effort to strengthen protection for America's consumers, especially our children. It has been a pleasure to work with the sponsors of this bill to strengthen Federal protections against dangerous toys moving through the global supply chain.

We must detect and counter threats to children before, not after, toys reach store shelves so that they don't end up in homes, schools, and daycare centers as, unfortunately, they can now.

The pressing need for this bill was dramatized last year by numerous and significant safety recalls of children's toys. The recalls have involved some significant threats to life and health. For example, last November the Consumer Product Safety Commission recalled 200,000 units of imported jewelry for children: earrings, charms, and bracelets that contained unsafe levels of lead. Earlier in 2007, the Commission recalled millions of other hazardous toys.

The tragic trend continues. CPSC recalls last month included other items that violate lead paint standards or that can burn, poison, or even strangle children.

The Pryor-Stevens bill takes a comprehensive and thoughtful approach to these threats. It authorizes increased staffing and funding for the Commission, toughens penalties for safety violations, bans the resale of recalled products, requires safety certification of children's products, and mandates permanent identification markings on the toys and other products themselves—not just on their packaging—to make safety recalls more effective. The bill also essentially bans lead from children's toys.

The need for these safeguards and resources became evident through an investigation by my staff on the Committee on Homeland Security and Governmental Affairs. In August, I assigned investigators from my staff to examine the toy industry, import concerns, and the Consumer Product Safety Commission itself. The committee's investigators conducted numerous interviews of manufacturers, representatives of retailers, consumer advocacy groups, Federal regulatory agencies, and other experts. They also conducted port visits and visited a manufacturer's testing lab. What we were attempting to do is to build on the expertise the committee has gained through its work on port security which resulted, working in cooperation with the Commerce Committee, in landmark port security legislation in 2006.

The Committee's findings confirmed that our current system had serious weaknesses. These included that the Consumer Product Safety Commission is understaffed and has inadequate resources and authorities for its mission.

We also found that voluntary standards can be useful in quickly addressing safety concerns, but that they lack the full force of law.

We found that the inability to effectively enforce safety standards at our ports limits the ability of Federal agencies to stop hazardous imported products from entering the American marketplace.

The bill before us will remedy these serious weaknesses in our current system, especially in the area of product safety standards. Our investigators found that the current reliance on voluntary safety standards developed by a consensus among the industry, Government, consumer advocates, and other interested parties has both some advantages and some significant limitations. That doesn't mean we should do away with the system of voluntary standards.

On the plus side, the voluntary standards process, overseen by a standards-setting body, allows safety standards to be developed much more quickly and efficiently than in many governmental regulatory processes. This was shown in the collaborative response to the reports of serious injuries after children ingested powerful magnets that had come loose from toys. There were no safety standards for these particularly powerful magnets for toys, but within a relatively quick period of time, the consensus process produced new safety standards.

By contrast, if the Commission were to go through a formal safety regulation, it would have required a detailed notice and comment process that could have taken years to accomplish. It would have taken at least 4 months, and it could have stretched on for years, delaying that protection to our Nation's children. A perfect example of this is the failed effort to formally regulate the lead content standards for children's jewelry. In numerous other cases, the system of voluntary standards, self-reporting, and collaborative recalls has led to safety recalls before injuries could occur. Despite these achievements, the fact is that dangerous toys still arrive at our ports, and far too many of them are making their way to retailers' shelves and then on to the homes of American children.

Under current law, the Customs and Border Protection Agency has only limited authority to seize dangerous products and to prevent them from entering the marketplace. Instead, what happens too often—the standard process and practice—is that these products are simply turned away and that gives unscrupulous importers an opportunity to try to slip their defective products into the marketplace by simply going to another American port. So if they don't succeed at one port and they are turned away, what happens in too many cases is the importer simply tries to ship the defective toys through another port.

Our committee's investigation has also underscored the importance of imposing standards on global supply chains. With nearly three-quarters of toys sold in America being manufactured overseas, promoting toy safety cannot start or stop at our borders. Our investigators heard reports that unethical importers can bring products into the United States and then simply disappear by changing their company's name, address, and other information in order to avoid safety regulations. I also note that they can do this to avoid tariffs, import quotas, and intellectual property laws as well.

Toys from abroad must meet American safety standards. While the Chinese Government has reportedly tightened its own standards, closed a few factories, and signed a new agreement with the Consumer Product Safety Commission on the use of lead point in toys, China has not yet demonstrated that it can adequately enforce this regime. Until then, we must take strong and effective action to prevent Chinese products that violate our safety rules from entering America.

Now, of course, we need better consumer product protections regardless of a product's origin, but I call special attention to imports because of their overwhelming share of our toy market and because of the special challenges posed by the global supply chain. Our committee's investigation led me to offer four recommendations, and I am very pleased that those four recommendations have been included in the bill before us. Again, I thank Senators PRYOR, STEVENS, and INOUYE for adding my proposals to their bill.

First, the language I authored would empower Customs and Border Protection to seize and destroy shipments of products that the Commission believes pose a threat to consumers and violate safety standards. This is so important. It closes a glaring loophole in the current law and would abandon a practice that allows unscrupulous importers to bring their dangerous products in through a different port, depending on the Customs and Border Protection officers catching it a second time. My provision would ensure that the agency has the right to seize and destroy these unsafe toys and other consumer products.

The second provision I authored would establish a database so that potentially unsafe products could be identified by the Commission before they reach our shores. With that information, that cooperation between the Consumer Product Safety Commission and the Customs and Border Protection

Agency, we can much more effectively target these shipments for further investigation.

Third, I authored a provision that would require the CPSC to develop a risk assessment tool so we can focus attention on those points in the supply chain where defects and dangers are most likely to occur, be detected, and stopped.

Fourth, I drafted a provision that would place an official from the Consumer Products Safety Commission at the National Targeting Center run by Customs and Border Protection. That will allow real-time information to be shared. We can pool the resources, pool the information we have to identify likely shipments of dangerous products.

Mr. President, neither the Consumer Products Safety Commission, nor any other Federal agency, no matter how good, can guarantee a marketplace free of all risk. But we can and should strengthen the Consumer Products Safety Commission, as this bill would do, and expand its authority and provide it with the resources that are necessary to do a good job.

The commission needs to continue to work closely with importers, retailers, industry associations, and consumer groups to improve product safety.

A safety regime for children's toys will only be effective if everyone takes responsibility. But this should not be a detective game for the parents of America. They should be able to rely on Federal standards, enforcement—tough standards to make sure the toys they are purchasing for their children are indeed safe.

The foundation of this effort must be an effective and efficient system to help prevent defective and dangerous products for children from reaching store shelves in the first place.

The Consumer Products Safety Commission Reform Act adds important protections for America's children. I support the bill, and I am pleased that we are now considering it. I think it is going to make a real difference to the safety of America's children.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed on the consumer products safety legislation.

Mr. SHELBY. Mr. President, I will ask a question. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, would the time run on the Republican side?

The PRESIDING OFFICER. The understanding is that it will be counted toward Republican time.

Mr. PRYOR. I have no objection to that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

NORTHROP GRUMMAN EADS CONTRACT

Mr. SHELBY. Mr. President, last Friday, the U.S. Air Force announced that the Northrop Grumman EADS team won the contract to assemble our military's next generation of air refueling tankers, known as the KC–45.

This decision awarded the largest acquisition program in the history of the Air Force. To have expected controversy not to follow, regardless of the winner, would have been a little foolish.

What is unfortunate is that the uproar from the losing side is based upon mendacity rather than logic and reason. After the announcement, some falsely proclaimed that our military was selling out to a foreign country; that this award would outsource U.S. jobs; that these planes should be made in America.

The facts behind this selection should allay any of my colleagues' fears or concerns. Northrop Grumman EADS capable, advanced multimission tankers will be made in America by American workers. Any assertion that this award outsources jobs to France is simply false. This award does the exact opposite. It insources jobs here. In Mobile, AL, where the tanker will be assembled and modified, 1,500 direct jobs will be created. Throughout Alabama, 5,000 total jobs will be created.

This contract has ramifications well beyond my State's lines. Friday's announcement also means that 25,000 additional jobs at over 230 companies around the United States will be created by the Northrop Grumman EADS tanker win. This will result in a $1 billion annual economic impact on the United States.

It is also important to note that job creation was not a factor that the Air Force considered in making their selection. The objective of the acquisition by the Air Force was clear from the outset: acquire the best new tanker for the U.S. Air Force.

Five factors were used to score the two competing proposals: mission capability, proposal risk, past performance, price, and the Integrated Fleet Air Refueling Assessment.

Mr. President, the Air Force, in a lengthy, full, and open competition determined that the KC–30 was superior to the KC–767 and is the best tanker to meet the Air Force's needs.

The Air Force rated the KC–30 superior in every one of the five categories used to assess the tanker offering.

Mr. President, I believe this illustrates that the Air Force made the right decision, the right selection, not only for the men and women in uniform but for the taxpayer as well. To claim otherwise is simply illogical.

Additionally, charges have been raised that by awarding a contract to a team with a foreign company, our national security may be at risk because the U.S. military would have to rely on foreign suppliers. Nothing could be further from the truth.

The prime contractor of the team that won, Northrop Grumman, is no less an American company than its competitor, Boeing. While Northrop's proposal uses a European-designed airframe, a close scrutiny of the two competing proposals shows that both have a relatively similar amount of foreign content.

Further, this is hardly the first defense program to be awarded to a U.S.-European team. In fact, Boeing itself was part of a team that recently won the Army contract for the Joint Cargo Aircraft, an Italian-built aircraft that will be assembled in Florida at a Boeing facility.

I find it quite ironic that there was no outcry at this award from Boeing supporters, even though it would seem that the Joint Cargo Aircraft Program would likewise ''take American tax dollars and build this plane overseas.''

The global environment in which we live makes it virtually impossible for any major military product to be 100 percent American made—especially when our goal is to provide the best equipment for our warfighters.

Moreover, U.S. aerospace firms have supplied billions of dollars' worth of equipment built by Americans to foreign countries, and they still do.

As Members of Congress, we are all concerned about U.S. jobs. Yet any assertion that this award ''outsources'' jobs to France is simply false.

With this new assembly site in Mobile, AL, this contract will bring tens of thousands of jobs into the United States.

According to the Department of Commerce, Northrop Grumman will employ approximately the same number of American workers on the tanker contract that Boeing would have employed had they won.

As John Adams once said: ''Facts are stubborn things.''

If the U.S. Air Force and Members of Congress wanted the tanker to be a job creation program for Boeing, they should have eschewed a competition and sole-sourced the contract in the first place. But they didn't want that. Instead, the intent was to provide our men and women in uniform with the best refueling aircraft in the world at the best value for the American taxpayer.

In the final analysis, that is precisely what the Air Force did.

I am very proud to know that the KC–45 American tanker will be built by an American company, employing American workers.

This decision is great news for the warfighter, the American worker, and the U.S. taxpayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama, Mr. SESSIONS, is recognized.

Mr. SESSIONS. Mr. President, I associate myself with the wise comments of Senator SHELBY on this question. I will share a few thoughts about where we are in this process. It was a big, long, fair competition for this new KC–45 tanker aircraft. The Air Force announced it last Friday. They announced they had selected Northrop

Grumman as the lead contractor for the new plane. Northrop plans to build it in my hometown of Mobile, AL. We could not be prouder. I, at one point, chaired the Air/Land Subcommittee as we discussed the need for this aircraft. Long before there was any indication that any of it would be built in Alabama, I became convinced that it was a needed plane.

I will say this to my colleagues who seem to be arguing that it is not an American aircraft: The lead contractor is Northrop Grumman, which is a Los Angeles/American company. They partnered with EADS, a European company.

Some have said openly that it is an aircraft that is going to be built in Europe. A lot of people probably have heard that. But the truth is, it is going to be built in the United States, in Mobile. I can show you the spot and the place. Old Brookley Air Force Base. They had as many as 40,000 employees. It was closed in 1965. Indeed, the econmy of the town of Mobile's was impacted, until the last half dozen years when it has taken off strongly. But in these last 35 or more years, it has genuinely been believed not to have kept up with the rest of the country as a result of the closure of that huge base. This will be at that facility.

I suggest and state that in reality what we are talking about is the insourcing into America of an aircraft production center that will bring 2,500 jobs to our area, 5,000 for the State, and, more importantly, even 25,000 jobs nationwide at 230 different companies that will be involved in the building of this tanker.

I just want to say one thing. I think Senator SHELBY talked about it. I want to say one thing in the beginning, as a recovering former lawyer. We had a competition for this aircraft. We had two bidders and, to my knowledge, during the time that this bidding process was going on, no one was saying we should not have competition. No one was saying that because one of the partners was European based—of course, they are our allies fundamentally on most issues of importance in the world, and our partners in the Joint Strike Fighter, one of our top fighter aircraft. But nobody said that disqualified Northrop's bid. Do you follow me?

So we go through months and months of meetings with the Air Force, and with their hard work they developed an objective set of criteria and evaluated the aircraft. Nobody was saying that somehow this Northrop team should not be in the game, should not be allowed to bid because we all know the fact that there was a vigorous competition reduced the bids substantially of both companies because they had to be competitive. If it had been a sole-sourced bid, it would not have been. This was a good thing for us to have had. That is all I am saying.

Now, some have hinted that we ought to have politics enter into this process after 2 years, and the right company didn't win and we ought to somehow overturn that. It is not good sense to me to make that argument. Of course, it would not hold up in a court of law. The Air Force, rated the aircraft objectively, and they made an objective decision. It was not contested before, and I do not think it will be successfully contested now.

The Northrop aircraft won, according to the Air Force officials, because it offered the best value to the Government and the best plane for our war fighters. Sue Payton, Assistant Secretary of the Air Force, said during the announcement on Friday:

> Northrop Grumman clearly provided the best value to the Government when you take a look at it, in accordance with the RFP—

That is request for proposal—

> the five factors that were important to this decision: in mission capability, in proposal risk, in the area of past performance, in cost price, and in something we call an integrated fleet aerial refueling rating.

She said in each of these categories that when you added up all that, the Northrop Grumman aircraft was, as she said, the best value for the Government. Isn't that what we pay her to decide?

I thank the Air Force for going through this process. There were some real questions about whether there would be fair competition for the KC–X. There was some doubt about Northrop's team, whether they would even bid if they were not going to have a fair chance. They were all assured they were going to have a fair and transparent competition, so the Air Force promised to use objective criteria and to communicate continuously with the two bidders. In the words of one official:

> The winner will know why he won and the loser why he lost.

To a degree we have never seen, that I think was followed in this case. John Young, Under Secretary of Defense for Acquisition, Technology, and Logistics, Secretary of Defense Gates' point man for the fairness of the acquisition competition, said yesterday:

> The Air Force did its homework and did it well . . . The Air Force, in my opinion, did an outstanding job.

Now that the Air Force, in the opinion of many, has run a textbook fair competition, the key is for us to get moving on replacing these tankers. Most of our tankers were built before 1957. Can you imagine? It is time to recapitalize that fleet with newer and more modern planes for both the safety of our pilots and the effectiveness of our military. That is why the KC–45s are the No. 1 budget priority of the U.S. Air Force. They have said that for a number of years. This is a big project, but it is critical to the effectiveness of the U.S. Air Force in its ability to protect air power at great distances around the globe.

I know there has been intense debate, and I know how important this process has been. But, again, I say no one was objecting to the competition then, and if you have a competition, shouldn't the one with the best proposal win? The Northrop team clearly provided the best value, said Sue Payton. It carried more fuel for longer distances, and the fuel is in the wings of these aircraft, not in the main area of the aircraft, in the fuselage area. In that area, you can carry soldiers, cargo, and all kinds of equipment that the war fighter might need. It can supplement substantially our existing airlift capability, and Northrop's team aircraft had more cargo capacity, more fuel load ability, could carry more soldiers, and could go longer distances. That is why, when they calculated it up, when they buy these aircraft, they need 19 fewer of the Northrop team's aircraft than needed if they bought the other aircraft, a big savings right there in itself.

We are not saying there is anything wrong with the Boeing aircraft, that it is somehow a defective aircraft. It did not meet the needs of the Air Force as well as the other one did.

The Air Force has run the most open competition in history. It appears it is going to be a model for such competitions in the future.

In the days ahead, not too many days from now, the bidders will be brought in to the Air Force, and they will be given a detailed briefing on exactly why the Air Force reached the decision it did, why one won and the other lost, and if the bidder concludes that a protest is called for, if they find something they think is unfair under the rules of bidding, they have every right to appeal and protest. But no such decision has been made to date. I am hopeful the process was conducted fairly, as it appears to be, and that no protests will occur.

I further note we have a critical need to bring this tanker online. Much more could be said about the importance of the whole replacement process. I will say we had a fair competition, it appears by all accounts. The process went on for months. It was the most open in terms of the bidders were told precisely what weaknesses their planes may have or what other strengths they would like to see in a plane and gave them an opportunity to respond in a way that did not blindside them by saying: Sorry, you lost because of one little problem here, and they never told them what that problem was, as we have had in the past. This whole process was much more open, one on one in a way that I think was filled with integrity and a practical goal. The practical goal was to allow the Air Force to be in a position to pick the best aircraft they could pick for our Defense Department.

I am excited about this, just from our own local interests. I had absolutely no idea how it would come out until the announcement was made. I did ask on several occasions that we have a fair and level playing field. I believe that has occurred. The Air Force has said

they clearly believe this is the better aircraft. And if that is their decision, they had no choice honorably to do anything other than make the decision they did.

I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of the quorum and ask that it be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. PRYOR. Madam President, we are going to vote in a couple of minutes on the motion to proceed to the CPSC—the Consumer Product Safety Act—and I want to urge my colleagues to vote for this motion and to move to this legislation so that we can consider it over the next couple of days in the Senate.

I think the American public saw the record number of product recalls last year, especially in the toy sector but in all sectors of our economy. The people back home understand how important it is for the Senate to act on this and act in a way that is responsible and balanced and act in a way that is very meaningful.

Again, our legislation as compared to the House bill is more transparent, there is more enforcement, and it is more comprehensive reform. I thank my House colleagues for doing what they have done and also thank my Senate colleagues, especially Senator TED STEVENS and Senator COLLINS. We have several on our side who have all come together to make this a bipartisan bill, and I appreciate the Senate's consideration.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 582, S. 2663, the Consumer Product Safety Commission Reform Act.

Harry Reid, John D. Rockefeller, IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff Bingaman, Richard Durbin, Mark Pryor, Edward M. Kennedy, Patrick J. Leahy, Bernard Sanders, Debbie Stabenow, Carl Levin, Byron L. Dorgan.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2663, a bill to reform the Consumer Product Safety Commission, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mrs. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 86, nays 1, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—86

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

NAYS—1

Coburn

NOT VOTING—13

Biden	Inhofe	Murkowski
Byrd	Isakson	Obama
Clinton	McCain	Wicker
Ensign	McCaskill	
Enzi	Menendez	

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. 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. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. PRYOR. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

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

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

THE BUDGET

Mr. CORNYN. Mr. President, next week we will be marking up and working on the budget for the Federal Government for fiscal year 2009. I wish to take a few minutes to talk a little bit about the budget we passed last year and to highlight a few areas of caution where I hope we will not repeat the mistakes this year in the budget we pass like we did in the budget we passed last year.

First of all, in the fiscal year 2008 budget, the budget anticipated an increase in revenue—which is Washington speak for a tax increase—of $736 billion that would be needed in order to meet the demands of that budget. Of course, we all know whom those tax hikes fall on. It is the middle-class families, the farmers, the entrepreneurs, the people we need in this country to remain productive and remain incentivized to keep our economy and job creation humming.

Considering the economic situation we are in today, the last thing the Federal Government should do is increase taxes and create a wet blanket of deterrence on those very entrepreneurs and people who create the jobs.

One example is, last year you will recall that Congress waited until the last possible moment to pass temporary tax relief, relieving the middle class from the alternative minimum tax—a tax that more and more middle-class families will soon pay. As a matter of fact, I think this is a perfect paradigm for what I have heard here as ''tax schemes designed to tax only the wealthy.''

You will recall that the alternative minimum tax, as originally conceived,

was designed to tax only 155 taxpayers who were not otherwise paying Federal tax. But true to form for Washington, DC, and for, unfortunately, the Federal Government, this tax-the-wealthy scheme this last year affected 6 million taxpayers, and because it is not indexed for inflation, would have affected, if Congress had not acted, 23 million taxpayers—from 155 to 6 million to 23 million. But because Congress waited until the last possible moment to pass a 1-year patch or relief from the alternative minimum tax for the middle class, millions of taxpayers will see a delay in getting their refunds—money that belongs to them, after all, and not to Uncle Sam.

We also saw, unfortunately, in last year's budget an attempt rebuffed; a bipartisan vote that would make it more difficult to pass tax increases. Last year, I offered an amendment that received a strong bipartisan vote that created a 60-vote budget point of order against any legislation that raised income taxes. Even though this amendment found broad bipartisan support here in the light of day, behind closed doors in the conference, this amendment was stripped out of the conference report and summarily buried.

This amendment could have sent a strong message to the taxpayers that their Federal Government was more interested in ending wasteful spending than it was in picking their pockets. Unfortunately, as a result of the summary execution and burial of this amendment behind closed doors in the conference committee, the opposite message was sent: that Congress is more interested in getting their hands on the hard-earned money taxpayers earn and spending it on bigger and bigger Government—obviously, the wrong message and one that a bipartisan group of Senators was unwilling to support in the light of day but, unfortunately, the conference, behind closed doors, was willing to embrace.

American taxpayers got a budget that would have spent $23 billion above the President's request last year. Now, a friend of mine in Texas likes to remind me from time to time how much a billion is because we throw numbers around up here—a million here, a billion there. A billion seconds ago it was 1976. A billion seconds ago it was 1976. We do not even seem to flinch at a budget that Congress passed that exceeded the President's request by $23 billion.

In fact, over the next 5 years, the majority budgeted $205 billion over the President's request. Whatever happened to being good stewards of the taxpayers' money and trying to control Government spending so it does not run amok? Thankfully, we were able to stop this unwarranted expansion, and we were able to remain within the President's top line number for the current fiscal year. At the last minute, we were able to do that in December.

When it comes to entitlement reform—something the majority promised to make a top priority when they took power—they did absolutely nothing to rein in the $66 trillion long-term entitlement crisis we are facing. It is no secret to anybody in this institution that entitlements are quickly eating more and more of the budget and will continue to gobble up more and more of our economic resources.

As a matter of fact, I have in my hand a PowerPoint by the U.S. Government Accountability Office called ''Saving Our Future Requires Tough Choices Today,'' pointing out that in 1966, for example, 67 percent of the budget was discretionary spending. Today, it is 38 percent. That is because of the growth of entitlement spending from 26 percent in 1966 to 53 percent of the budget today. Mandatory spending, together with interest on the debt, amounts to 62 percent of the Federal budget today.

If we do not do anything about it, by the year 2030, this Federal Government will be unable to fund anything else other than Medicaid, Medicare, Social Security, and interest on the debt.

So I believe it is very important for us to avoid this fiscal meltdown—as entitlements kick in for the baby boom generation, and in a way that will make Government unaffordable for our children and our grandchildren.

This story, as bad as it is, is even worse when you consider the fact that $185 billion in Social Security surpluses is spent for general Treasury items today. In other words, we are taking the money wage earners are paying into Social Security that is not currently needed to meet the obligations of Social Security and spending it for other purposes, making it even more likely that when our children and grandchildren come of age, they will not have any social safety net available to them through Social Security or Medicare.

When you look further at this report of the Government Accountability Office, for fiscal year 2006 and 2007 deficits, you see that the deficit increases dramatically. If we do not begin to deal with reining in the entitlement spending crisis in this country, it will get nothing but worse.

But while the news media tends to focus on deficits on an annual basis, the real crisis is the growing fiscal exposure due to long-term commitments, such as future Social Security benefits, future Medicare Part A benefits, future Medicare Part B benefits, future Medicare Part D benefits—our prescription drug provisions we passed a couple years ago. These lead to an ultimate liability for the American taxpayer of $52.7 trillion.

So I talked about a million dollars. I talked about a billion dollars. Now we are talking about trillions of dollars—something that is nearly impossible for the human mind to conceive of, the number is so big.

But let me give you a number you can understand, we can conceive of. Unless we deal with the growing entitlement crisis of Medicare and Social Security, not only will they run out of money, but the burden on each person in this country—the financial burden—will amount to $175,000 a person. So not only will we be unable to pay our young men and women who are working today the Social Security and Medicare benefits they should receive when they come of age, we will also burden them with a $175,000-per-person share of the Federal debt in the process. This is an IOU we will never repay.

Of course, if the Federal budget continues to grow in terms of its requirement of paying entitlements—Medicare, Medicaid, Social Security and interest on the debt—as I said, by 2030 there will be no money for anything else. We would not have the resources for other important priorities, including national defense, securing our borders, immigration enforcement, veterans health care, or education.

Unfortunately, the budget that passed last year allowed the debt to increase by $2.5 trillion over the next 5 years. In other words, the message is consistent: We spend now and the next generations pick up the tab later on. I can only beg my colleagues not to follow the example they set last year. We cannot afford to take more money out of the hands of hard-working Americans in order to grease the gears of bigger and bigger Government. I fear the next budget will only be more of the same. We should not raise taxes on working families and small businesses. We should not wash our hands, as we did last year, of the entitlement tsunami we all know is approaching and threatening to engulf us, and we should not allow the debt to continue to grow so that the $175,000 share per person of the debt will continue to get bigger and bigger.

I know we can do better, and we must do better. As the Budget Committee takes up the 2009 budget tomorrow in the committee and on Thursday when we will actually mark up the budget, and when it comes to the floor next week, I hope all of us will work together to make sure we don't continue to increase taxes and further dampen and soften the economy in a way that hastens a recession rather than avoids it. I hope we will step up and accept the responsibility each of us has to make sure we don't spend money today to impose a financial burden on our children and grandchildren tomorrow. We can do better and we must do better.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I would apologize for the lack of judicial nominations on the Executive Calendar but for the fact that is has been the refusal of Republicans to cooperate this year in reporting out nominations that has lead to the current circumstance. The fact is that we concluded last session by confirming each and every judicial nomination that was reported out of

the Judiciary Committee. None were carried over into this new year. And despite my efforts in February, when the Judiciary Committee held two hearings for seven judicial nominees, including a circuit nominee, Republican members of the Judiciary Committee effectively boycotted our business meetings in February and obstructed our ability to report judicial nominations and high-ranking Justice Department nominations. I adjourned both our February 14 and February 28 meetings for lack of a quorum. At the first meeting only one Republican Senator was present. At the latter, the ranking member chose to leave.

Despite the partisan posturing by the President and Senate Republicans, I have continued to move forward and sought to make progress but, I must admit, my patience is wearing thin. Two weeks ago, during the congressional recess, I chaired our third nominations hearing of the year. Included were three judicial nominations, including that of Catharina Haynes of Texas to be a circuit judge on the Fifth Circuit. I knew that this nomination was important to Senator CORNYN. So in spite of her participation at the recent partisan political rally and photo op at the White House, I proceeded with that previously scheduled hearing.

Despite urging the President to work with us, 19 current judicial vacancies—almost half—have no nominee. In addition, several of the judicial nominations we have received do not have the support of their home state Senators. Of the vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for seven of them, more than a third. Of the circuit court vacancies, nearly a third are without a nominee and more than half of the current circuit court nominees do not have the support of both home State Senators.

If this President had worked with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make more progress. Instead, we have lost precious time to provocative and controversial nominations like that of Duncan Getchell and Claude Allen of Virginia. Those nominations were both withdrawn by the President after months of wasted time and effort. I, again, encourage the White House to work with Senators WARNER and WEBB of Virginia to send us consensus nominees for the two Virginia vacancies on the Fourth Circuit.

The Getchell nomination is an example of the President's failure to work with home State Senators to make consensus nominations. President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senator WARNER and Senator WEBB. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination, which was opposed by home state Senators from the start, was one that could not move.

The Republican complaints about nominations ring hollow in light of the actual progress we have made. Despite the efforts of the Bush administration to pack the Federal courts and tilt them sharply to the right, the Judiciary Committee and the Senate have worked to approve an overwhelming majority of President Bush's nominations for lifetime appointments to the Federal bench. We have confirmed over 86 percent of President Bush's judicial nominations, compared to less than 75 percent for President Clinton's nominations.

The difference is even more stark when examining nominations to influential circuit courts, to which nearly three quarters of President Bush's nominations have been confirmed, compared to just over half of President Clinton's. That means nearly half of President Clinton's circuit nominations were not confirmed, many of them pocket filibustered with anonymous objections, no hearings, and no consideration. If we stopped now and did not consider another judicial nominee all year, we would better the record Republicans established with President Clinton.

We confirmed 40 judicial nominees last year, including six nominees to the circuit courts. That total was more than were confirmed during any of the three preceding years under Republican leadership and more than were confirmed in 1996, 1997, 1999, and 2000, when a Republican-led Senate was considering President Clinton's nominations. Indeed, in three years that I have chaired the committee, the Senate has confirmed 140 of President Bush's lifetime appointments to our Federal courts. That compares favorably to the total of 158 confirmations during the more than 4 years that Republicans led the committee during this Presidency. If we stopped now and did not consider another judicial nominee, we would compare favorably to how Republicans have treated this President's nominees, and we have already improved upon how they treated President Clinton's nominees.

If the White House and the Senate Republicans were serious about filling vacancies and not just seeking to score partisan political points, the President would not make nominations opposed by home State Senators of both parties. If they were serious about filling vacancies, Republicans would not spend the rest of the Bush Presidency fighting over a handful of controversial nominations rather than work with us to make progress. If they were serious about filling vacancies, Republicans on the committee would attend important business meetings and help us make a quorum to report these nominations to the Senate.

I am surprised that today the ranking member has suggested that judicial nominations were ''stymied'' when I first became chairman of the Judiciary Committee under this President in 2001. Indeed, during those 17 months, the Senate confirmed 100 judicial nominations. That pace was never duplicated under either of the Republican chairmen that followed me. During the 2 years under Senator SPECTER's chairmanship, the Senate approved 54 confirmations.

I am surprised that the ranking member is suggesting the Senate bypass the committee's process for considering nominations, and is apparently calling for an end to the role of home State Senators. When he was chairman of the Judiciary Committee, Senator SPECTER respected the blue slip, which is the means by which home State Senators approve or disapprove of a nomination before consideration of the nomination proceeds. When he was chairman, he proceeded with hearings on nominations that were controversial and were subsequently withdrawn. That took time away from those nominations on which we might have been able to make progress together.

Requiring the support of home State Senators is a traditional mechanism to encourage the White House to engage in meaningful consultation with the Senate. Many of this President's current nominees do not have the support of the home State Senators. That is why his nomination of Duncan Getchell was finally withdrawn. That is why the nomination of Gene Pratter to the Third Circuit has not been considered. That is also the current situation for both nominees to the Third Circuit, the two current nominees to the Sixth Circuit, a nominee to the Fourth Circuit and the nominee to the First Circuit. Of the 11 circuit court nominations that have been pending before the Senate this year, 8 have not had the support of home State Senators. Indeed, more than half of the 28 nominations listed by Senator SPECTER in his recent letter to me do not currently have blue slips signaling support from home State Senators. He knows that. That information is public.

This process was abused when the Republican-controlled Senate pocket-filibustered President Clinton's nominees with anonymous holds and no public opposition. One of my first acts when I became chairman in 2001, with a Democratic-led Senate considering President Bush's nominees, was to open up the nominations process for the first time, making blue slips public for the first time. We have drawn open the curtains on the process. Republicans, during the Clinton administration, cloaked it in secrecy and, to this day, will not explain their actions. I have not treated this President's nominees in that way. We have considered nominations openly and on the record. We have considered nominations I do not support, something that was never done by a Republican chairman.

Much of the problem remains with this President and his insistence on

nominating controversial nominees. I extended another olive branch to him by my letter last November. I have received no response.

I had consulted with the senior Senator from Pennsylvania, and we had earlier exchanged letters. He knows from my January 22 letter what the situation is. As a former chairman he knows. He knows the history of the Thurmond Rule, by which Republicans, then in the minority, insisted that judicial vacancies in the last year of a President's term remain vacant in order to be filled with the nominations of the next President. He understands the dynamics in the last year of a President's term. And no modern President has been as divisive as this President on these issues.

The Republican chairman serving during the end of President Clinton's term noted many times that judicial confirmations slow in a President's last year. I do not intend to return more than 60 nominations to this White House without action, or return 17 circuit court nominations without action. But much depends on the cooperation of the President and Senate Republicans.

It is hard to consider partisan complaints about the pace of judicial nominations when those same voices criticize me for holding hearings on judicial nominations. Damned if I do and damned if I don't. Indeed, when I went out of my way to hold a hearing for judicial nominations during the last recess period, I was roundly criticized by Republicans. It reminded me of the time in 2001 when I previously chaired a recess hearing for another circuit court nominee of this President and I was criticized by a Republican Senator for proceeding expeditiously. It only goes to prove the truth of the saying that around here, when it comes to judicial nominations, no good deed goes unpunished.

The record is that during the 1996 session, the last of President Clinton's first term, the Republican-led Senate confirmed not a single circuit nomination. If we are able to proceed and confirm just one circuit nominee this year, we will better that record.

Republicans returned 17 circuit nominations to President Clinton without action at the end of his presidency. The treatment of President Clinton's nominees contrasted markedly with that accorded by Democrats to the nominations of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992, when nine circuit court nominees were confirmed on average. Regrettably, the Republican Senate reversed that course in its treatment of President Clinton's circuit court nominations, confirming none during the 1996 session and an average of only four in Presidential election years.

The Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration. In those years, Senator HATCH justified the slow progress by pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that ''there is and has been no judicial vacancy crisis'' and that this was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term, including 26 circuit vacancies.

By contrast, we have helped cut circuit court vacancies across the country in half, reducing the number to 13 in 2007. In fact, circuit court vacancies reached a high water mark of 32 early in President Bush's first term, with a number of retirements by Republican-appointed judges. Indeed, the current judicial vacancy rate is around 5 percent. That is half of what it was at the end of President Clinton's term, and significantly lower than when Senator HATCH described the vacancy rate as acceptably low. If we applied Senator HATCH's standard, we would have no more hearings or consideration of any of the remaining nominations.

Because of the success of the Republicans at stacking the courts and their success in preventing votes on nominees, the current situation on the circuit courts is that more than 60 percent of active judges were appointed by Republican presidents and more than 35 percent were appointed by this President. If we did not act on another nominee, Republican presidents' influence over the circuit courts is already out of balance.

I would rather see us work with the President on the selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees. That is why I have urged the White House to work with Senators WARNER and WEBB to send to the Senate without delay nominees to the Virginia vacancies on the Fourth Circuit. That is why I have urged the White House to work with all Senators from States with vacancies on the Federal bench. We may still be able to make progress, but only with the full cooperation of this President, and Republican Members of this Senate.

THE POLITICAL CRISIS IN ETHIOPIA

Mr. FEINGOLD. Mr. President, I rise today to discuss the political situation in Ethiopia. The U.S.-Ethiopian partnership is an incredibly important one—perhaps one of the more significant on the continent given not only our longstanding history but also the increasingly strategic nature of our cooperation in recent years. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and likely safe haven for terrorists, Eritrea an inaccessible authoritarian regime that exacerbates conflicts throughout the region, Sudan a genocidal regime, and now Kenya descending into crisis. By contrast, Ethiopia seems relatively stable with its growing economy and robust poverty reduction programs.

Indeed, one look at the deteriorating situation on the Horn of Africa and it is clear just how essential our relationship with Ethiopia really is. Unfortunately, the Bush administration's approach to strengthening and building bilateral ties with Ethiopia has been shortsighted and narrow. As in other parts of the world, the administration's counterterrorism agenda dominates the relationship, while poor governance and human rights concerns get a pass.

Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. We cannot allow a myopic focus on one element of security to obscure our understanding of what is really occurring in Ethiopia. Rather than place our support in one man, we must invest in Ethiopia's institutions and its people to create a stable, sustainable political system. As we are seeing right now in Kenya, political repression breeds deep-seated resentment, which can have destructive and far-reaching consequences. The United States and the international community cannot support one policy objective at the expense of all others. To do so not only hurts the credibility of America and the viability of our democratic message, but it severely jeopardizes our national security.

I am seriously concerned about the direction Ethiopia is headed—recurringbecause according to many credible accounts, the political crisis that has been quietly growing and deepening over the past few years may be coming to a head. For years, faced with calls for political or economic reforms, the Ethiopian government has displayed a troubling tendency to react with alarmingly oppressive and disproportionate tactics.

For example, in 2003, we received reports of massacres of civilians in the Gambella region of Ethiopia, which touched off a wave of violence and destruction that has yet to truly loosen its grip on the region. At that time, hundreds of lives were lost, tens of thousands were displaced, and many homes, schools, and businesses throughout the area were destroyed. Credible observers agree that Ethiopian security forces were heavily involved in some of the most serious abuses and more than 5 years later no one has been held accountable and there have been no reparations.

The national elections held in May 2005 were a severe step back for Ethiopia's democratic progress. In advance of the elections, the Ethiopian Government expelled representatives of the three democracy-promotion organizations supported by USAID to assist the Ethiopian election commission, facilitate dialogue among political parties and election authorities, train pollwatchers, and assist civil society in

the creation of a code of conduct. This expulsion was the first time in 20 years that a government has rejected such assistance, and the organizations have still not returned to Ethiopia because they do not feel an environment exists where they can truly undertake their objectives.

Despite massive controversy surrounding the polls, it is notable that opposition parties still won an unprecedented number of parliamentary seats. Their pursuit of transparency and democracy was again thwarted, however, when they tried to register their concerns about the election process. In one incident, peaceful demonstrations by opposition members and their supporters in Ethiopia's capital of Addis Ababa were met with disproportionate and lethal force that killed more than 30 people and injured over 100. In another incident, the Ethiopian government arrested thousands of peacefully protesting citizens who took to the streets in support of the opposition.

The systemic nature of this crackdown was revealed in credible reports coming from the Oromia and Amhara regions that federal police were unacceptably threatening, beating and detaining opposition supporters. Indeed, international human rights groups documented that regional authorities were exaggerating their concerns about armed insurgency and ''terrorism'' to try to justify the torture, imprisonment and sustained harassment of critics and even ordinary citizens.

This tendency to portray political dissent as extremist uprisings has been repeated more recently with regards to what is being characterized by some as a brutal counterinsurgency operation led by Ethiopia's military in the Ogaden, a long-neglected region that borders Somalia. Certainly I recognize the serious security concerns in this region, made worse by the porous borders of the failed state just a stone's throw away.

But it is precisely because Ethiopia is our partner in the fight against al-Qaida, its affiliates and allies, that I am so concerned about what I understand to be a massive military crackdown that does not differentiate between rebel groups and civilians. While I am sure there are few clean hands when it comes to fighting in the Ogaden region, the reports I have received about the Ethiopian government's illicit military tactics and human rights violations are of great concern.

I have been hearing similar reports of egregious human rights abuses being committed in Somalia, about which I am gravely concerned. When I visited Ethiopia just over a year, I urged the Prime Minister not to send his troops into Somalia because I thought it might make instability there worse, not better. Tragically, more than a year later, it seems my worst fears have been realized as tens of thousands of people have fled their homes, humanitarian access is at an all time low, and there are numerous reports of increasing brutality towards civilians caught in the crossfire. In the interest of its own domestic security, Ethiopia is contributing to increased regional instability.

What troubles me most is that the reports of Ethiopia's military coming out of the Ogaden and Mogadishu join a long list of increasingly repressive actions taken by the Ethiopian government. The Bush administration must not turn a blind eye to the aggressive—and recurring—tactics being utilized by one of our key allies to stifle dissent.

I certainly welcome the role the Bush administration has played in helping to secure the release of many—although not all—of the individuals thrown in jail in the aftermath of the 2005 elections. I welcome the Embassy's engagement with opposition members and their efforts to encourage Ethiopian officials to create more political space for alternative views, independent media, and civil society. These are all important steps but they do not go far enough.

The administration's efforts at backroom diplomacy are not working. I understand and respect the value of quiet diplomacy, but sometimes we reach the point where such a strategy is rendered ineffective—when private rhetorical commitments are repeatedly broken by unacceptable public actions. For example, recent reports that the Ethiopian government is jamming our Voice of America radio broadcasts should be condemned in no uncertain terms, not shrugged off.

The Bush administration must live up to its own rhetoric in promoting democracy and human rights by making it clear that we do not—and will not—tolerate the Ethiopian government's abuses and illegal behavior. It must demonstrate that there are consequences for the repressive and often brutal tactics employed by the Ethiopian government, which are moving Ethiopia farther away from—not closer to—the goal of becoming a legitimate democracy and are increasingly a source of regional instability.

I am afraid that the failure of this administration to acknowledge the internal crisis in Ethiopia is emblematic of its narrow-minded agenda, which will have repercussions for years to come if not addressed immediately. Worse yet, without a balanced U.S. policy that addresses both short- and long-term challenges to stability in Ethiopia, we run the risk of contributing to the groundswell of proxy wars rippling across the Horn—whether in Somalia, eastern Sudan, or even the Ogaden region. And those wars, in turn, by contributing to greater insecurity on the Horn and providing opportunities for forces that oppose U.S. interests, pose a direct threat to our own national security as well.

NATIONAL PEACE CORPS WEEK

Mr. BINGAMAN. Mr. President, I wish to add my voice to those of my colleagues who have stood to salute the Peace Corps.

The Peace Corps is one of our country's most effective international development programs. Since its inception in 1961, the Peace Corps has sent over 190,000 volunteers to 139 developing countries, where they have helped build thousands of schools, health clinics, and small businesses.

Equally as important, the Peace Corps is one of our country's most important public diplomacy programs. The sight of ordinary Americans volunteering to serve the world's most disadvantaged populations cannot help but elevate good will toward our country. Fifty-nine volunteers from my home State of New Mexico are currently serving in countries ranging from Ukraine and Georgia in Europe, to Malawi and Senegal in Africa, to Peru and Honduras in Central America.

Today, I urge the Peace Corps to consider returning to the poorest country in our own hemisphere. That country is Haiti.

According to the U.N. Development Program, over three-quarters of Haitians subsist on less than $2 per day and over half on less than $1 per day. Haiti is one of the poorest of the poor. The security situation in Haiti was precarious for much of the new century—which is why the Peace Corps left. But one year ago, a brighter picture emerged. The international community launched a concerted effort to rid Haiti's slums of violent gangs. President Rene Preval made real efforts to promote political reconciliation in the country. Because of these efforts, we have a genuine window of opportunity to make a difference in Haiti. But this window will not last forever. In the best tradition of the Peace Corps, we Americans should seize this opportunity while we have the chance.

I can think of no better way of honoring the Peace Corps than by calling upon it to consider returning to Haiti.

IN MEMORY OF WILLIAM F. BUCKLEY, JR.

Mr. DODD. Mr. President, I wish to mark the loss of an outstanding American intellect—and, what's more, a decent and a well-loved man. William F. Buckley, Jr., died last week at the age of 82. He was found at work at his desk, pen in hand—and I don't think he could have imagined a more fitting exit.

Few thinkers were more prolific than Bill Buckley—his total catalogue amounts to more than 50 books and thousands and thousands of columns, not to mention his three decades on the pioneering debate program ''Firing Line.'' Few writers wielded more influence—the entire modern conservative movement honors him as its founder. And few figures in our national life earned such admiration— all the way from Ronald Reagan, who told Buckley, ''You didn't just part the Red Sea—you rolled it back, dried it up and

left it exposed, for all the world to see,'' to the many writers, activists, and leaders who counted him as a mentor and inspiration.

He was a good friend of my parents, Thomas and Grace Dodd, and one of Connecticut's best-known native sons. I was especially proud to see him in attendance at the dedication of the Thomas J. Dodd Library in Storrs; like my father, Bill Buckley was a dedicated foe of totalitarianism in all its forms.

In the wake of his death, tributes have risen from left and right and from every point in between. Even those who stood against Bill's staunch conservatism respected his intellectual rigor and integrity. In the inaugural issue of National Review, which Bill launched in 1955 at the age of 30, he wrote this: ''Our political economy and our high-energy industry run on large, general principles, on ideas—not by day-to-day guess work, expedients and improvisations. Ideas have to go into exchange to become or remain operative; and the medium of such exchange is the printed word.'' It was that commitment to ideas, to reasoned and courteous debate, that we appreciated most in Bill and that we will miss most.

His intellectual honesty spared neither himself nor his friends. When he changed his mind—as he did on civil rights, on Vietnam, and on Iraq—he did it publicly and forthrightly. And long after the movement he founded took on a life of its own, Bill continued to hold it to his high standards and to call it to account. In his last years, he wrote: ''Conservatives pride themselves on resisting change, which is as it should be. But intelligent deference to tradition and stability can evolve into intellectual sloth and moral fanaticism, as when conservatives simply decline to look up from dogma because the effort to raise their heads and reconsider is too great.''

Bill resisted dogma, not because it was often wrong but because it was always lazy. He was too energetic for that. And while he pioneered new thinking, worked to rid the conservative movement of xenophobia, and even staged a quixotic run for mayor of New York City—asked what he would do if elected, he replied: ''Demand a recount!''—he developed a one-of-a-kind prose style and public persona. ''I am lapidary but not eristic when I use big words,'' he said. Those are my thoughts exactly.

Bill Buckley lived a full life, devoted to words, to ideas, and to his deeply-held principles. We didn't agree on much. But given his grace, his wit, and his deep erudition, I can think of few people with whom disagreement was so agreeable.

I request unanimous consent that the attached article, ''May We Not Lose His Kind,'' 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, Feb. 29, 2008]

MAY WE NOT LOSE HIS KIND

(By Peggy Noonan)

He was sui generis, wasn't he? The complete American original, a national treasure, a man whose energy was a kind of optimism, and whose attitude toward life, even when things seemed to others bleak, was summed up in something he said to a friend: ''Despair is a mortal sin.''

I am not sure conservatives feel despair at Bill Buckley's leaving—he was 82 and had done great work in a lifetime filled with pleasure—but I know they, and many others, are sad, and shaken somehow. On Wednesday, after word came that he had left us, in a television studio where I'd gone to try and speak of some of his greatness, a celebrated liberal academic looked at me stricken, and said he'd just heard the news. ''I can't imagine a world without Bill Buckley in it,'' he said. I said, ''Oh, that is exactly it.''

It is. What a space he filled.

It is commonplace to say that Bill Buckley brought American conservatism into the mainstream. That's not quite how I see it. To me he came along in the middle of the last century and reminded demoralized American conservatism that it existed. That it was real, that it was in fact a majority political entity, and that it was inherently mainstream. This was after the serious drubbing inflicted by Franklin D. Roosevelt and the New Deal and the rise of modern liberalism. Modern liberalism at that point was a real something, a palpable movement formed by FDR and continued by others. Opposing it was . . . what exactly? Robert Taft? The ghost of Calvin Coolidge? Buckley said in effect, Well, there's something known as American conservatism, though it does not even call itself that. It's been calling itself ''voting Republican'' or ''not liking the New Deal.'' But it is a very American approach to life, and it has to do with knowing that the government is not your master, that America is good, that freedom is good and must be defended, and communism is very, very bad.

He explained, remoralized, brought together those who saw it as he did, and began the process whereby American conservatism came to know itself again. And he did it primarily through a magazine, which he with no modesty decided was going to be the central and most important organ of resurgent conservatism. National Review would be highly literate, philosophical, witty, of the moment, with an élan, a teasing quality that made you feel you didn't just get a subscription, you joined something. You entered a world of thought.

I thought it beautiful and inspiring that he was open to, eager for, friendships from all sides, that even though he cared passionately about political questions, politics was not all, cannot be all, that people can be liked for their essence, for their humor and good nature and intelligence, for their attitude toward life itself. He and his wife, Pat, were friends with lefties and righties, from National Review to the Paris Review. It was moving too that his interests were so broad, that he could go from an appreciation of the metaphors of Norman Mailer to essays on classical music to an extended debate with his beloved friend the actor David Niven on the best brands of peanut butters. When I saw him last he was in a conversation with the historian Paul Johnson on the relative merits of the work of the artist Raeburn.

His broad-gaugedness, his refusal to be limited, seemed to me a reflection in part of a central conservative tenet, as famously expressed by Samuel Johnson. ''How small of all that human hearts endure / That part which laws or kings can cause or cure.'' When you have it right about laws and kings, and what life is, then your politics become grounded in the facts of life. And once they are grounded, you don't have to hold to them so desperately. You can relax and have fun. Just because you're serious doesn't mean you're grim.

Buckley was a one-man refutation of Hollywood's idea of a conservative. He was rising in the 1950s and early '60s, and Hollywood's idea of a conservative was still Mr. Potter, the nasty old man of ''It's a Wonderful Life,'' who would make a world of grubby Pottersvilles if he could, who cared only about money and the joy of bullying idealists. Bill Buckley's persona, as the first famous conservative of the modern media age, said no to all that. Conservatives are brilliant, capacious, full of delight at the world and full of mischief, too. That's what he was. He upended old clichés.

This was no small thing, changing this template. Ronald Reagan was the other who changed it, by being a sunny man, a happy one. They were friends, admired each other, had two separate and complementary roles. Reagan was in the game of winning votes, of persuading, of leading a political movement that catapulted him to two terms as governor of California, the nation's biggest state, at a time when conservatives were seemingly on the defensive but in retrospect were rising to new heights. He would speak to normal people and persuade them of the efficacy of conservative solutions to pressing problems. Buckley's job was not reaching on-the-ground voters, or reaching voters at all, and his attitude toward his abilities in that area was reflected in his merry answer when asked what he would do if he won the mayoralty of New York. ''Demand a recount,'' he famously replied. His role was speaking to those thirsting for a coherent worldview, for an intellectual and moral attitude grounded in truth. He provided intellectual ballast. Inspired in part by him, voters went on to support Reagan. Both could have existed without the other, but Buckley's work would have been less satisfying, less realized, without Reagan and his presidency, and Reagan's leadership would have been more difficult, and also somehow less satisfying, without Buckley.

I share here a fear. It is not that the conservative movement is ending, that Bill's death is the period on a long chapter. The house he helped build had—has—many mansions. Conservatism will endure if it is rooted in truth, and in the truths of life. It is.

It is rather that with the loss of Bill Buckley we are, as a nation, losing not only a great man. When Jackie Onassis died, a friend of mine who knew her called me and said, with such woe, ''Oh, we are losing her kind.'' He meant the elegant, the cultivated, the refined. I thought of this with Bill's passing, that we are losing his kind—people who were deeply, broadly educated in great universities when they taught deeply and broadly, who held deep views of life and the world and art and all the things that make life more delicious and more meaningful. We have work to do as a culture in bringing up future generations that are so well rounded, so full and so inspiring.

Bill Buckley lived a great American life. His heroism was very American—the individualist at work in the world, the defender of great creeds and great beliefs going forth with spirit, style and joy. May we not lose his kind. For now, ''Good night, sweet prince, and flights of angels take thee to thy rest.''

HONORING MASTER SERGEANT WOODROW WILSON KEEBLE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Master Sergeant Woodrow Wilson Keeble, a South

Dakota hero, who was posthumously awarded the Medal of Honor at a White House ceremony this afternoon.

Master Sergeant Keeble was born in Waubay, SD, and was a member of the Sisseton-Wahpeton Oyate. He served in the Army in both World War II and the Korean war, and was highly decorated for his service having been awarded two Purple Hearts, the Bronze Star, the Silver Star, the Combat Infantryman Badge, and the Distinguished Service Cross.

The action for which Master Sergeant Keeble was awarded the Medal of Honor occurred in October 1951 near Kumsong, North Korea. The accounts of his actions that day are truly worthy of a Hollywood movie. Though wounded and having fought continually for several days in brutally cold weather, Master Sergeant Keeble singlehandedly took out three machine gun emplacements which had pinned down U.S. troops. As a result, U.S. troops were able to achieve their objective.

First Sergeant Joe K. Sagami described the action this way:

He worked his way down about fifty yards from the ridgeline and flanked the enemy's left pillbox; attacking it with grenades and rifle fire eliminating it. He then retreated to about the point where the First Platoon was holding the unit's first line of defense and worked down about fifty yards from the ridgeline and proceeded to outflank the enemy's right pillbox with grenades eliminating it. Then without hesitation he lobbed a grenade into the back entrance of the middle pillbox and with additional fire eliminated it. He then ordered his First Platoon forward to eliminate what little resistance was left.

In reading the words of those who fought with Master Sergeant Keeble, which have been collected by researcher Merry Helm, it is clear that everyone loved and respected the man they called Chief. Joseph Marston of George Company said, ''What 'Chief' accomplished that day was common knowledge throughout the whole battalion. He was known for his bravery.''

When asked about Master Sergeant Keeble, Carl Fetzner, who served in Second Platoon, said:

Sure I remember him. Nobody could forget him! I had barely gotten to the company when this happened. I didn't know much about what was going on, but I do know SGT Keeble was the finest, most courageous person I ever knew. When we pulled back in reserve—you know when we could go [back from] the lines to clean up, whatever, take a little rest . . . he knew what was going on. He took care of his men, he liked people, and he always did everything he could to help you, especially the new men . . ..

After the Korean war, Master Sergeant Keeble came home and went to work at the Wahpeton Indian School. He enjoyed making copper sculptures and was active in his community. Like so many veterans, he was more concerned about taking care of his family than collecting medals. At the time, few even knew that the members of his own company had submitted a recommendation that he be awarded a Medal of Honor for his brave action in October 1951.

Because the recommendation paperwork had been lost twice, Master Sergeant Keeble did not receive the honor his fellow soldiers knew he deserved. It all might have been forgotten if the men he served with, and later his family and friends, had not kept the issue alive for the next five decades.

Master Sergeant Keeble's case was first brought to my attention in 2002 by his family and members of the Sisseton-Wahpeton Oyate. At that time, I contacted the Secretary of the Army asking that Master Sergeant Keeble's case be reconsidered based on the loss of the original recommendation paperwork. The case was bolstered by original documents and affidavits that had been saved by those who served with Master Sergeant Keeble.

Though it has taken many years of work by many people, countless letters and phone calls, and even legislation passed in May 2007 authorizing the President to act, President Bush recently approved the recommendation and posthumously awarded the Medal of Honor to Master Sergeant Keeble's family this afternoon.

I never had the opportunity to meet Master Sergeant Keeble who died in 1982, but it has been an honor to get to know more about him by working with his family over the past 6 years. I want to thank his family and friends, the Sisseton-Wahpeton Oyate, and all the people of South Dakota who have fought to secure this much-deserved honor for Master Sergeant Keeble. I also want to say a special word about his wife Blossom, who died last year. I wish we could have gotten Master Sergeant Keeble this recognition before Blossom passed away, but thankfully she knew how close we were to getting this done.

At a time when so many young men and women are deployed in dangerous places in defense of our country, it is important that we honor all of those who have served our nation in uniform. While we owe them a debt of gratitude that can never be fully repaid, I am proud that today we have properly thanked a South Dakota hero for his service.

I know I join with my colleagues and all South Dakotans in honoring Master Sergeant Keeble for his service to our nation and congratulating his family on receiving his Medal of Honor.

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

NATO SUMMIT

• Mr. OBAMA. Mr. President, from April 2 to 4, 2008, leaders of the North Atlantic Treaty Organization, NATO, will meet at a summit in Bucharest, Romania, to address issues critical to American national security and the future of the Euro-Atlantic community. NATO leaders must seize this opportunity to strengthen transatlantic ties, augment alliance members' contributions to common missions and continue to build the integrated, stable and prosperous Europe that is a vital interest of the United States.

A top priority for the summit must be to reinforce NATO's critical mission in Afghanistan. The contributions there of all the NATO allies alongside more than a dozen other countries bears testimony to how the alliance can contribute to the 21st century missions that are vital to the security of the United States and its allies. NATO's involvement provides capabilities, legitimacy, and coordination in Afghanistan that simply would not be available if NATO did not exist.

Success in Afghanistan is vital to the security of the United States, to all NATO members, and to the people of Afghanistan. NATO's leaders must therefore send an unambiguous message that every country in NATO will do whatever needs to be done to destroy terrorist networks in Afghanistan, to prevent the Taliban from returning to power, and to bring greater security and well-being to the Afghan people. This will require adequate numbers of capable military forces and civilian personnel from NATO members and putting more of an Afghan face on counter insurgency operations by providing more training and resources to the Afghan National Army and police forces, and by embedding more Afghan forces in NATO missions. We must also win long-term public support through assistance programs that make a difference in the lives of the Afghan people, including investments in infrastructure and education; the development of alternative livelihoods for poppy farmers to undermine the Taliban and other drug traffickers; and increased efforts to combat corruption through safeguards on assistance and support for the rule of law.

Success in Afghanistan will also require the removal of restrictions that some allies have placed on their forces in Afghanistan, which hamper the flexibility of commanders on the ground. The mission in Afghanistan—legitimized by a United Nations mandate, supported by the Afghan people, and endorsed by all NATO members after the United States was attacked is central to NATO's future as a collective security organization. Afghanistan presents a test of whether NATO can carry out the crucial missions of the 21st century, and NATO must come together to meet that challenge. Now is the time for all NATO allies to recommit to this common purpose.

The summit must also address the question of the alliance expanding membership. NATO enlargement since the end of the Cold War has helped the countries of Central and Eastern Europe become more stable and democratic. It has also added to NATO military capability by facilitating contributions from new members to critical missions such as Afghanistan.

The three current candidates for NATO membership—Albania, Croatia and the Republic of Macedonia—have

each made great strides in consolidating their new democracies. They have reformed their defense establishments, worked to root out corruption, modernized their economies, and contributed to NATO security missions in the Balkans and Afghanistan. Responding to these efforts with NATO membership at the upcoming summit would add to the alliance military capabilities while contributing to stability in the Balkans, a region still suffering from the ethnic tensions left behind by the bloodshed of the 1990s.

Ukraine and Georgia have also been developing their ties with NATO. Their leaders have declared their readiness to advance a NATO Membership Action Plan, MAP, to prepare for the rights and obligations of membership. They are working to consolidate democratic reforms and to undertake new responsibilities in their relationship with the Alliance. I welcome the desire and actions of these countries to seek closer ties with NATO and hope that NATO responds favorably to their request, consistent with its criteria for membership. Whether Ukraine and Georgia ultimately join NATO will be a decision for the members of the alliance and the citizens of those countries, after a period of open and democratic debate. But they should receive our help and encouragement as they continue to develop ties to Atlantic and European institutions.

NATO enlargement is not directed against Russia. Russia has an important role to play in European and global affairs and should see NATO as a partner, not as a threat. But we should oppose any efforts by the Russian government to intimidate its neighbors or control their foreign policies. Russia cannot have a veto over which countries join the alliance. Since the end of the Cold War, Republican and Democratic administrations have supported the independence and sovereignty of all the states of Eastern Europe and the former Soviet Union, and we must continue to do so. President Putin recent threat to point missiles at Ukraine is simply not the way to promote the peaceful 21st century Europe we seek.

NATO stands as an example of how the United States can advance American national security—and the security of the world—through a strong alliance rooted in shared responsibility and shared values. NATO remains a vital asset in America's efforts to anchor democracy and stability in Europe and to defend our interests and values all over the world. The Bucharest summit provides an opportunity to advance these goals and to reinforce a vital alliance. NATO's leaders must seize that opportunity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 nominations which were referred to the Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2272. An act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. An act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 12. A bill to promote home ownership, manufacturing, and economic growth.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5298. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Safe Harbors for Sections 143 and 25'' (Rev. Proc. 2008–17) received on February 25, 2008; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–286. A resolution adopted by the Council of the County of Hawaii supporting the National Health Insurance Act; to the Committee on Finance.

POM–287. A collection of petitions from citizens across the country relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM–288. A petition from citizens of the State of New York relative to the role of federal courts in prison reform; to the Committee on the Judiciary.

POM–289. A resolution adopted by the Senate of the State of Hawaii urging the creation of an agreement that results in an economy-wide reduction in greenhouse gas emissions; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 24

Whereas, the White House is convening a Major Economies Meeting on Energy Security and Climate Change with seventeen invited countries at the Center for Cultural and Technical Interchange Between East and West, Inc. (East-West Center) on the campus of the University of Hawaii at Manoa on January 30 and 31, 2008, to discuss potential international agreements on global climate change; and

Whereas, for more than half a century, researchers have used atmospheric samples taken at the Mauna Loa Observatory on the island of Hawaii to track a steady annual increase in the concentration of carbon dioxide in the atmosphere and have concluded that concentrations are now higher than they have been in the past eight hundred thousand years; and

Whereas, scientific consensus links the anthropogenic increase in greenhouse gases to global climate change; and

Whereas, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change indicates that global emissions of greenhouse gases need to peak in the next ten to fifteen years and be reduced to levels well below half those in 2000 by the middle of this century in order to stabilize greenhouse gases concentrations in the atmosphere at the lowest levels assessed by the Intergovernmental Panel on Climate change to date in its scenarios; and

Whereas, achieving the lowest levels assessed by the Intergovernmental Panel on Climate Change to date and its corresponding potential damage limitation would require developed countries as a group to reduce emissions in a range of twenty-five to forty per cent below 1990 levels by 2020; and

Whereas, the Intergovernmental Panel on Climate Change and the signatory nations of the United Nations Framework Convention on Climate Change have recognized the special dangers of climate change to island states, territories, and nations; and

Whereas, global climate change is causing rapid melting of ice at both the north and south polar regions, which, in conjunction with thermal expansion due to warmer water temperatures, is leading to a rapid rise in sea level; and

Whereas, University of Hawaii experts have demonstrated that a one meter rise in sea level would inundate much of Hawaii's coastline, including the world renowned Waikiki resort area, the Honolulu International Airport's reef runway, the majority of Hawaii's wastewater treatment facilities, many historic sites, and many populated areas, including lands up to a mile away from the existing shoreline in parts of Honolulu; and

Whereas, global climate change also threatens Hawaii with stronger hurricanes, prolonged drought, shifting weather patterns, warmer temperatures, shifting microclimates, increased spread of invasive species, and saltwater intrusion into its aquifers; and

Whereas, increased atmospheric carbon dioxide concentrations foster greater carbon dioxide uptake by the world's oceans, leading to ocean acidification and the resultant decreases in reef health and decreases in survival of ocean life that rely on calcium carbonate shells; and

Whereas, Hawaii is doing its part to reduce its contribution to global climate change by

adopting progressive energy policies that promote the use of clean energy technologies such as wind, solar, wave, and biomass energy; and

Whereas, Act 234, Session Laws of Hawaii 2007, placed a binding statewide cap on Hawaii's greenhouse gas emissions by requiring Hawaii to reduce its non-aviation greenhouse gas emissions to their 1990 levels before 2020: Now, therefore, be it

Resolved by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That in recognition of Hawaii's overwhelming vulnerability to global climate change, the President of the United States is urged to use the January 30 and 31, 2008, Major Economies Meeting on Energy Security and Climate Change, which is being hosted in Hawaii, to commit to an economy-wide reduction in greenhouse gas emissions in the United States; and be it further

Resolved, That the President of the United States is urged to consent to binding and quantified commitments for the United States under the United Nations Framework Convention on Climate Change that would result in the rapid stabilization and decrease in atmospheric greenhouse gas concentrations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, and the Secretariat of the United Nations Framework Convention on Climate Change.

POM–290. A resolution adopted by the Senate of the State of Michigan urging the Congress to establish stricter standards for the drug approval process; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 134

Whereas, Americans are justifiably concerned about the safety and efficacy of the drugs and medications they take. In recent years, the FDA has received consumer reports of safety concerns and harmful side effects after the use of drugs approved by the FDA. In some cases, the FDA or manufacturer response to these reports has not been timely and consumers continue to risk harm; and

Whereas, The FDA is responsible for protecting public health by assuring the safety, efficacy, and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation. Accountability rests with the FDA to require stringent testing and trials before a drug can be approved for marketing; and

Whereas, Incidents of harmful side effects raised concerns that the FDA post-marketing monitoring needs strengthening. Although American drugs are arguably the safest in the world, allegations of detrimental consequences from FDA-approved drugs show that there is room for improvement. Stricter standards for the FDA's investigation and response to consumer reports of harmful side effects should be established to enhance the safety of drugs approved by the FDA and on the market. The FDA must immediately investigate consumer reports of harmful side effects and act quickly to protect the public. In this way, Michigan's tort law and strict FDA standards will ensure that Michigan residents can have confidence in the drugs and medications they take; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and United States Food and Drug Administration to establish stricter standards for the drug approval process; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Commissioner of the United States Food and Drug Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 602. A bill to develop the next generation of parental control technology (Rept. No. 110–268).

S. 1578. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes (Rept. No. 110–269).

S. 1889. A bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes (Rept. No. 110–270).

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. AKAKA:

S. 2683. A bill to amend title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. MENENDEZ, and Mr. BROWN):

S. 2684. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself and Ms. SNOWE):

S. 2685. A bill to prohibit cigarette manufacturers from making claims or representations based on data derived from the cigarette testing method established by the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself and Mr. CARPER):

S. 2686. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 2687. A bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. CLINTON (for herself and Mr. STEVENS):

S. Res. 468. A resolution designating April 2008 as ''National 9-1-1 Education Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

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

S. 315

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) 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. 1430

At the request of Ms. SNOWE, her 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. 1459

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for

Type I diabetes and Indians under that Act.

S. 1763

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1763, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1818

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 2064

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

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2237

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2237, a bill to fight crime.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2344

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2344, a bill to create a competitive grant program to provide for age-appropriate Internet education for children.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2390

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2390, a bill to promote fire-safe communities, and for other purposes.

S. 2485

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2485, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2586

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2614

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2614, a bill to facilitate the development, demonstration, and implementation of technology for the use in removing carbon dioxide and other greenhouse gases from the atmosphere.

S. 2654

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2654, a bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses.

S. 2663

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2678

At the request of Mrs. MCCASKILL, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

S. RES. 455

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. KOHL), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. BROWN), the Senator from Oregon (Mr. SMITH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 465

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 465, a resolution designating March 3, 2008, as ''Read Across America Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2683. A bill to amend title 38, United States Code, to modify certain authorities relating to educational assistance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed GI Bill Miscellaneous Improvements Act of 2008. This measure would make three minor but important changes in existing law relating to veterans' educational assistance programs.

In 2001, Public Law 107–103 established a program of accelerated payments for individuals enrolled in high-cost programs of educational assistance leading to employment in high technology industry. It is generally agreed that the intent of that legislation was that payments were to be effective with respect to short, non-degree programs of education. For example, Senate Report 107–86 stated:

> Microsoft, Cisco, and other technical training for certification is offered through training centers, private contractors to community colleges, or by the companies themselves. These courses often last just a few weeks or months, and can cost many thousands of dollars . . .
>
> During the Committee's June 28th hearing, Dr. Leo Mackay, Deputy Secretary of the Department of Veterans Affairs, testified that ''providing educational benefits for pursuit of these [technology] courses is fully

consonant with MGIB purposes.'' David Tucker, Senior Associate Legislative Director of the Paralyzed Veterans of America, also testified that, ''If the MGIB is to be used not only for recruitment purposes, but also as a means of enabling a veteran to make a smooth transition back to civilian life, then S. 1088 [allowing veterans to use their MGIB benefits in courses leading to certification in technical fields] is a vital means to accomplish these goals.''

As enacted, however, the payments are made to individuals pursuing any courses in the high technology sector including associate and degree programs.

The legislation I am introducing would correct this oversight prospectively, while holding harmless those individuals who might be receiving accelerated payments for degree programs at this time.

Public Law 107–103 also expanded the scope of work that could be assigned to individuals participating in VA work study programs. Specifically, it added to acceptable activities certain outreach services programs, activities relating to hospital and domiciliary care to veterans in State homes, and activities relating to the administration of national or state veterans' cemeteries.

As enacted, this expansion of scope was initially made available until December 31, 2006. Public Law 109–461 extended the scope expansion until June 30, 2007. Since legislation extending the scope expansion was stalled in Congress, there was a disruption in the provision of these important activities until Public Law 110–157, enacted on December 26, 2007, extended this expansion until June 30, 2010.

My proposal would make this activity expansion permanent so that the unfortunate disruption that occurred this year will not occur in the future. I note that this provision does not affect the number of VA work study positions that may be made available. It only addresses the type of activities that may be carried out under the program.

Finally, this bill would authorize appropriations for VA payments to State Approving Agencies. Under provisions of chapter 36 of title 38, U.S. Code, VA contracts for the services of State approving agencies—SAAs—for the purpose of approving programs of education at institutions of higher learning, apprenticeship programs, on-job training programs, and other programs. SAAs are also tasked with assisting VA with various outreach activities to inform eligible VA program participants of the educational assistance benefits to which they are entitled.

Since 1988, VA payment for the services of SAAs has been made only out of funds available for readjustment benefits, a mandatory funding account, and has thus been subject to funding caps. Section 3674(a)(4) of title 38, U.S. Code, states as follows: ''The total amount made available under this section for any fiscal year may not exceed $13,000,000 or, for fiscal year 2007, $19,000,000.'' Thus, under existing law, the cap on the amount of funds that could be made available in fiscal years 2008 and beyond would revert to funding levels applied prior to fiscal year 2000—or a reduction of more than 32 percent.

A provision in S. 1315 that would restore the $19 million cap on funding is currently pending in the Senate, and a $19 million funding level was provided for through the appropriations process. However, the measure I am introducing would look beyond this fiscal year and address the needs of the program in the future.

By authorizing appropriations for the SAAs, I believe that the program will be able to justify increases in the current funding level beyond the $19 million level to which they would be restricted for all fiscal years going forward. Further, I believe that the current cap on funding, although to some appearing attractive because it seems to offer some stability by pulling from the mandatory funding readjustment benefits account, actually offers no such stability as VA could at any time determine that $2 million ''does not exceed'' $19 million.

I am committed to seeking an adequate level of funding for the important activities of the SAAs and believe that this approach would assist in achieving that goal.

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

S. 2683

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

S. 2683

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

SECTION 1. LIMITATION TO NON-DEGREE PROGRAMS OF ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) LIMITATION.—Section 3014A(b)(1) of title 38, United States Code, is amended by inserting ''not leading to an associate or higher degree'' after ''approved program of education''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to individuals who first elect to receive accelerated payments of basic educational assistance under section 3014A of title 38, United States Code, on or after that date.

SEC. 2. REPEAL OF DELIMITING PERIODS FOR EXPANSION OF WORK-STUDY ALLOWANCE OPPORTUNITIES.

Section 3485(a)(4) of title 38, United States Code, is amended—

(1) in subparagraphs (A) and (C), by striking '', during the period preceding June 30, 2010,'' each place it appears; and

(2) in subparagraph (F), by striking ''During the period preceding June 30, 2010, an activity'' and inserting ''An activity''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR AMOUNTS FOR REIMBURSEMENT OF EXPENSES OF STATE AND LOCAL AGENCIES IN THE ADMINISTRATION OF EDUCATIONAL BENEFITS.

(a) IN GENERAL.—Paragraph (4) of subsection (a) of section 3674 of title 38, United States Code, is amended to read as follows:

''(4) There are authorized to be appropriated to carry out this section amounts as follows:

''(A) For fiscal year 2009, $22,000,000.

''(B) For fiscal year 2010, $24,000,000.

''(C) For fiscal year 2011, $26,000,000.

''(D) For fiscal years after 2011, such sums as may be necessary.''.

(b) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking ''out of amounts available for the payment of readjustment benefits'' and inserting ''out of amounts appropriated for the purpose of carrying out this section''.

By Mr. DODD (for himself, Mr. SCHUMER, Mr. REED, Mr. MENENDEZ, and Mr. BROWN):

S. 2684. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I come to the floor today to introduce with my colleagues Senators SCHUMER, REED, MENENDEZ and BROWN, the Section 8 Voucher Reform Act of 2008, a bill to improve our Nation's largest initiative to assist low-income families afford housing. Section 8 housing vouchers help 2 million American families—including many children, seniors and people with disabilities—afford safe, decent and stable housing.

The current crisis in the U.S. housing market is having ripple effects throughout our Nation. Families are losing their homes—both homeowners and renters whose properties are being foreclosed upon. Those who can hold onto their homes have seen significant losses in equity, and many owe more on their mortgage than the value of their home. This crisis in the housing sector is causing a significant slowdown in our economy, and housing assistance will need to be strengthened so families have access to safe, affordable housing.

Without housing assistance, many families would lack the stability to find and retain employment, and many children would be unable to adequately perform in school because of multiple moves or health problems resulting from inadequate housing.

Though millions of families are assisted through housing programs, the need for additional housing opportunities is acute. The Joint Center for Housing Studies found that last year the number of severely cost-burdened households, those that pay more than half of their income towards rent, jumped by 1.2 million to a total of 17 million. This is one in seven U.S. households that struggle to afford housing without foregoing other basic needs.

Housing vouchers are a successful way to provide stability for millions of Americans. Through this public-private partnership, vouchers allow low-income, working Americans to live closer to employment and educational opportunities, and nearer to social and familial networks and support.

While housing vouchers are a critical tool, the program needs to be updated

so that additional families can benefit, and so that taxpayer dollars are spent more efficiently.

The voucher reform bill that I am introducing today will help attract additional private landlords, reduce administrative burdens, and help more families achieve self-sufficiency.

This bill creates a stable and efficient formula for allocating voucher funds so that families do not lose their housing. Under this formula, housing agencies are encouraged to lower the costs per voucher, helping to create efficiencies in the program and allowing more people to access needed housing opportunities.

The bill encourages employment by allowing voucher holders to keep more of their earnings, while ensuring that they pay fair rents. Systematic funding is provided for Family Self-Sufficiency coordinators so that more families can access this successful program aimed at increasing earnings and saving for homeownership.

The bill authorizes 20,000 additional incremental housing vouchers to help meet the great and growing demand for assistance from low-income working families, seniors, and people with disabilities.

Under this bill, administrative burdens are eased, so that housing agencies spend less time and funding on paperwork, and more time and funding on assisting families in need. To more effectively use program resources, the bill requires unit inspections every 2 years instead of annually. While the bill retains the requirement that tenants pay 30 percent of their income towards rent, it streamlines and standardizes the calculation of income so that housing agencies can rely on standard, as opposed to individualized, income deductions.

This bill will greatly improve the voucher program, and I am pleased to be sponsoring this legislation. It has support from more than 80 local and national groups, including the Lawyers Committee for Civil Rights Under Law, the Paralyzed Veterans of America, and the National Alliance to End Homelessness.

This is a strong and needed bill, and I urge my colleagues to support our efforts to provide additional affordable housing opportunities to low-income families all across our Nation.

Mr. President, I ask unanimous consent that the text of the bill, a list of supporters, and a section-by-section analysis be printed in the RECORD.

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

S. 2684

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Section 8 Voucher Reform Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. INSPECTION OF DWELLING UNITS.

(a) INSPECTION OF UNITS BY PHA'S.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) INITIAL INSPECTION.—

''(i) IN GENERAL.—For each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency (or other entity pursuant to paragraph (11)) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subparagraph (B), except as provided in clause (ii) or (iii) of this subparagraph.

''(ii) CORRECTION OF NON-LIFE THREATENING CONDITIONS.—In the case of any dwelling unit that is determined, pursuant to an inspection under clause (i), not to meet the housing quality standards under subparagraph (B), assistance payments may be made for the unit notwithstanding subparagraph (C) if failure to meet such standards is a result only of non-life threatening conditions. A public housing agency making assistance payments pursuant to this clause for a dwelling unit shall, 30 days after the beginning of the period for which such payments are made, suspend any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time, and may not resume such payments until each such deficiency has been corrected.

''(iii) PROJECTS RECEIVING CERTAIN FEDERAL HOUSING SUBSIDIES.—In the case of any property that within the previous 12 months has been determined to meet Federal housing quality and safety standards under any Federal housing program inspection standard equivalent to the standards under the program under this subsection, including the program under section 42 of the Internal Revenue Code of 1986 or under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act, a public housing agency may—

''(I) authorize occupancy before the inspection under clause (i) has been completed; and

''(II) make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under clause (i) to meet the housing quality standards under subparagraph (B), provided that such inspection is conducted pursuant to the requirements of subparagraph (C).'';

(2) by striking subparagraph (D) and inserting the following new subparagraph:

''(D) BIENNIAL INSPECTIONS.—

''(i) REQUIREMENT.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall make, for each assisted dwelling unit, inspections not less than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A). The agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

''(ii) SUFFICIENT INSPECTION.—An inspection of a property shall be sufficient to comply with the inspection requirement under clause (i) if—

''(I) the inspection was conducted pursuant to requirements under a Federal, State, or local housing assistance program (including the HOME Investment Partnerships Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) or the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986); and

''(II) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to units assisted under such program, and if a non-Federal standard was used, the public housing agency has certified to the Secretary that such standards or requirements provide the same protection to occupants of dwelling units meeting such standards or requirements as, or greater protection than, the housing quality standards under subparagraph (B).''; and

(3) by adding at the end the following new subparagraph:

''(F) INTERIM INSPECTIONS.—Upon notification by a family on whose behalf tenant-based assistance is provided under this subsection, that the dwelling unit for which such assistance is provided does not comply with housing quality standards under subparagraph (B), the public housing agency shall inspect the dwelling unit—

''(i) in the case of a life threatening condition, within 24 hours of such notice; and

''(ii) in the case of any non-life threatening condition, within 15 days of such notice.

''(G) ENFORCEMENT OF HOUSING QUALITY STANDARDS.—

''(i) DETERMINATION OF NONCOMPLIANCE.—A dwelling unit that is covered by a housing assistance payments contract under this subsection shall be considered, for purposes of this subparagraph, to be in noncompliance with the housing quality standards under subparagraph (B) if—

''(I) the public housing agency or an inspector authorized by the State or unit of local government determines upon inspection of the unit that the unit fails to comply with such standards;

''(II) the agency or inspector notifies the owner of the unit in writing of such failure to comply; and

''(III) the failure to comply is not corrected—

''(aa) in the case of any such failure that is a result of a life threatening condition, within 24 hours after receipt of such notice; and

''(bb) in the case of any failure that is a result of a non-life threatening condition, within 30 days after provision of such notice,

or such other reasonable period as the public housing agency may establish.

''(ii) ABATEMENT OF ASSISTANCE.—

''(I) IN GENERAL.—A public housing agency providing assistance under this subsection shall abate such assistance with respect to any assisted dwelling unit that is determined to be in noncompliance with the housing quality standards under subparagraph (B). Upon a showing by the owner of the unit that sufficient repairs to the unit have been completed so that the unit complies with such housing quality standards, the public housing agency may recommence payment of such assistance.

''(II) USE OF ABATED ASSISTANCE TO PAY FOR REPAIRS.—The public housing agency may use any assistance amounts abated pursuant to subclause (I) to make repairs or to contract for such repairs for life-threatening conditions, except that a contract to make repairs may not be entered into with the inspector for the dwelling unit.

''(iii) PROTECTION OF TENANTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii), the public housing agency shall—

''(I) notify the tenant—

''(aa) when such abatement begins; and

''(bb) at the start of the abatement period that if the unit is not brought into compliance within 120 days, the tenant will have to move; and

''(II) issue the tenant the necessary forms to allow the tenant to move with their voucher to another housing unit; and

''(III) use funds that otherwise would have gone to pay the rental amount, for the reasonable moving expenses or security deposit costs of the tenant.

''(iv) RIGHT OF THE TENANT TO TERMINATE TENANCY.—During any period that housing assistance payments are abated with respect to any assisted dwelling unit pursuant to this subparagraph, the tenant of such dwelling may terminate his or her tenancy without penalty by notifying the owner of the dwelling unit.

''(v) LIMITATION ON AUTHORITY OF AN OWNER.—An owner of a dwelling unit that is considered to be in noncompliance with the housing quality standards under subparagraph (B) may not terminate the tenancy of a tenant, or refuse to renew a lease for such unit, as a result of an abatement order carried out by a public housing agency under clause (ii).

''(vi) TERMINATION OF LEASE OR ASSISTANCE PAYMENTS CONTRACTS.—If a public housing agency providing assistance under this subsection abates rental assistance payments under clause (ii) and the owner of the unit does not correct the noncompliance within 120 days after the effective date of the determination of noncompliance under clause (i), the public housing agency shall terminate the housing assistance payment contract subject to clause (vii). The termination of the housing assistance payment contract shall terminate the lease agreement.

''(vii) RELOCATION OF TENANTS.—

''(I) 120-DAY PERIOD TO RELOCATE.—The public housing agency shall provide to the individual or family residing in any unit whose lease is terminated under clause (vi) at least 120 days beginning at the start of the abatement period to lease a new residence with tenant-based assistance under this paragraph.

''(II) PREFERENCE IN CASE OF RELOCATION HARDSHIP.—If the individual or family residing in any unit whose lease is terminated under clause (vi) is unable to lease a new residence pursuant to subclause (I), the public housing agency shall provide, at the option of the individual or family—

''(aa) additional search time to such individual or family; or

''(bb) preference for occupancy in a public housing unit owned or operated by the public housing agency.

''(III) PROVISION OF REASONABLE RELOCATION ASSISTANCE.—The public housing agency shall provide reasonable assistance to each individual or family residing in any unit whose lease is terminated under clause (vi) in finding a new residence, including the use of up to 2 months of any assistance abated pursuant to clause (ii) for relocation expenses, including moving expenses and security deposits. The public housing agency may require that an individual or family receiving assistance for a security deposit, remit, to the extent of such assistance, the amount of any security deposit refunded by the owner of the unit for which the lease was terminated.

''(viii) TENANT CAUSED DAMAGES.—If a public housing agency determines that the noncompliance of a dwelling unit was caused by a tenant, member of the tenant's family, or a guest of the tenant, the public housing agency may waive the applicability of this subparagraph.

''(ix) TREATMENT OF CERTAIN ABATEMENT ASSISTANCE.—Assistance amounts abated and used to make repairs or to contract for such repairs for life-threatening conditions pursuant to clause (ii)(II) or used for relocation assistance pursuant to clause (viii)(iv) shall be treated as costs which shall be considered in determining the allocation of renewal funding under subsection (dd)(2).''.

(b) LEASING OF UNITS OWNED BY PHA'S.—Section 8(o)(11) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(11)) is amended by striking ''the Secretary shall require the unit of general local government or another entity approved by the Secretary,'' and inserting ''the public housing agency shall arrange for a third party''.

SEC. 3. RENT REFORM AND INCOME REVIEWS.

(a) RENT FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting ''LOW-INCOME OCCUPANCY REQUIREMENT AND RENTAL PAYMENTS.—'' after ''(1)''; and

(B) by adding at the end the following new paragraphs:

''(6) REVIEWS OF FAMILY INCOME.—

''(A) FREQUENCY.—Reviews of family income for purposes of this section—

''(i) shall be made in the case of all families, upon the initial provision of housing assistance for the family;

''(ii) shall be made annually thereafter, except as provided in subparagraph (B)(i);

''(iii) shall be made upon the request of the family, at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in a decrease of $1,000 (or such lower amount as the public housing agency or owner may, at the option of the agency or owner, establish) or more in annual adjusted income;

''(iv) shall be made at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in an increase of $1,000 or more in annual adjusted income, except that any increase in the earned income of a family shall not be considered for purposes of this clause (except that earned income may be considered if the increase corresponds to previous decreases under clause (iii)), except that a public housing agency or owner may elect not to conduct such review in the last 3 months of a certification period; and

''(v) may be made, in the discretion of the public housing agency, when the income of a family, including earned income, changes in an amount that is less than the amounts specified in clause (iii) or (iv), if the amount so specified for increases is not lower than the amount specified for decreases.

''(B) FIXED-INCOME FAMILIES.—

''(i) SELF CERTIFICATION AND 3-YEAR REVIEW.—In the case of any family described in clause (ii), after the initial review of the family's income pursuant to subparagraph (A)(i), the public housing agency or owner shall not be required to conduct a review of the family's income pursuant to subparagraph (A)(ii) for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that the income of the family meets the requirements of clause (ii) of this subparagraph, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years.

''(ii) ELIGIBLE FAMILIES.—A family described in this clause is a family who has an income, as of the most recent review pursuant to subparagraph (A) or clause (i) of this subparagraph, of which 90 percent or more consists of fixed income, as such term is defined in clause (iii).

''(iii) FIXED INCOME.—For purposes of this subparagraph, the term 'fixed income' includes income from—

''(I) the supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66;

''(II) Social Security payments;

''(III) Federal, State, local and private pension plans; and

''(IV) other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts.

''(C) IN GENERAL.—Reviews of family income for purposes of this section shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.

''(7) CALCULATION OF INCOME.—

''(A) USE OF PRIOR YEAR'S OR ANTICIPATED INCOME.—In determining the income of a family for purposes of paragraph (6)(A)(ii) or (6)(B)(i), a public housing agency or owner shall use the income of the family as determined by the agency or owner for the preceding year. In determining the income of a family under clauses (i), (iii), (iv), or (v) of paragraph (6)(A) a public housing agency or owner shall use the anticipated income of the family as estimated by the agency or owner for the coming year.

''(B) INFLATIONARY ADJUSTMENT FOR FIXED INCOME FAMILIES.—If, for any year, a public housing agency or owner determines the income for any family described in paragraph (6)(B)(ii), based on a review of the income of the family conducted during a preceding year, such income shall be adjusted by applying an inflationary factor as the Secretary shall, by regulation, establish.

''(C) SAFE HARBOR.—A public housing agency or owner may, to the extent such information is available to the public housing agency or owner, determine the family's income for purposes of this section based on timely income determinations made for purposes of other means-tested Federal public assistance programs (including the program for block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act, a program for Medicaid assistance under a State plan approved under title XIX of the Social Security Act, and the Food Stamp Program

as defined in section 3(h) of the Food Stamp Act of 1977). The Secretary shall work with other appropriate Federal agencies to develop procedures to enable public housing agencies and owners to have access to such income determinations made by other Federal programs.

''(D) PHA AND OWNER COMPLIANCE.—A public housing agency or owner may not be considered to fail to comply with this paragraph or paragraph (6) due solely to any de minimis errors made by the agency or owner in calculating family incomes.'';

(2) by striking subsections (d) and (e); and

(3) by redesignating subsection (f) as subsection (d).

(b) INCOME.—Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

''(4) INCOME.—The term 'income' means, with respect to a family, income received from all sources by each member of the household who is 18 years of age or older or is the head of household or spouse of the head of the household, plus unearned income by or on behalf of each dependent who is less than 18 years of age, as determined in accordance with criteria prescribed by the Secretary, in consultation with the Secretary of Agriculture, subject to the following requirements:

''(A) INCLUDED AMOUNTS.—Such term includes recurring gifts and receipts, actual income from assets, and profit or loss from a business.

''(B) EXCLUDED AMOUNTS.—Such term does not include any—

''(i) imputed return on assets;

''(ii) amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)); and

''(iii) deferred Veterans Administration disability benefits that are received in a lump sum amount or in prospective monthly amounts.

''(C) EARNED INCOME OF STUDENTS.—Such term does not include earned income of any dependent earned during any period that such dependent is attending school on a full-time basis or any grant-in-aid or scholarship amounts related to such attendance used for the cost of tuition or books.

''(D) EDUCATIONAL SAVINGS ACCOUNTS.—Income shall be determined without regard to any amounts in or from, or any benefits from, any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

''(E) OTHER EXCLUSIONS.—Such term shall not include other exclusions from income as are established by the Secretary or any amount required by Federal law to be excluded from consideration as income. The Secretary may not require a public housing agency or owner to maintain records of any amounts excluded from income pursuant to this subparagraph.''; and

(2) by striking paragraph (5) and inserting the following new paragraph:

''(5) ADJUSTED INCOME.—The term 'adjusted income' means, with respect to a family, the amount (as determined by the public housing agency or owner) of the income of the members of the family residing in a dwelling unit or the persons on a lease, after any deductions from income as follows:

''(A) ELDERLY AND DISABLED FAMILIES.—$700 in the case of any family that is an elderly family or a disabled family.

''(B) DEPENDENTS.—In the case of any family that includes a member or members who—

''(i) are less than 18 years of age or attending school or vocational training on a full-time basis; or

''(ii) is a person with disabilities who is 18 years of age or older and resides in the household,

$480 for each such member.

''(C) EARNED INCOME DISREGARD.—An amount equal to 10 percent of the lesser of the family's earned income or $9,000.

''(D) CHILD CARE.—The amount, if any, exceeding 5 percent of annual income used to pay for childcare for preschool age children, for before- or after-care for children in school, or for other childcare necessary to enable a member of the family to be employed or further his or her education.

''(E) HEALTH AND MEDICAL EXPENSES.—The amount, if any, by which 10 percent of annual family income is exceeded by the sum of—

''(i) in the case of any elderly or disabled family, any unreimbursed health and medical care expenses; and

''(ii) any unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family to be employed.

''(F) PERMISSIVE DEDUCTIONS.—Such additional deductions as a public housing agency or owner may, at its discretion, establish, except that the Secretary shall establish procedures to ensure that such deductions do not increase Federal expenditures.

The Secretary shall annually adjust the amounts of the deductions under subparagraphs (A) and (B), as such amounts may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If the dollar amount of any such deduction determined for any year by applying such inflationary factor is not a multiple of $25, the Secretary shall round such amount to the next lowest multiple of $25, except that in no instance shall the dollar amount of any such deduction be less than the initial amount of the deduction established under subparagraphs (A) and (B). The Secretary shall annually adjust the fixed numerical dollar amount under subparagraph (C) ($9,000 as of the date of enactment of the Section 8 Voucher Reform Act of 2008), as such amount may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If such dollar amount determined for any year by applying such inflationary factor is not a multiple of $1,000, the Secretary shall round such amount to the next lowest multiple of $1,000.''.

(c) HOUSING CHOICE VOUCHER PROGRAM.—Paragraph (5) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REVIEW'' and inserting ''REVIEWS'';

(2) in subparagraph (A)—

(A) by striking ''the provisions of'' and inserting ''paragraphs (6) and (7) of section 3(a) and to''; and

(B) by striking ''and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually''; and

(3) in subparagraph (B), by striking the second sentence.

(d) ENHANCED VOUCHER PROGRAM.—Section 8(t)(1)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(D)) is amended by striking ''income'' and inserting ''annual adjusted income''.

(e) PROJECT-BASED HOUSING.—Paragraph (3) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(3)) is amended by striking the last sentence.

(f) IMPACT ON PUBLIC HOUSING REVENUES.—

(1) INTERACTION WITH ASSET MANAGEMENT RULE.—If a public housing agency determines that the application of the amendments made by this section results in a net reduction in the dwelling rental income of the public housing agency and such reduction in the first quarter of a calendar year is projected to be more than one-half percent of the net dwelling rents received by the public housing agency during the preceding calendar year, the public housing agency may, any time prior to April 15th of each year following the effective date of the amendments made by this section, certify to the Secretary of Housing and Urban Development the anticipated net reduction in annual dwelling rental income and the Secretary, within 45 days of receipt of such statement, shall reimburse the agency from funds appropriated for operating assistance under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)) if such funds are available. Each public housing agency so assisted shall maintain the books, documents, papers, and records supporting the certification submitted to the Secretary and such materials shall be available for review and audit by the Secretary and by the Comptroller General of the United States and their authorized representatives.

(2) HUD REPORTS ON PUBLIC HOUSING REVENUE IMPACT.—For each of fiscal years 2009 and 2010, the Secretary of Housing and Urban Development shall submit a report to Congress identifying and calculating the impact of changes made by the amendments made by this section on the revenues and costs of operating public housing units.

(3) EFFECTIVE DATE.—This subsection shall take effect during the first year that the amendments made by this section are effective.

(g) ACCESS TO INFORMATION.—Section 904(2)(C) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended by striking the period and inserting the following: '', and each applicant or participant, or the authorized representative thereof, shall have the opportunity to examine all information obtained for purposes of verifying the applicant or participant's eligibility for or levels of benefits.''.

SEC. 4. ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS AND INCOME.

(a) ASSETS.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by inserting after subsection (d) the following new subsection:

''(e) ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.—

''(1) LIMITATION ON ASSETS.—Subject to paragraph (3) and notwithstanding any other provision of this Act, a dwelling unit assisted under this Act may not be rented and assistance under this Act may not be provided, either initially or at each recertification of family income, to any family—

''(A) whose net family assets exceed $100,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate; or

''(B) who has a present ownership interest in, and a legal right to reside in, real property that is suitable for occupancy as a residence, except that the prohibition under this subparagraph shall not apply to—

''(i) any property for which the family is receiving assistance under this Act;

''(ii) any person that is a victim of domestic violence; or

''(iii) any family that is making a good faith effort to sell such property.

''(2) NET FAMILY ASSETS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net family assets' means, for all members of the household, the net cash value of all assets after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks,

bonds, and other forms of capital investment. Such term does not include interests in Indian trust land, equity in real property to which the prohibition under paragraph (1)(B) does not apply, savings accounts in homeownership programs of the Department of Housing and Urban Development, or Family Self-Sufficiency program accounts.

''(B) EXCLUSIONS.—Such term does not include—

''(i) necessary items of personal property, such as furniture and automobiles, as the public housing agency may determine for purposes of the voucher and public housing programs, and as the Secretary shall determine for purposes of other Federal housing programs;

''(ii) the value of any retirement account;

''(iii) any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a member of the family and arising out of law, that resulted in a member of the family being disabled; and

''(iv) the value of any Coverdell Education Savings Account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

''(C) TRUST FUNDS.—In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund shall not be considered an asset of a family if the fund continues to be held in trust. Any income distributed from the trust fund shall be considered income for purposes of section 3(b) and any calculations of annual family income, except in the case of medical expenses for a minor.

''(D) SELF-CERTIFICATION.—A public housing agency or owner may determine the net assets of a family, for purposes of this section, based on the amounts reported by the family at the time the agency or owner reviews the family's income.

''(3) COMPLIANCE FOR PUBLIC HOUSING DWELLING UNITS.—When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the limitation under paragraph (1).

''(4) AUTHORITY TO DELAY EVICTIONS.—In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the limitation under paragraph (1), the public housing agency or project owner may—

''(A) delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months; and

''(B) continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during the period of delay described under subparagraph (A).''.

(b) INCOME.—The United States Housing Act of 1937 is amended—

(1) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)), by striking the first sentence and inserting the following: ''Dwelling units assisted under this Act may be rented, and assistance under this Act may be provided, whether initially or at time of recertification, only to families who are low-income families at the time such initial or continued assistance, respectively, is provided, except that families residing in dwelling units as of the date of the enactment of the Section 8 Voucher Reform Act of 2008 that, under agreements in effect on such date of enactment, may have incomes up to 95 percent of local area median income shall continue to be eligible for assistance at recertification as long as they continue to comply with such income restrictions. Public housing agencies and owners shall determine whether a family receiving assistance under this Act is a low-income family at the time of recertification based on the highest area median income determined by the Secretary for the area since the family began receiving assistance under this Act. When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the prohibition under the preceding sentence. When recertifying family income with respect to families residing in dwelling units for which project-based assistance is provided, a project owner may, in the owner's discretion and only pursuant to a policy adopted by such owner, choose not to enforce such prohibition. In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the prohibition under the first sentence of this paragraph or the prohibition in section 8(o)(4), the public housing agency or project owner may delay eviction or termination of the family, based on such noncompliance for a period of not more than 6 months and may continue to provide assistance to the family if the family rectifies its noncompliance with such limitation during this period of delay.'';

(2) in section 8(o)(4) (42 U.S.C. 1437f(o)(4)), by striking the matter preceding subparagraph (A) and inserting the following:

''(4) ELIGIBLE FAMILIES.—Assistance under this subsection may be provided, whether initially or at each recertification, only pursuant to subsection (t) to a family eligible for assistance under such subsection or to a family who at the time of such initial or continued assistance, respectively, is a low-income family that is—''; and

(3) in section 8(c)(4) (42 U.S.C. 1437f(c)(4)), by striking ''at the time it initially occupied such dwelling unit'' and insert ''according to the restrictions under section 3(a)(1)''.

SEC. 5. TARGETING ASSISTANCE TO LOW-INCOME WORKING FAMILIES.

(a) VOUCHERS.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (A) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States''.

(b) PUBLIC HOUSING.—Section 16(a)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)(2)(A)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (i) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (ii)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (i) of this sentence shall not apply in the case of public housing agencies located in Puerto Rico or any other territory or possession of the United States''.

(c) PROJECT-BASED SECTION 8 ASSISTANCE.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after ''do not exceed'' the following: ''the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)''; and

(2) by inserting before the period at the end the following: ''; and except that clause (A) of this sentence shall not apply in the case of projects located in Puerto Rico or any other territory or possession of the United States''.

SEC. 6. VOUCHER RENEWAL FUNDING.

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by striking subsection (dd) and inserting the following new subsection:

''(dd) TENANT-BASED VOUCHERS.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2009 through 2013, such sums as may be necessary for tenant-based assistance under subsection (o) for the following purposes:

''(A) To renew all expiring annual contributions contracts for tenant-based rental assistance.

''(B) To provide tenant-based rental assistance for—

''(i) relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134);

''(ii) conversion of section 23 projects to assistance under this section;

''(iii) the family unification program under subsection (x) of this section;

''(iv) relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency;

''(v) enhanced vouchers authorized under subsection (t) of this section;

''(vi) relocation and replacement of public housing units that are demolished or disposed of in connection with the HOPE VI program under section 24;

''(vii) relocation and replacement of vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

''(viii) mandatory conversions of public housing to vouchers, pursuant to sections 33 of the United States Housing Act of 1937 (42 U.S.C. 1437z–5);

''(ix) voluntary conversion of public housing to vouchers pursuant to section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t);

''(x) vouchers necessary to comply with a consent decree or court order;

''(xi) relocation and replacement of public housing units that are demolished or disposed of pursuant to eminent domain, homeownership programs, in connection with a mixed-finance project under section 35 of the United States Housing Act of 1937 (42 U.S.C. 1437z–7), or otherwise;

''(xii) vouchers to replace dwelling units that cease to receive project-based assistance under subsection (b), (c), (d), (e), or (v) of this section;

''(xiii) vouchers used to preserve public housing developed from sources other than under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g);

''(xiv) tenant protection assistance, including replacement and relocation assistance; and

''(xv) emergency voucher assistance for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

Subject only to the availability of sufficient amounts provided in appropriation Acts, the

Secretary shall provide tenant-based rental assistance to replace all dwelling units that cease to be available as assisted housing as a result of clause (i), (ii), (v), (vi), (vii), (viii), (xi), (xii), or (xiii).

''(2) ALLOCATION OF RENEWAL FUNDING AMONG PUBLIC HOUSING AGENCIES.—

''(A) From amounts appropriated for each year pursuant to paragraph (1)(A), the Secretary shall provide renewal funding for each public housing agency—

''(i) based on leasing and cost data from the preceding calendar year, as adjusted by an annual adjustment factor to be established by the Secretary, which shall be established using the smallest geographical areas for which data on changes in rental costs are annually available;

''(ii) by making any adjustments necessary to provide for—

''(I) the first-time renewal of vouchers funded under paragraph (1)(B); and

''(II) any incremental vouchers funded in previous years;

''(iii) by making any adjustments necessary for full-year funding of vouchers moved into or out of the jurisdiction of the public housing agency in the prior calendar year pursuant to the portability procedures under subsection (r)(2); and

''(iv) by making such other adjustments as the Secretary considers appropriate, including adjustments necessary to address changes in voucher utilization rates and voucher costs related to natural and other major disasters.

''(B) LEASING AND COST DATA.—For purposes of subparagraph (A)(i), leasing and cost data shall be calculated annually by using the average for the preceding calendar year. Such leasing and cost data shall be adjusted to include vouchers that were set aside under a commitment to provide project-based assistance under subsection (o)(13) and to exclude amounts funded through advances under paragraph (3). Such leasing and cost data shall not include funds not appropriated for tenant-based assistance under section 8(o), unless the agency's funding was prorated in the prior year and the agency used other funds to maintain vouchers in use.

''(C) OVERLEASING.—For the purpose of determining allocations under subsection (A)(i), the leasing rate calculated for the prior calendar year may exceed an agency's authorized voucher level, except that such calculation shall not include amounts resulting from a leasing rate in excess of 103 percent of an agency's authorized vouchers in the prior year which results from the use of accumulated amounts, as referred to in paragraph (4)(A).

''(D) MOVING TO WORK.—Notwithstanding subparagraphs (A) and (B), each public housing agency participating in any year in the moving to work demonstration under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note) shall be—

''(i) funded pursuant to its agreement under such program, if such agreement includes an alternate to the provisions of this subsection; and

''(ii) subject to any pro rata adjustment made under subparagraph (E)(i).

''(E) PRO RATA ALLOCATION.—

''(i) INSUFFICIENT FUNDS.—To the extent that amounts made available for a fiscal year are not sufficient to provide each public housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), the Secretary shall reduce such allocation for each agency on a pro rata basis, except that renewal funding of enhanced vouchers under section 8(t) shall not be subject to such proration.

''(ii) EXCESS FUNDS.—To the extent that amounts made available for a fiscal year exceed the amount necessary to provide each housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), such excess amounts shall be used for the purposes specified in subparagraphs (B) and (C) of paragraph (4).

''(F) PROMPT FUNDING ALLOCATION.—The Secretary shall allocate all funds under this subsection for each year before the latter of (i) February 15, or (ii) the expiration of the 45-day period beginning upon the enactment of the appropriations Act funding such renewals.

''(3) ADVANCES.—

''(A) AUTHORITY.—During the last 3 months of each calendar year, the Secretary shall provide funds out of any appropriations made under paragraph (1) for the fiscal year beginning on October 1 of that calendar year, to any public housing agency, at the request of the agency, in an amount up to 2 percent of the allocation for the agency for such calendar year, subject to subparagraph (C).

''(B) USE.—Amounts advanced under subparagraph (A) may be used to pay for additional voucher costs, including costs related to temporary overleasing.

''(C) USE OF PRIOR YEAR AMOUNTS.—During the last 3 months of a calendar year, if amounts previously provided to a public housing agency for tenant-based assistance for such year or for previous years remain unobligated and available to the agency—

''(i) the agency shall exhaust such amounts to cover any additional voucher costs under subparagraph (B) before amounts advanced under subparagraph (A) may be so used; and

''(ii) the amount that may be advanced under subparagraph (A) to the agency shall be reduced by an amount equal to the total of such previously provided and unobligated amounts.

''(D) REPAYMENT.—Amounts advanced under subparagraph (A) in a calendar year shall be repaid to the Secretary in the subsequent calendar year by reducing the amounts made available for such agency for such subsequent calendar year pursuant to allocation under paragraph (2) by an amount equal to the amount so advanced to the agency.

''(4) OFFSET.—

''(A) IN GENERAL.—The Secretary shall offset, from amounts provided under the annual contributions contract for a public housing agency for a calendar year, all accumulated amounts allocated under paragraph (2) and from previous years that are unused by the agency at the end of each calendar year except—

''(i) with respect to the offset under this subparagraph at the end of 2008, an amount equal to 12.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A);

''(ii) with respect to the offset under this subparagraph at the end of 2009, an amount equal to 7.5 percent of the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A); and

''(iii) with respect to the offset under this subparagraph at the end of each of 2010, 2011, and 2012, an amount equal to 5 percent of such amount allocated to the agency for such year. Notwithstanding any other provision of law, each public housing agency may retain all amounts not authorized to be offset under this subparagraph, and may use such amounts for all authorized purposes. Funds initially allocated prior to the effective date of the Section 8 Voucher Reform Act of 2008 for the purposes specified in paragraph (1)(B) shall not be included in the calculation of accumulated amounts subject to offset under this paragraph.

''(B) REALLOCATION.—Not later than May 1 of each calendar year, the Secretary shall—

''(i) calculate the aggregate savings due to the offset of unused amounts for the preceding year recaptured pursuant to subparagraph (A);

''(ii) set aside such amounts as the Secretary considers likely to be needed to reimburse public housing agencies for increased costs related to portability and family self-sufficiency activities during such year, which amounts shall be made available for allocation upon submission of a request that meets criteria prescribed by the Secretary; and

''(iii) reallocate all remaining amounts among public housing agencies, with priority given based on the extent to which an agency has utilized the amount allocated under paragraph (2) for the agency to serve eligible families, as well as the relative need of communities for additional assistance under this subsection.

''(C) USE.—Amounts reallocated to a public housing agency pursuant to subparagraph (B)(iii) may be used only to increase voucher leasing rates to the level eligible for renewal funding under paragraph (2)(C).''.

(b) ABSORPTION OF VOUCHERS FROM OTHER AGENCIES.—

(1) IN GENERAL.—Section 8(r)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(2)) is amended—

(A) by striking ''The public housing agency'' and inserting ''(A) IN GENERAL.—The public housing agency''; and

(B) by adding the end the following:

''(B) ABSORPTION AND PRIORITY.—

''(i) IN GENERAL.—The public housing agency shall—

''(I) absorb any family that moves under this subsection into its program for voucher assistance under this section after the initial month, except that the Secretary may limit the absorption of vouchers in excess of a public housing agency's authorized level if the Secretary makes the determination under subparagraph (C) that there is insufficient funding for such vouchers in the current year; and

''(II) have priority to receive additional funding from the Secretary for the net additional cost of housing assistance provided pursuant to this requirement from amounts made available pursuant to subsection (dd)(4) (B) or otherwise, except that the obligation to absorb vouchers under subclause (I) does not override any provision of a judgement, consent decree, contract with the Secretary pursuant to section 3(b)(6), or any other similar arrangement under which the public housing agency administers voucher assistance under this section without regard to any other applicable limitation on the public housing agency's area of operation.

''(ii) NO DELAY OF VOUCHERS FOR FAMILIES ON WAITING LIST.—The Secretary shall provide the funding required to carry out the activities under clause (i) as needed for a public housing agency to meet its obligation under this subparagraph without delaying issuance of vouchers to families on its waiting list.

''(C) EXCEPTION.—If in any fiscal year, the Secretary does not have sufficient funds available under subsection (dd)(4)(B) or that otherwise may be used for the purposes of this subsection, the Secretary shall suspend the requirement described in subparagraph (B). Such suspension shall take effect no earlier than 60 days after the Secretary provides notice of the suspension by electronic mail to all public housing agencies and to the public by posting of the notice on the website of the Department. The obligation of the Secretary to fund vouchers absorbed under subparagraph (B) shall continue for all

vouchers that are leased prior to the effective date of such suspension.''.

(2) TRANSITION.—The amendments made by paragraph (1) shall take effect January 1, 2010, provided that in each calendar quarter of 2010 and 2011, a public housing agency shall absorb no more than one-eighth of the vouchers subject to absorption on such effective date of each public housing agency that is providing assistance for the vouchers on such effective date. Public housing agencies may by mutual agreement alter the absorption rate established in the previous sentence.

(3) REPORT TO CONGRESS.—Not later than May 1, 2009, the Secretary of Housing and Urban Development shall provide to Congress an estimate of the net additional cost to the Department of Housing and Urban Development in the first year of implementation of the new requirements added by the amendments made in paragraph (1), and of the savings likely to be available in 2010 and 2011 as a result of the reduction in the permitted level of retained funds under subsection (dd)(4)(A) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(dd)(4)(A)).

(c) VOUCHERS FOR PERSONS WITH DISABILITIES.—The Secretary of Housing and Urban Development shall develop and issue, to public housing agencies that received voucher assistance under section 8(o) for non-elderly disabled families pursuant to appropriations Acts, guidance to ensure that, to the maximum extent practicable, such vouchers continue to be provided upon turnover to qualified non-elderly disabled families.

SEC. 7. ADMINISTRATIVE FEES.

(a) IN GENERAL.—Section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

''(B) CALCULATION.—The fee under this subsection shall—

''(i) be payable to each public housing agency for each month for which a dwelling unit is covered by an assistance contract;

''(ii) be based on the per unit fee payable to the agency in fiscal year 2003, updated for each subsequent year as specified in subsection (iv), unless the Secretary establishes by rulemaking a revised method of calculating the per unit fee for each agency, which method—

''(I) shall otherwise comply with this subparagraph; and

''(II) may include performance incentives, consistent with subsection (o)(21);

''(iii) include an amount for the cost of issuing vouchers to new participants who lease units in the jurisdiction of the agency or in another jurisdiction under the procedures established in subsection (r);

''(iv) be updated each year using an index of changes in wage data or other objectively measurable data that reflect the costs of administering the program for such assistance, as determined by the Secretary; and

''(v) include an amount for the cost of family self-sufficiency coordinators, as provided in section 23(h)(1).

''(C) PUBLICATION.—The Secretary shall cause to be published in the Federal Register the fee rate for each geographic area.''; and

(B) by striking subparagraph (E); and

(2) in paragraph (4), by striking ''1999'' and inserting ''2008''.

(b) ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.—Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) SECTION 8 FEES.—

''(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

''(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

''(i) BASE FEE.—A public housing agency serving 25 or more participants in the Family Self-Sufficiency program under this section shall receive a fee equal to the costs of employing 1 full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

''(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

''(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than 3 such coordinators in any of fiscal years 1998 through 2008 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

''(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop a family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to 1 family self-sufficiency coordinator, based on the size specified in its action plan for such program.

''(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

''(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

''(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding 1 coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

''(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

''(E) PERFORMANCE STANDARDS.—Within 6 months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

''(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

''(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

''(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.''.

(c) REPEAL.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note; Public Law 104–204; 110 Stat. 2893) is hereby repealed.

SEC. 8. HOMEOWNERSHIP.

(a) SECTION 8 HOMEOWNERSHIP DOWNPAYMENT PROGRAM.—Section 8(y)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)(7)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraph:

''(A) IN GENERAL.—Subject to the provisions of this paragraph, in the case of a family on whose behalf rental assistance under section 8(o) has been provided for a period of not less than 12 months prior to the date of receipt of downpayment assistance under this paragraph, a public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the agency, provide a downpayment assistance grant in accordance with subparagraph (B).

''(B) GRANT REQUIREMENTS.—A downpayment assistance grant under this paragraph—

''(i) shall be used by the family only as a contribution toward the downpayment and reasonable and customary closing costs required in connection with the purchase of a home;

''(ii) shall be in the form of a single 1-time grant; and

''(iii) may not exceed $10,000.

''(C) NO EFFECT ON OBTAINING OUTSIDE SOURCES FOR DOWNPAYMENT ASSISTANCE.—This Act may not be construed to prohibit a public housing agency from providing downpayment assistance to families from sources other than a grant provided under this Act, or as determined by the public housing agency.''.

(b) USE OF VOUCHERS FOR MANUFACTURED HOUSING.—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through ''of'' in the second sentence and inserting ''and rents''; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''the rent'' and all that follows and inserting the following: ''rent shall mean the sum of the monthly

payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.'';

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: ''If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender, or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount.''; and

(ii) by redesignating such clause as clause (ii).

SEC. 9. PERFORMANCE ASSESSMENTS.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

''(21) PERFORMANCE ASSESSMENTS.—

''(A) ESTABLISHMENT.—The Secretary shall, by regulation, establish standards and procedures for assessing the performance of public housing agencies in carrying out the programs for tenant-based rental assistance under this subsection and for homeownership assistance under subsection (y).

''(B) CONTENTS.—The standards and procedures under this paragraph shall provide for assessment of the performance of public housing agencies in the following areas:

''(i) Quality of dwelling units obtained using such assistance.

''(ii) Extent of utilization of assistance amounts provided to the agency and of authorized vouchers, adjusted for vouchers set aside to meet commitments under paragraph (13) and to take into account the time required for additional lease-up efforts resulting from absorption of a significant number or share of an agency's vouchers under subsection (r).

''(iii) Timeliness and accuracy of reporting by the agency to the Secretary.

''(iv) Effectiveness in carrying out policies to achieve deconcentration of poverty.

''(v) Reasonableness of rent burdens, consistent with public housing agency responsibilities under section 8(o)(1)(E)(iii).

''(vi) Accurate calculations of rent, utility allowances, and subsidy payments.

''(vii) Effectiveness in carrying out family self-sufficiency activities.

''(viii) Timeliness of actions related to landlord participation.

''(ix) Compliance with targeting requirements under section 16(b).

''(x) Such other areas as the Secretary considers appropriate.

''(C) BIENNIAL ASSESSMENT.—Not later than 2 years after the date of enactment of this paragraph, and at least every 2 years thereafter, the Secretary, using the standards and procedures established under this paragraph, shall—

''(i) conduct an assessment of the performance of each public housing agency carrying out a program referred to in subparagraph (A);

''(ii) make such assessment available to the public housing agency and to the public via the website of the Department of Housing and Urban Development; and

''(iii) submit a report to Congress regarding the results of each such assessment.

''(D) USE OF ASSESSMENTS TO ASSIST PERFORMANCE.—The Secretary shall, by regulation and based upon the results of the assessments of public housing agencies conducted under this paragraph, establish procedures and mechanisms to assist poorly performing public housing agencies in becoming ably performing public housing agencies.''.

SEC. 10. PHA PROJECT-BASED ASSISTANCE.

Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) PERCENTAGE LIMITATION.—

''(i) IN GENERAL.—Subject to clause (ii), not more than 25 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

''(ii) EXCEPTION.—An agency may attach up to an additional 5 percent of the funding available for tenant-based assistance under this section to structures pursuant to this paragraph for dwelling units that house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).'';

(2) by striking subparagraph (D) and inserting the following new subparagraph:

''(D) INCOME MIXING REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not more than the greater of 25 dwelling units or 25 percent of the dwelling units in any project may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph. For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

''(ii) EXCEPTIONS.—

''(I) CERTAIN HOUSING.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties, or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services only where comprehensive services are provided to special populations such as to individuals who were formerly homeless and other populations with special needs. For purposes of the preceding sentence, the term 'single family properties' means buildings with no more than 4 dwelling units.

''(II) CERTAIN AREAS.—With respect to areas in which fewer than 75 percent of families issued vouchers become participants in the program, the public housing agency has established the payment standard at 110 percent of the fair market rent for all census tracts in the area for the previous 6 months, the public housing agency has requested a higher payment standard, and the public housing agency grants an automatic extension of 90 days (or longer) to families with vouchers who are attempting to find housing, clause (i) shall be applied by substituting '40 percent' for '25 percent'.'';

(3) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(4) in subparagraph (G)—

(A) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(B) by adding at the end the following: ''A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(5) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(6) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit'';

(7) in subparagraph (J)—

(A) by striking the fifth and sixth sentences and inserting the following: ''A public housing agency may establish and utilize procedures for maintaining site-based waiting lists under which applicants may apply directly at, or otherwise designate to the public housing agency, the project or projects in which they seek to reside, except that all applicants on the waiting list of an agency for assistance under this subsection shall be permitted to place their names on such separate list. All such procedures shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list, or a family on a site-based waiting list that complies with the requirements of this subparagraph. A public housing agency shall fully disclose to each applicant each option in the selection of a project in which to reside that is available to the applicant.''; and

(B) by inserting after the third sentence the following new sentence: ''Any family who resides in a dwelling unit proposed to be assisted under this paragraph, or in a unit to be replaced by a proposed unit to be assisted under this paragraph shall be given an absolute preference for selection for placement in the proposed unit, if the family is otherwise eligible for assistance under this subsection.''; and

(8) by adding at the end the following new subparagraphs:

''(L) STRUCTURE OWNED BY AGENCY.—Notwithstanding any other provision of law, as part of an initiative to improve, redevelop, or replace a public housing site, a public housing agency may attach assistance to an existing, newly constructed, or rehabilitated structure in which the public housing agency has an ownership interest, without following a competitive process, provided that the agency includes such action in its public housing agency plan approved under section 5A and the units that will receive such assistance will not receive assistance under section 9. The preceding sentence shall not be construed to limit a public housing agency's ability to attach assistance to structures under applicable law.

''(M) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(N) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this subparagraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.

''(O) LEASES AND TENANCY.—Assistance provided under this paragraph shall be subject to the provisions of paragraph (7), except that subparagraph (A) of such paragraph shall not apply.

''(P) ALLOWABLE TRANSFERS.—To promote regional mobility and increase housing and economic opportunities through expanded use of project-based voucher assistance, a public housing agency may transfer a portion of its vouchers and related budget authority to a public housing agency that administers a program under this subsection in another jurisdiction in the same or contiguous metropolitan area or county. The Secretary shall encourage such voluntary agreements and promptly execute the necessary funding and contract modifications.''.

SEC. 11. RENT BURDENS.

(a) REVIEWS.—Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

''(E) REVIEWS.—

''(i) RENT BURDENS.—

''(I) MONITOR AND REPORT.—The Secretary shall monitor rent burdens and submit a report to Congress annually on the percentage of families assisted under this subsection, occupying dwelling units of each size, that pay more than 30 percent of their adjusted incomes for rent and such percentage that pay more than 40 percent of their adjusted incomes for rent. Using information regularly reported by public housing agencies, the Secretary shall provide public housing agencies, on an annual basis, a report with the information described in the first sentence of this clause, and may require a public housing agency to modify a payment standard that results in a significant percentage of families assisted under this subsection, occupying dwelling units of any size, paying more than 30 percent of their adjusted incomes for rent. In implementing the requirements of this clause, the Secretary shall distinguish excessive rent burdens that result solely from the methods of determining a family's rent contribution under section (3)(A)(3) or clauses (ii) or (iii) of paragraph (2)(A) of this subsection.

''(II) PUBLIC AVAILABILITY.—Each public housing agency shall make publicly available the information on rent burdens provided by the Secretary pursuant to subclause (I), and, for agencies located in metropolitan areas, the information on concentration provided by the Secretary pursuant to clause (ii).

''(ii) CONCENTRATION OF POVERTY.—The Secretary shall submit a report to Congress annually on the degree to which families of particular racial and ethnic groups assisted under this subsection in each metropolitan area are clustered in higher poverty areas, and the extent to which greater geographic distribution of such assisted families could be achieved, including by increasing payment standards for particular communities within such metropolitan areas.

''(iii) PUBLIC HOUSING AGENCY RESPONSIBILITIES.—If a public housing agency has a high degree of concentration of families of particular racial and ethnic groups clustered in a higher poverty area or if such agency has more than 5 percent of families residing in units assisted under this subsection who pay more than 40 percent of their adjusted incomes for rent—

''(I) the public housing agency shall adjust its payment standard or explain its reasons for not making such adjustment; and

''(II) the Secretary may not deny the request of the public housing agency to set a payment standard up to 120 percent of the fair market rent to remedy excessive rent burdens or undue concentration of families assisted under this subsection in lower rent, higher poverty sections of a metropolitan area, if the public housing agency—

''(aa) has conducted a thorough review of its payment standards;

''(bb) conducts a thorough review of its rent reasonableness policies and procedures, and properly conducts a review of its rent reasonableness on an ongoing basis;

''(cc) has conducted outreach to landlords in all areas within the service area of the public housing agency;

''(dd) provides search assistance to such families, if undue concentration is the reason for the adjustment of the payment standard;

''(ee) has completed a review of utility allowances and burdens on such families; and

''(ff) the public housing agency has, for the previous 6-month period, had its payment standards set at 110 percent of the fair market rent.''.

(b) PUBLIC HOUSING AGENCY PLAN.—Section 5A(d)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)(4)) is amended by inserting before the period at the end the following: '', including the report with respect to the agency furnished by the Secretary pursuant to section 8(o)(1)(E) concerning rent burdens and, if applicable, geographic concentration of voucher holders, any changes in rent or other policies the public housing agency is making to address excessive rent burdens or concentration, and if the public housing agency is not adjusting its payment standard, its reasons for not doing so.''.

(c) RENT BURDENS FOR PERSONS WITH DISABILITIES.—Subparagraph (D) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by inserting before the period at the end the following: '', except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent where necessary as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability''.

(d) RENT BURDENS FOR VOUCHER HOLDERS IN LOW-INCOME HOUSING TAX CREDIT UNITS.—Section 8(o)(10)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)(A)) is amended by inserting before the period the following: '', except that in a unit receiving tax credits under section 42 of the Internal Revenue Code or assistance under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act for which a housing assistance contract not subject to paragraph (13) is established—

''(i) no comparison with rent for units in the private, unassisted local market shall be required if the rent is at or below the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders; and

''(ii) the rent shall not be considered reasonable if it exceeds the higher of (I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by tenant-based voucher holders and (II) the payment standard established by the public housing agency for a unit of the particular size.''.

SEC. 12. ESTABLISHMENT OF FAIR MARKET RENT.

(a) IN GENERAL.—Paragraph (1) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)) is amended—

(1) by inserting ''(A)'' after the paragraph designation;

(2) by striking the seventh, eighth, and ninth sentences; and

(3) by adding at the end the following:

''(B)(i) The Secretary shall endeavor to define market areas for purposes of this paragraph in a manner that results in fair market rentals that are adequate to cover typical rental costs of units suitable for occupancy by persons assisted under this section in as wide a range of communities as is feasible, including communities with low poverty rates.

''(ii) The Secretary at a minimum shall define a separate market area for each—

''(I) metropolitan city, as such term is defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)), with more than 40,000 rental dwelling units; and

''(II) county or in the case of a county that includes a metropolitan city specified in subclause (I), for the remainder of that county located outside the boundaries of such metropolitan city.

The requirement under subclause (II) shall not apply to any counties wholly within a metropolitan city specified in subclause (I) or any counties in the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont.

''(iii) Notwithstanding clause (ii), the Secretary may establish minimum fair market rents within each State to ensure that fair market rents in a State are adequate to cover the cost of standard quality housing in that State.

''(iv) The Secretary shall, at the request of 1 or more public housing agency, establish a separate market area for part or all of the area under the jurisdiction of such agency, if—

''(I) the requested market area contains at least 20,000 rental dwelling units;

''(II) the areas contained in the requested market area are geographically contiguous and share similar housing market characteristics;

''(III) adequate data are available to establish a reliable fair market rental for the requested market area, and for the remainder of the market area in which it is currently located; and

''(IV) establishing the requested market area would raise or lower the fair market rental by 10 percent or more at the time the requested market area is established.

For purposes of subclause (III), data for an area shall be considered adequate if they are sufficient to establish from time to time a reliable benchmark fair market rental based primarily on data from that area, whether or not those data need to be supplemented with

data from a larger area for purposes of annual updates.

''(v) The Secretary shall not reduce the fair market rental in a market area as a result of a change in the percentile of the distribution of market rents used to establish the fair market rental.''.

(b) PAYMENT STANDARD.—Subparagraph (B) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting before the period at the end the following: '', except that no public housing agency shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced''.

SEC. 13. SCREENING OF APPLICANTS.

Subparagraph (B) of section 8(o)(6) of the United States Housing Act of 1937 (1437f(o)(6)(B)) is amended—

(1) by inserting after the period at the end of the second sentence the following: ''A public housing agency's elective screening shall be limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease and shall consider mitigating circumstances related to such applicant. The requirements of the prior sentence shall not limit the ability of a public housing agency to deny assistance based on the applicant's criminal background or any other permissible grounds for denial under subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq., relating to safety and security in public and assisted housing), subject to the procedural requirements of this section. Any applicant or participant determined to be ineligible for admission or continued participation to the program shall be notified of the basis for such determination and provided, within a reasonable time after the determination, an opportunity for an informal hearing on such determination at which mitigating circumstances, including remedial conduct subsequent to the conduct that is the basis of such consideration.''; and

(2) by adding at the end the following: ''Public housing tenants requesting tenant-based voucher assistance under this subsection to relocate from public housing as a result of the demolition or disposition of public housing shall not be considered new applicants under this paragraph and shall not be subject to elective screening by the public housing agency.''.

SEC. 14. ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''and shall not require that the family requalify under the selection standards for a public housing agency in order to be eligible for such assistance'' after ''subsection (o)''; and

(2) by amending subparagraph (B) to read as follows:

''(B)(i) the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project regardless of unit and family size standards normally used by the administering public housing agency (except that tenants may be required to move to units of appropriate size if available on the premises), and the owner of the unit shall accept the enhanced voucher and terminate the tenancy only for serious or repeated violation of the terms and conditions of the lease or for violation of applicable law; and

''(ii) if, during any period the family makes such an election and continues to so reside, the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time-to-time), subject to paragraph (10)(A) of subsection (o) and any other reasonable limit prescribed by the Secretary, except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families;''.

(b) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations implementing the amendments made by subsection (a).

SEC. 15. PROJECT-BASED PRESERVATION VOUCHERS.

(a) ENHANCED VOUCHERS.—Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437(t)(1)) is amended by adding at the end the following new paragraph:

''(5) AUTHORIZATION OF PRESERVATION PROJECT-BASED VOUCHER ASSISTANCE IN LIEU OF ENHANCED VOUCHER ASSISTANCE.—Notwithstanding any other provision of law, preservation project-based voucher assistance may be provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance at the request of the owner of the multifamily housing project, subject to the determinations of the public housing agency pursuant to clause (ii) of subsection (o)(13)(Q). Preservation project-based voucher assistance provided pursuant to subsection (o)(13)(Q) in lieu of enhanced voucher assistance shall be subject to the provisions of subsection (o)(13)(Q) and shall not be subject to the provisions of this subsection.''.

(b) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended by adding at the end the following new subparagraph:

''(Q) PRESERVATION PROJECT-BASED VOUCHER ASSISTANCE.—

''(i) IN GENERAL.—The Secretary is authorized to provide assistance under this paragraph in lieu of enhanced voucher assistance under subsection (t) to a public housing agency that enters into a contract with an owner of a multifamily housing project upon the occurrence of an eligibility event with respect to the project as defined in subsection (t)(2). All owners of projects for which enhanced voucher assistance would otherwise be provided may request and receive a contract for preservation project-based voucher assistance at the project in lieu of enhanced voucher assistance upon the occurrence of an eligibility event with respect to the project, subject to the determinations of the public housing agency in clause (ii). The contract shall cover all of the units in the project for which enhanced voucher assistance would otherwise be provided under subsection (t).

''(ii) PUBLIC HOUSING AGENCY DETERMINATIONS.—Prior to entering into a contract pursuant to this subparagraph, the public housing agency shall have determined that (I) the housing to be assisted hereunder is economically viable, and that (II) there is significant demand for the housing, or the housing will contribute to a concerted community revitalization plan or to the goal of deconcentrating poverty and expanding housing and economic opportunities, or the continued affordability of the housing otherwise is an important asset to the community. The determinations of the public housing agency required in the previous sentence shall be in lieu of meeting the requirements of subparagraph (C).

''(iii) SPECIAL RULES.—Funding provided for preservation project-based voucher assistance pursuant to this subparagraph shall be disregarded for the purpose of calculating the limitation on attaching funding to structures otherwise applicable to public housing agency project-based assistance pursuant to subparagraph (B). Assistance under this subparagraph shall not be subject to the requirements of subparagraph (D).

''(iv) ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in a project on the date of the eligibility event that would otherwise be eligible for enhanced voucher assistance under subsection (t) shall be eligible for preservation project-based voucher assistance under this subparagraph.''.

SEC. 16. DEMONSTRATION PROGRAM WAIVER AUTHORITY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into such agreements as may be necessary with the Social Security Administration and the Secretary of Health and Human Services to allow for the participation, in any demonstration program described in subsection (c), by the Department of Housing and Urban Development and the use under such program of housing choice vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) WAIVER OF INCOME REQUIREMENTS.—The Secretary of Housing and Urban Development may, to the extent necessary to allow rental assistance under section 8(o) of the United States Housing Act of 1937 to be provided on behalf of persons described in subsection (c) who participate in a demonstration program described in such subsection, and to allow such persons to be placed on a waiting list for such assistance, partially or wholly disregard increases in earned income for the purpose of rent calculations under section 3 for such persons.

(c) DEMONSTRATION PROGRAMS.—A demonstration program described in this subsection is a demonstration program of a State that provides for persons with significant disabilities to be employed and continue to receive benefits under programs of the Department of Health and Human Services and the Social Security Administration, including the program of supplemental security income benefits under title XVI of the Social Security Act, disability insurance benefits under title II of such Act, and the State program for medical assistance (Medicaid) under title XIX of such Act.

SEC. 17. STUDY TO IDENTIFY OBSTACLES TO USING VOUCHERS IN FEDERALLY SUBSIDIZED HOUSING PROJECTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of (1) the housing voucher program authorized under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and (2) other federally subsidized housing programs, to determine whether any statutory, regulatory, or administrative provisions of the housing voucher program or of other federally subsidized housing programs, or policies and practices of housing owners or public housing agencies or other agencies, may have the effect of making occupancy by voucher holders in federally subsidized housing projects more difficult to obtain than occupancy by non-voucher holders. In conducting the study required under this subsection the Comptroller General shall determine if any gaps exist in the statute, regulations, or administration of the housing voucher program or of other federally subsidized housing programs and policies and

practices of housing owners or public housing agencies or other agencies that, if addressed, could eliminate or reduce obstacles to voucher holders in seeking occupancy in federally subsidized housing projects. Such study shall include data on the use of housing vouchers in federally subsidized housing projects.

(b) DEFINITION.—As used in this section, the term ''federally subsidized housing projects'' includes projects assisted pursuant to the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) and those projects receiving the benefit of low-income housing credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall report to Congress the findings from the study required under subsection (a) and any recommendations for statutory, regulatory, or administrative changes.

SEC. 18. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF DATA ON TENANTS IN PROJECTS RECEIVING TAX CREDITS.

''(a) IN GENERAL.—State agencies administering credits under section 42 of the Internal Revenue Code shall furnish to the Secretary of Housing and Urban Development, not less than annually, data concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits. State agencies shall, to the extent feasible, collect such data through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of a household continuing to reside in the same unit, such data may rely on information provided by the household in a previous year for categories of information that are not subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS AND DEFINITIONS.—The Secretary of Housing and Urban Development shall—

''(1) by rule, establish standards and definitions for the data collected under subsection (a);

''(2) provide States with technical assistance in establishing systems to compile and submit such data; and

''(3) in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY OF REPORTS.—The Secretary of Housing and Urban Development shall compile and make publicly available not less than annually the data furnished by State agencies under subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 for fiscal year 2009 and $900,000 for each of the fiscal years 2010 to 2013 to cover the cost of the activities required under subsections (b) and (c).''.

SEC. 19. AGENCY AUTHORITY FOR UTILITY PAYMENTS IN CERTAIN CIRCUMSTANCES.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

''(23) AUTHORITY OF PUBLIC HOUSING AGENCIES TO MAKE DIRECT PAYMENTS FOR UTILITIES WHEN OWNER FAILS TO PAY.—

''(A) IN GENERAL.—If the owner has failed to pay for utilities that are the responsibility of the owner under the lease or applicable law, the public housing agency is authorized to utilize subsidy payments otherwise due the owner to pay for continued utility service to avoid hardship to program participants.

''(B) NOTICE.—Before making utility payments as described in subparagraph (A), the public housing agency shall take reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment.''.

SEC. 20. ACCESS TO HUD PROGRAMS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

(a) HUD RESPONSIBILITIES.—To allow the Department of Housing and Urban Development to better serve persons with limited proficiency in the English language by providing technical assistance to recipients of Federal funds, the Secretary of Housing and Urban Development shall take the following actions:

(1) TASK FORCE.—Within 90 days after the enactment of this Act, convene a task force comprised of appropriate industry groups, recipients of funds from the Department of Housing and Urban Development (in this section referred to as the ''Department''), community-based organizations that serve individuals with limited English proficiency, civil rights groups, and stakeholders, which shall identify a list of vital documents, including Department and certain property and other documents, to be competently translated to improve access to federally conducted and federally assisted programs and activities for individuals with limited English proficiency. The task force shall meet not less frequently than twice per year.

(2) TRANSLATIONS.—Within 6 months after identification of documents pursuant to paragraph (1), produce translations of the documents identified in all necessary languages and make such translations available as part of the library of forms available on the website of the Department and as part of the clearinghouse developed pursuant to paragraph (4).

(3) PLAN.—Develop and carry out a plan that includes providing resources of the Department to assist recipients of Federal funds to improve access to programs and activities for individuals with limited English proficiency, which plan shall include the elements described in paragraph (4).

(4) HOUSING INFORMATION RESOURCE CENTER.—Develop and maintain a housing information resource center to facilitate the provision of language services by providers of housing services to individuals with limited English proficiency. Information provided by such center shall be made available in printed form and through the Internet. The resources provided by the center shall include the following:

(A) TRANSLATION OF WRITTEN MATERIALS.—The center may provide, directly or through contract, vital documents from competent translation services for providers of housing services.

(B) TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER.—The center shall provide a 24-hour toll-free interpretation service telephone line, by which recipients of funds of the Department and individuals with limited English proficiency may—

(i) obtain information about federally conducted or federally assisted housing programs of the Department;

(ii) obtain assistance with applying for or accessing such housing programs and understanding Federal notices written in English; and

(iii) communicate with housing providers. and learn how to access additional language services.

The toll-free telephone service provided pursuant to this subparagraph shall supplement resources in the community identified by the plan developed pursuant to paragraph (3).

(C) DOCUMENT CLEARINGHOUSE.—The center shall collect and evaluate for accuracy or develop, and make available, templates and documents that are necessary for consumers, relevant industry representatives, and other stakeholders of the Department, to access, make educated decisions, and communicate effectively about their housing, including—

(i) administrative and property documents;

(ii) legally binding documents;

(iii) consumer education and outreach materials;

(iv) documents regarding rights and responsibilities of any party; and

(v) remedies available to consumers.

(D) STUDY OF LANGUAGE ASSISTANCE PROGRAMS.—The center shall conduct a study that evaluates best-practices models for all programs of the Department that promote language assistance and strategies to improve language services for individuals with limited English proficiency. Not later than 18 months after the date of the enactment of this Act, the center shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which shall provide recommendations for implementation, specific to programs of the Department, and information and templates that could be made available to all recipients of grants from the Department.

(E) CULTURAL AND LINGUISTIC COMPETENCE MATERIALS.—The center shall provide information relating to culturally and linguistically competent housing services for populations with limited English proficiency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, and annually thereafter, the Secretary of Housing and Urban Development shall submit a report regarding its compliance with the requirements under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated the amount necessary for each of fiscal years 2009 through 2013 to provide public housing agencies with incremental tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) sufficient to assist 20,000 incremental dwelling units in each such fiscal year. A preference for allocation of such incremental tenant-based assistance, as part of the competitive process required by section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)), is to be given to (1) preserving affordable housing, including State public housing, and other housing that needs operating support in order to remain affordable, and (2) entities that are providing voucher assistance on a regional basis.

SEC. 22. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act, shall take effect on January 1, 2009.

(b) EXCEPTION.—

(1) RENT REFORMS.—Sections 3, 4, and 12 of this Act, and the amendments made by such sections, shall take effect beginning of the first day of fiscal year 2010, and shall apply to each fiscal year thereafter.

(2) NOTIFICATION REQUIREMENT.—Beginning on the date of enactment of this Act, public housing agencies and owners of dwelling units assisted under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall notify tenants as soon as possible of the—

(A) major changes made by the amendments in sections 3 and 4, and how such changes affect the current tenants occupying such units; and

(B) potential effects of such changes on current tenants in general.

SUPPORTERS OF THE SECTION 8 VOUCHER REFORM ACT

Action Housing, Inc. (Pittsburgh, PA); American Association of Homes and Services for the Aging; ANCOR (American Network of Community Options and Resources); Anti-Displacement Project; The Arc; California Coalition for Rural Housing; California Housing Partnership Corporation; Cambridge Housing Authority (Mass); Center on Budget and Policy and Priorities; Chicago Community Development Corporation; Chicago Rehab Network; Cleveland Housing Network; Cleveland Tenant Organization; Coalition for Economic Survival (Los Angeles); Coalition on Homelessness & Housing in Ohio; Community Alliance of Tenants (Oregon); Community Capital Corporation (Colorado); Community Economic Development Assistance Corporation (Mass.); Connecticut Coalition to End Homelessness; Connecticut Housing Coalition.

Connecticut Housing Finance Agency; Connecticut Public Housing Resident Network; Consortium for Citizens with Disabilities; Corporation for Supportive Housing; Council for Affordable and Rural Housing; Council of Large Public Housing Authorities; Emily Achtenberg, Housing Policy & Development Consultant; Enterprise Community Partners; Great Lakes Capital Fund; Greater Hartford Legal Aid; Greater New Orleans Fair Housing Action Center; Housing Action Illinois; Housing Alliance of Pennsylvania; Housing and Community Development Network of New Jersey; Housing Assistance Council; Housing Development Corporation of Lancaster County; Housing Preservation Project (Minnesota); Institute of Real Estate Management; Jewish Council for Public Affairs; Lawyers Committee for Civil Rights Under Law.

Local Initiatives Support Corporation; Mercy Housing; Minnesota Housing Partnership; National Affordable Housing Management Association; National Affordable Housing Trust; National Alliance of Community Economic Development Associations; National Alliance to End Homelessness; National Alliance for the Mentally Ill; National Alliance of HUD Tenants; National Apartment Association; National Association of Home Builders; National Association of Realtors; National Church Residences; National Council of State Housing Agencies; National Disability Rights Network; National Fair Housing Alliance; National Housing Conference; National Housing Law Project; National Housing Trust; National Leased Housing Association.

National Low Income Housing Coalition; National Multi Housing Council; New York City Department of Housing Preservation & Development; Ohio Capital Corporation for Housing; Opportunity Finance Network; Organize! Ohio; Paralyzed Veterans of America; Partnership for Strong Communities (CT); Poverty and Race Research Action Council; Preservation of Affordable Housing; Public Housing Authority Directors Association; Religious Action Center for Reform Judaism; Retirement Housing Foundation; Southwestern PA Alliance of HUD Tenants, Pittsburgh, PA; Stewards of Affordable Housing for the Future; The Community Builders; United Cerebral Palsy Disability Policy Collaboration; Volunteers of America.

SECTION 8 VOUCHER REFORM ACT OF 2008 (SEVRA)

Section 1. Short title

Short title identifying the bill as the ''Section 8 Voucher Reform Act of 2008.''

Section 2. Inspection of dwelling units

Makes a number of changes to the inspection requirements for housing units rented to Section 8 voucher holders. Retains the initial inspection requirement, except permits occupancy and payments to be made for up to 30 days if a unit fails inspection as a result only of non-life threatening conditions. In such case, payments must be suspended after 30 days if the deficiencies are not corrected. Also allows a PHA to permit occupancy prior to inspection if another federal program inspection has been made within the preceding 12 months.

Properties will be required to be re-inspected at least every two years instead of annually. Permits use of inspections under a federal, state, or local housing assistance program in lieu of a public housing agency (PHA) voucher inspection. Requires a PHA to conduct an interim inspection within 15 days after a tenant notifies the PHA that a unit is out of compliance and within 24 hours in the case of a life threatening condition.

If a property fails an inspection and the failure is not corrected within 30 days, the PHA is required to abate assistance for up to 120 days, and the PHA may use abated assistance to repair life-threatening conditions. Requires a PHA to terminate its contract with the owner at the end of the abatement period if the unit is not repaired, and to notify the tenant that they have 120 days to find new housing beginning at the start of the abatement period. Requires that PHAs provide reasonable assistance to the displaced tenant, including the use of up to two months of abated assistance for relocation expenses, and if necessary give the tenant additional time to search for a unit or, at the tenant's option, preference for the next available public housing unit.

Section 3. Rent reform and income reviews

Recertification. Modifies the annual certification requirement for the Section 8 voucher and project-based assistance programs and for public housing to permit PHAs and owners to recertify fixed-income families every three years. Requires interim recertifications only if annual income increases by $1,000 or more, or at a family's request if its income falls by $1,000 or more.

Simplification. Simplifies the rent calculation process for the Section 8 voucher and project-based assistance programs and for public housing so that there is more reliance on standardized deductions. Raises the standard deduction for elderly and disabled families from $400 to $700 a year, and indexes that amount and the $480 dependent standard deduction for inflation in subsequent years. Allows deduction of unreimbursed child care expenses above 5 percent of annual income and raises the threshold for calculating medical and handicapped assistance expense deductions from counting such expenses over 3 percent to over 10 percent of income. Contains administrative simplification provisions, including relieving PHAs of the responsibility to maintain records of HUD-required income exclusions, creating safe harbor for reliance on other governmental income determinations (eg., Medicaid, TANF), and eliminating the need to calculate any imputed return on assets.

Work and Education Incentives: To help provide incentives for employment and earnings, a family's prior year's income is used to calculate its rent obligation and the first 10% of the first $9,000 of earned income is excluded from the income calculation. Exempts income of minors (except for heads of households or their spouses) and of adult dependents that are full time students, and exempts grant-in-aid or scholarship amounts used for tuition or books.

Impact on Public Housing Revenues. Requires HUD to provide additional public housing operating funds to public housing agencies whose rental income declines by more than one half of a percent as a result of the rent reforms in the bill, subject to the availability of funds. Also requires HUD to submit to Congress, a report identifying and calculating the impact of rent reforms on public housing costs and revenues.

Section 4. Eligibility for assistance based on assets and income

To better target assistance, prohibits any family from receiving assistance if they have more than $100,000 in net assets or an ownership in a residence suitable for occupancy. Excludes from this a number of assets including homeownership equity accounts and family self-sufficiency accounts, necessary items of personal property, retirement and education savings account assets, and amounts from certain disability-related lawsuits. Also excludes properties owned by victims of domestic violence and properties owned by families making a good faith effort to sell. Allows flexibility by permitting PHAs to elect not to enforce limits for public housing residents, and PHAs and project-based owners may delay eviction or termination of families not meeting asset restrictions for up to six months.

Extends the 80% of local area median income limitation that applies to initial occupancy to apply on an ongoing basis (determined at periodic recertification). PHAs and owners may elect not to enforce this income limitation for residents of public housing or project-based Section 8 units, and PHAs and owners may delay eviction or termination for up to six months.

Section 5. Targeting vouchers to low income working families

To address needs in very-low income areas, allows the higher of 30% of area median income or the national poverty level to be used as the income threshold for extremely-low income families.

Section 6. Voucher funding renewal

Authorizes such sums as may be necessary for Fiscal Years 2009 through 2013 for the renewal of expiring Section 8 vouchers, and for new tenant protection, enhanced vouchers, and other special purpose vouchers.

Stabilizes the voucher renewal formula to provide adequate and predictable funding each year. The voucher funding allocation shall be re-calculated each year, based on a PHA's leasing and cost data from the prior calendar year. Such calculation is adjusted for an annual inflation factor as well as the first time renewal of incremental, tenant protection and enhanced vouchers; for vouchers set aside for project-based assistance; for vouchers ported in the prior year; and for such other adjustments as HUD considers appropriate, including adjustments for

natural and other major disasters. PHAs are provided incentives to bring down voucher costs by allowing use of vouchers above the authorized level, but overall cost growth is constrained by limiting renewal funding to 103% of their authorized voucher level if reserves were used.

To ensure funds are available when there are market or program income fluctuations, PHAs may retain reserves equal to one eighth (12.5%, or ½ months) of their annual allocation at the end of 2008, 7.5 percent at the end of 2009, and 5% in each succeeding year. To implement the limitation on reserve funds, at the end of each year, HUD is required to reduce a PHA's funding allocation for the following year to offset excess reserves. HUD is required to make available all savings from such offsets to cover increased costs related to portability and family self-sufficiency escrow accounts, and for reallocation to PHAs for increased voucher leasing and to reward good performance. If a PHA has reserves of less than 2%, it can receive an advance of up to 2% in the last three months of a year to cover overages, which it ''repays'' through an offsetting funding reduction in the next year's funding allocation.

Provides for proration if overall funding is insufficient to meet nationwide costs, except that enhanced vouchers shall be fully funded. HUD is required to allocate all funds by the later of February 15th or 45 days after enactment of the appropriations bill funding renewals.

Tenant protection vouchers

Requires HUD to issue tenant protection vouchers, including enhanced vouchers for all public and assisted housing units that are lost (not just those occupied at time of application for such vouchers).

Portability

Requires PHAs to absorb ported vouchers from other PHAs starting on January 1, 2010, except that agencies are directed to phase in the absorption of the existing backlog of ported vouchers. Permits HUD to limit absorption in excess of a PHA's authorized level if HUD determines that there is insufficient funding. PHAs that absorb ported vouchers receive priority to be awarded excess funds to cover the resulting costs. If funds are inadequate to cover the costs of absorbed portability vouchers, HUD is directed to suspend the absorption requirement after providing 60 days notice to PHAs and the public.

Vouchers for people with disabilities

HUD is required to develop and issue guidance to ensure that incremental vouchers for disabled families will continue to be provided to such families upon voucher turnover.

Section 7. Administrative fees

Continues the current practice setting voucher administrative fees based on the number of vouchers in use and retains the Fiscal Year 2003 per unit fee as a baseline (adjusted for inflation) unless HUD establishes a new formula for calculating per unit fees by regulation.

Family self sufficiency

To assist in administering the successful Family Self Sufficiency Program (FSS), this section provides that voucher administrative fees will include a fee for FSS, based on the number of families being served, subject to performance standards to be established by the Secretary. Provides for proration if insufficient funds are appropriated to meet all costs under this provision, with a priority for funding at least one coordinator at each eligible agency. In addition, this section authorizes $10 million for an evaluation of the effectiveness of FSS programs.

Section 8. HOMEOWNERSHIP

This section continues the voucher homeownership program and permits voucher funds to be used for a down payment for first-time homebuyers, up to $10,000.

Facilitates use of vouchers for the full cost of purchasing manufactured homes sited on leased land, by permitting voucher funds to be used for both the cost of leasing the land plus monthly home purchase costs, including property taxes, insurance, and tenant-paid utilities.

Section 9 Performance assessments

The section ensures that PHAs are administering their voucher programs effectively by requiring HUD to assess voucher administration. Under this section, assessment must include the quality of units assisted, utilization of allocated funds and authorized vouchers, timeliness and accuracy of reporting to HUD, reasonableness of rent burdens, accurate rent and utility calculations and subsidy payments, effectiveness in carrying out family self-sufficiency activities, timeliness of actions related to landlord participation, and other factors as the HUD Secretary considers appropriate. Assessments must be conducted biannually, with results provided to Congress and the public as well as to PHAs. HUD must establish by regulation the procedures to be followed to bring poor performing agencies into compliance.

Section 10. PHA project-based assistance

To facilitate housing development, this section increases the maximum project-based voucher contract term from 10 to 15 years to be consistent with the underwriting period for the Low Income Housing Tax Credit program and also provides that rents for project-based vouchers shall not be reduced by virtue of being used in conjunction with Low-Income Housing Tax Credits.

This section increases the percentage of vouchers a PHA can project-base from 20% to 25%, with authority to go a further 5% higher to serve homeless people. This section also increases the percentage of vouchers that can be project-based in any project (rather than building) to the greater of 25 dwelling units or 25% of the units in the project, with authority to go up to 40% in areas where vouchers are hard to use. Maintains an exception to this limitation for units specifically made available for elderly and disabled families or populations with special needs receiving comprehensive services, and adds an exception for single family properties with no more than four dwelling units.

Allows a PHA to transfer vouchers and budget authority to other PHAs in the same or adjacent metropolitan areas or counties, to provide project-based assistance that will promote mobility and increase housing and economic opportunities. Directs HUD to encourage such transfers and promptly carry out funding and contract modifications needed to implement them.

Section 11. Rent burdens

Requires HUD to monitor voucher rent burdens and submit an annual report to Congress on the percentage of families nationwide paying more than 30% and 40% of their adjusted income for rent. Requires HUD to submit an annual report to Congress on the degree to which voucher families of particular racial and ethnic groups are clustered in lower-rent, higher poverty areas, and what can be done to achieve greater geographic distribution.

Requires PHAs to make information on local rent burdens and poverty concentrations available to the public. If the percentage of voucher families paying more than 40% of income for rent exceeds 5%, or families of particular racial and ethnic groups are concentrated in higher poverty areas, the PHA must either raise the payment standard or explain why payment standards are not being raised. HUD is required to approve requests to raise payment standards in such circumstances up to 120% of FMR, if the PHA has conducted a thorough review of its payment standards and rent reasonableness procedures and taken a series of other steps to ease rent burdens and expand housing opportunities. As a reasonable accommodation for a person with a disability, a PHA may increase payment standards up to 120% of the FMR without approval from HUD, and HUD may approve requests for payment standards above 120% of the FMR.

Section 12. Establishment of fair market rent

To ensure that Fair Market Rents (FMRs) are accurate, this section requires separate FMRs for each metropolitan city with over 40,000 rental units and each county (except counties that are located entirely within metropolitan cities with over 40,000 rental units or in the New England states).

Section 13. Screening of applicants

This section ensures fair decisions about program eligibility by limiting a PHA's elective screening of applicants to criteria that directly relate to an applicant's ability to fulfill the obligations of the lease, while retaining the ability of a PHA to deny eligibility based on criminal background and reasons relating to safety and security. Applicants and current participants are required to be notified of the basis of any determination of ineligibility, and are to be provided an informal hearing to present mitigating circumstances in such cases.

Section 14. Enhanced vouchers

This section ensures that families can remain in their housing, by providing that families may receive enhanced vouchers in the case of a property prepayment or opt-out even if they reside in oversized units, except that such tenants may be required to move to appropriate sized units and provides that families eligible for enhanced vouchers are not required to requalify under the PHA's selection standards. Directs HUD to issue implementing regulations within six months after the bill is enacted.

Section 15. Project-based preservation vouchers

Authorizes provision of project-based vouchers in lieu of enhanced vouchers (which are provided as continued housing assistance where an owner prepays a HUD-insured mortgage or upon the termination of a Section 8 contract), at the request of a project owner and a determination by the PHA that the building is economically viable and assisted units in the building will be in significant demand or will further community goals. Families otherwise eligible for enhanced vouchers will be eligible for preservation project-based vouchers. Such preservation project-based vouchers are similar to other project-based voucher assistance except they are not counted against the limit on the share of a PHA's voucher assistance that may be project-based, and are exempt from the limit on the share of units in a building that may be assisted with project-based vouchers.

Section 16. Demonstration program waiver authority

HUD is authorized to enter into agreements with the Social Security Administration and the Secretary of Health and Human Services to allow for participation in state demonstration programs designed to permit persons with significant disabilities to be employed and continue to receive a range of federal benefits. HUD is authorized to permit a partial or complete disregard of increases in earned income for persons participating in any such demonstration for the purpose of

calculating rent contributions for housing assisted by Section 8 vouchers.

Section 17. Study to identify obstacles to using vouchers in federally subsidized housing projects

Requires GAO to conduct a study on what legislative, regulatory and administrative requirements of federal housing programs (HOME, LIHTC), or practices and policies of PHAs or owners present obstacles to the use of vouchers in federally assisted housing.

Section 18. Collection of data on tenants in projects receiving tax credits

Requires state agencies administering Low-Income Housing Tax Credits to submit annual data to HUD on the characteristics of tenants in each Low-Income Housing Tax Credit project. Instructs state agencies, to the extent feasible, to collect data from owners through existing reporting processes and in a manner that minimizes burdens on property owners and directs HUD to establish standards and definitions for data collection, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs (in coordination with other federal agencies administering housing programs), provide states with technical assistance establishing data systems, and compile and make publicly available data submitted by states. Authorizes appropriations in Fiscal Years 2009 through 2013 to cover costs to HUD related to data collection.

Section 19. Agency authority for utility payments in certain circumstances

In cases where an owner fails to make required utility payments, this section authorizes the PHA to use voucher subsidy payments normally due to the owner to pay for continued utility service. Requires a PHA to take reasonable steps to notify the owner before making direct utility payments instead of payments to the owner, except that no prior notification is required in cases where a utility cutoff rendering the unit uninhabitable has occurred or is threatened.

Section 20. Access to HUD programs for persons with limited English proficiency

To facilitate compliance with the Executive Order requiring program access to people with Limited English Proficiency, this section directs HUD to convene a task force to identify vital documents that need to be translated to improve access to HUD services and make available translations within six months after documents are identified by the task force. Requires HUD to develop and carry out a plan to establish a housing information resource center to provide translations of written materials, provide a toll-free 24 hour interpretation service, and conduct a study of best-practices.

Authorizes appropriations to enable HUD to carry out the requirements of this section, and directs HUD to submit a report regarding its compliance within six months after enactment.

Section 21. Authorization of appropriations

Authorizes appropriations for the amount necessary to provide incremental vouchers for 20,000 families in each year from fiscal year 2009 through 2013, and establishes preferences for receipt of such assistance to preserve affordable housing and for entities that provide voucher assistance on a regional basis.

Section 22. Effective date

Provides that provisions of the bill take effect on January 1, 2009, except for Sections 3, 4, and 13 (relating to rents, income and asset limitations and fair market rents, which will take effect at the start of fiscal year 2010). Requires that PHAs and owners provide current tenants with notification of the major changes in the bill regarding rent policies and income and asset rules for continuing eligibility as soon as possible after enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 468—DESIGNATING APRIL 2008 AS ''NATIONAL 9-1-1 EDUCATION MONTH''

Mrs. CLINTON (for herself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 468

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas, in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas, in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81; 113 Stat. 1286);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas numerous other N-1-1 and 800 number services exist for nonemergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use those services in addition to or instead of 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the United States population each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate those people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to access to 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children early in life about 9-1-1;

Whereas the 9-1-1 system is often misused, including by the placement of prank and nonemergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources and needs to be reduced;

Whereas parents, teachers, and all other caregivers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas children, parents, teachers, and the National Parent Teacher Association contribute importantly to the education of children about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a Nation should strive to host at least 1 educational event regarding the proper use of 9-1-1 in every school in the country every year; and

Whereas programs to promote proper use of 9-1-1 during National 9-1-1 Education Month could include—

(1) public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other caregivers and businesses;

(2) educational events in schools and other appropriate venues; and

(3) production and distribution of information about the 9-1-1 system designed to educate people of all ages on the importance and proper use of 9-1-1; and

Whereas the people of the United States deserve the best education regarding the use of 9-1-1: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''National 9-1-1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe the month with appropriate ceremonies, training events, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4087. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4088. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her

to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4089. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4090. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4087. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(c) PROHIBITION ON CERTAIN PRIVATE SPONSORED TRAVEL.—

(1) IN GENERAL.—A Federal agency and any employee of that agency may not accept payment for travel or travel-related expenses from a non-Federal entity if the non-Federal entity has been subject to the jurisdiction of that agency in the 2-year period preceding such travel.

(2) DEFINITION OF SUBJECT TO THE JURISDICTION OF THAT AGENCY.—In this subsection, ''subject to the jurisdiction of that agency'' means, with respect to a non-Federal entity and a Federal agency, that the non-Federal entity has been subject to an order, investigation, or regulation of the Federal agency.

SA 4088. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table; as follows:

On page 69, between lines 4 and 5, insert the following:

(3) LEAD CRYSTAL.—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

SA 4089. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following new title:

TITLE _____—OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY

SEC. __01. SHORT TITLE.

This title may be cited as the ''International and Domestic Product Safety Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(2) CONSUMER PRODUCT.—The term ''consumer product'' means any of the following:

(A) Food, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), including—

(i) poultry and poultry products, as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453);

(ii) meat and meat food products, as defined in section 1 of the Federal Meat Inspection Act (21 U.S.C. 601); and

(iii) eggs and egg products, as defined in the Egg Products Inspection Act (21 U.S.C. 1033).

(B) A drug, device, cosmetic, dietary supplement, infant formula, and food additive, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(C) A consumer product, as such term is defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A motor vehicle, motor vehicle equipment, and replacement equipment, as such terms are defined in the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30102).

(E) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(F) A pesticide, as such term is defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(G) Any other food, consumer product, fishery product, beverage, or tobacco product with respect to which a department or agency that is represented on the Council has jurisdiction.

(3) COUNCIL.—The term ''Council'' means the Product Safety Coordinating Council established under section __04.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of International and Domestic Product Safety established under section __03.

(5) OFFICE.—The term ''Office'' means the Office of International and Domestic Product Safety established under section __03.

SEC. __03. OFFICE OF INTERNATIONAL AND DOMESTIC PRODUCT SAFETY; DIRECTOR.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Department of Commerce an Office of International and Domestic Product Safety.

(b) DIRECTOR.—The Office shall be headed by a Director of International and Domestic Product Safety who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report to the Secretary of Commerce.

(c) DUTIES.—The Director shall be responsible for facilitating the oversight and coordination of international and domestic consumer product safety responsibilities in a manner that protects the health and safety of United States consumers and ensures that consumers and businesses have access to vital consumer product safety information. The Director shall—

(1) establish policies, objectives, and priorities to improve the management, coordination, promotion, and oversight of all departments and agencies that are responsible for international and domestic consumer product safety;

(2) work with consumer groups, industry, and other interested parties to establish the policies, objectives, and priorities described in paragraph (1);

(3) create a ''one-stop'' Federal website for consumer product safety information;

(4) develop and maintain a centralized user-friendly public database of all consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other actions related to products sold (or offered for sale) in the United States, including mandatory and voluntary actions taken by Federal and State departments and agencies, or by businesses;

(5) implement a system for disseminating consumer product recall alerts to consumers and businesses, including retailers, the media, and medical professionals;

(6) promote the development of risk assessment models to assist Federal departments and agencies responsible for the importation and safety of consumer products to better identify and prevent the importation or introduction into commerce of unsafe products;

(7) promote the development of food tracing technology to provide consumers with access to the supply chain history of a consumer product;

(8) develop guidelines to facilitate information sharing relating to the importation and safety of consumer products among Federal departments and agencies, State and local governments, businesses, and United States trading partners;

(9) develop and maintain a public electronic directory of services to assist consumers and businesses in locating consumer product safety information;

(10) develop a framework for engaging United States trading partners in efforts to improve consumer product safety, including cooperation and coordination related to safety standards, testing, certification, audits, and inspections before consumer products are shipped to the United States;

(11) establish an inventory of Memoranda of Understanding negotiated by Federal departments and agencies with foreign governments related to the importation and safety of consumer products, and promote coordination among Federal departments and agencies seeking to negotiate new memoranda; and

(12) develop and implement other activities to ensure that there is a unified effort to protect the health and safety of United States consumers, including—

(A) simplifying consumer-retailer interaction regarding consumer products identified as unsafe;

(B) improving consumer product labeling;

(C) developing comprehensive recordkeeping throughout the production, importation, and distribution of consumer products; and

(D) increasing public access to information regarding—

(i) consumer product safety standards, testing, and certification;

(ii) enforcement of consumer product safety laws, and

(iii) consumer product-related deaths, injuries, and illness.

(d) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of International and Domestic Product Safety, Department of Commerce.''.

(e) FUNCTION OF THE OFFICE.—The function of the Office of International and Domestic Product Safety is to assist the Director in carrying out the duties of the Director described under this title.

(f) STAFF.—The Director may employ and fix the compensation of such officers and employees as may be necessary to assist the Director in carrying out the duties of the Director. The Director may direct, with the

concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency on a reimbursable or nonreimbursable basis.

SEC. __04. PRODUCT SAFETY COORDINATING COUNCIL.

(a) ESTABLISHMENT.—There is established a Product Safety Coordinating Council.

(b) COMPOSITION.—The Council shall consist of the following members or their designees:

(1) The Director, who shall chair the Council.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) The Under Secretary of Commerce for International Trade.

(4) A Deputy United States Trade Representative, as determined by the United States Trade Representative.

(5) The Under Secretary of State for Economic, Energy and Agricultural Affairs.

(6) The Under Secretary of Agriculture for Food Safety.

(7) The Commissioner of Food and Drugs.

(8) The Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(9) The Chairman of the Consumer Product Safety Commission.

(10) The Administrator of the National Highway Traffic Safety Administration.

(11) The Deputy Administrator of the Environmental Protection Agency.

(12) The Administrator of the Alcohol and Tobacco Tax and Trade Bureau.

(13) The Deputy Attorney General.

(14) The Director of the Centers for Disease Control and Prevention.

(15) The Chairman of the Federal Trade Commission.

(16) Such other officers of the United States as the Director determines necessary to carry out the functions of the Council.

(c) DEPARTMENT AND AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—The department or agency of each member of the Council shall assist the Director in—

(A) developing and implementing a unified effort to protect the health and safety of United States consumers;

(B) ensuring that consumers and businesses have access to vital consumer product safety information; and

(C) carrying out the responsibilities of the Director under this title.

(2) COOPERATION.—Each member of the Council shall seek to ensure that the department or agency the member represents—

(A) provides such assistance, information, and advice as the Director may request;

(B) complies with information sharing policies, procedures, guidelines, and standards established by the Director; and

(C) provides adequate resources to support the activities and operations of the Office.

(d) MEETINGS.—The Director shall convene monthly meetings of the Council.

SEC. __05. STRATEGIC PLAN.

(a) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, the Director shall, after consulting with the members of the Council, submit to the President and to Congress a strategic plan.

(b) CONTENTS OF STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall contain—

(1) a detailed description of the goals, objectives, and priorities of the Office and the Council;

(2) a description of the methods for achieving the goals, objectives, and priorities;

(3) a description of the performance measures that will be used to monitor results in achieving the goals, objectives, and priorities; and

(4) an estimate of the resources necessary to achieve the goals, objectives, and priorities described in subparagraph (1), and an estimate of the cost of the resources.

SEC. __06. REPORT ON INTERNATIONAL AND DOMESTIC PRODUCT SAFETY.

(a) REPORT REQUIRED.—Not later than November 1 of each calendar year, the Director shall submit to the President and to Congress, a written report on the safety of international and domestic consumer products.

(b) CONTENT OF REPORT.—The report submitted under subsection (a) shall contain a detailed description of the implementation of the duties set forth in section _____03(c) of this title.

(c) CONSULTATIONS.—The Director shall consult with the members of the Council with respect to the preparation of the report required under subsection (a). Any comments provided by the members of the Council shall be submitted to the Director not later than October 15 of each calendar year. The Director shall submit the report to Congress after taking into account all comments received.

SEC. __07. PRIORITY IN INTERNATIONAL TRADE TALKS.

The President, the Director, and members of the Council shall seek to engage trading partners of the United States in bilateral and multilateral fora regarding improvements in consumer product safety, including cooperation and coordination with respect to—

(1) authorization of preexport audits and inspections;

(2) establishment of safety standards, testing, and certifications; and

(3) public dissemination of information concerning consumer product recalls, advisories, alerts, seizures, defect determinations, import bans, and other related actions.

SEC. __08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out the provisions of this title and the activities of the Office.

SEC. __09. AUTHORIZATION OF INTERAGENCY SUPPORT FOR PRODUCT SAFETY COORDINATION.

The use of interagency funding and other forms of support is authorized by Congress to carry out the functions and activities of the Office and the functions and activities of the Council.

SA 4090. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 11, strike ''cigarette'' and insert ''Cigarette''.

PRIVILEGES OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent that Melissa Zolkeply, an intern for the Senate Commerce Committee, be granted floor privileges during the consideration of S. 2663.

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

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 67, 110th Congress, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Nevada, Mr. REID, the Senator from California, Mrs. FEINSTEIN, and the Senator from Utah, Mr. BENNETT.

ORDERS FOR TUESDAY, MARCH 4, 2008

Mr. INOUYE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, March 4; 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 the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and 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 proceed to the consideration of S. 2663, a bill to reform the Consumer Product Safety Commission; further, I ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. INOUYE. Mr. President, 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 6:28 p.m., adjourned until Tuesday, March 4, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STEPHEN R. LORENZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ALLEN G. PECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN T. SHERIDAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT L. CASLEN, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND E. BERUBE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD R. JEFFRIES
REAR ADM. (LH) DAVID J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GEORGE W. BALLANCE
CAPT. CHRISTOPHER J. PAUL
CAPT. RUSSELL S. PENNIMAN
CAPT. GARY W. ROSHOLT
CAPT. ROBERT P. WRIGHT
CAPT. MICHAEL J. YURINA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANK W. ALLARA, JR.
ANN M. BLAKE
GREGORY B. CANNEY
THADDEUS M. CHAMBERLAIN
ROGER W. CHILDRESS
JAMES C. CHOI
CHRISTOPHER CIAMBOTTI
SALVATORE R. CUTINO
ERNEST L. DABREO
HARIS EHLAND
STEPHEN J. EXTERKAMP
VICTORIA K. FARLEY
RICHARD R. FRAZIER
GREGORY R. GATES
THOMAS J. GRIMM
ARNE F. GRUSPE
RICHARD L. JOHNSON
ROBERT E. LANGSTEN
JAMES A. LOE
MICHAEL F. MORRIS
NANCY C. MOTYKA
DAVID W. MURRAY
STEPHEN P. MURRELL
MARK E. MUTH
BRADLEY E. RAUSCH
CRAIG H. RICE
JOHN A. SAFAR
SCOTT R. SCHUBKEGEL
JAY S. TAYLOR
ERNESTO J. TORRES
MAREN D. VAN
JANE S. WALLACE
MARK S. WALLACE
JOHN M. YACCINO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN R. ANDRUS
TIMOTHY D. BALLARD
ERIKA V. BARGER
MICHAEL T. BASHFORD
LEROY G. BEYER, JR.
MICHAEL L. BLEDSOE
WILLIAM T. BOLEMAN
JONATHAN W. BRIGGS
DIRK C. BRINGHURST
EDWIN K. BURKETT
TODD E. CARTER
DONALD E. CHRISTENSEN
DAVID R. CONDIE
KEVIN P. CONNOLLY
RONALD O. CRANDALL
ROY J. DILEO
GINA R. DORLAC
THOMAS M. DYE
BRUCE M. EDWARDS
ALFRED C. EMMEL
DANIEL J. FEENEY
ROBERT J. FISCHER
JOHN F. FORBES
DAVID R. FOSS
KEVIN J. FRANKLIN
JAMES W. FREESE
ANTHONY T. GHIM
JOSEPH A. GIOVANNINI
THOMAS W. HARRELL
JAMES W. HAYNES
AUGUST S. HEIN
KATHRYN K. HOLDER
PAUL J. HOUGE
JAMES P. ICE
MICHAEL S. JAFFEE
JANE K. KLINGENBERGER
DEREK A. KNIGHT
DAVID L. KUTZ
KENNETH S. LEFFLER
VIKI T. LIN
BLAKE D. LOLLIS
CHRISTOPHER R. MCNULTY
EMILY M. MILLER
MICHAEL G. MILLER
LEONARDO C. PROFENNA
JENNIFER M. RHODE
MATTHEW R. RICKS
DAMIAN M. RISPOLI
STEVEN E. RITTER
SCOTT A. RUSSI
CHUNG M. SIEDLECKI
MARIO A. SILVA
THERESA B. SPARKMAN
RICHARD E. STANDAERT, JR.
NEAL R. TAYLOR
CHRISTOPHER M. THOMPSON
JEFF P. VISTA
JAMES W. WALTER
GERALD S. WELKER
RANDALL C. ZERNZACH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KATHRYN L. AASEN
JASON T. BLACKHAM
JEFFERY A. CASEY
CHOL H. CHONG
KIMBERLY Y. CHRISTIAN
MICHAEL E. CRABTREE
CARLOS A. DIAZLABOY
HOLLY V. ELLENBERGER
YOUNG J. HONNLEE
NOANA ISSARGRILL
SHERYL L. KANE
BRENT L. KINCAID
JAMES M. KUTNER
JEFFREY K. LADINE
DAVID P. LEE
GIANG K. LOI
STEVEN A. REESE
ZINDELL RICHARDSON
TRISTANNE M. SPOTTSWOOD
KEVIN J. STANGER
MICHAEL R. SUHLER
RICHARD D. TOWNSEND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ZENEN T. ALPUERTO
MARK A. ANTONACCI
GUY C. ASHER, JR.
ADRIENNE W. ASKEW
CARLOS AYALA
GWEN M. AYERS
KARYN J. AYERS
KERRI L. BADEN
STEPHEN L. BARNES
MICHAEL C. BARROWS
SHERREEN G. BATTS
GREGORY H. BEAN
DEVIN P. BECKSTRAND
JENNIFER L. BEPKO
STEPHEN J. BEPKO
LYNN G. BERRY
HEIDI C. BERTRAM
ALEXANDER B. BLACK
REBECCA S. BLACKWELL
STEPHEN R. BODEN
HENRY A. BOILINI
KURT R. BOLIN
SCOTT G. BOOK
ALOK K. BOSE
JAMIE L. BROUGHTON
JEFFREY S. BUI
GARY J. BUTCHKO
DARREN E. CAMPBELL
MATTHEW A. CARRELL
MATTHEW B. CARROLL
MICHAEL C. CASCIELLO
NAILI A. CHEN
JASON J. CHO
NICHOLAS G. CONGER
JOSEPH A. COOK
JOANN B. COUCH
KIMBERLY A. DALAL
PATRICK J. DANAHER
PAUL A. DICPINIGAITIS
DELLA E. DILLARD
SUSAN A. DOTZLER
SARAH E. DUCHARME
DANIEL H. DUFFY
TIM D. DUFFY
DAVID J. DUVAL
PATRICK T. EITTER
CAROL J. ELNICKY
RONALD W. ENGLAND
CHARLES P. FAY
KENNETH H. FERGUSON
GERALD R. FORTUNA, JR.
LANCE T. FRYE
MATTHEW I. GOLDBLATT
KATHY J. GREEN
JEREMY M. GROLL
MARY L. GUYE
GREGORY J. HAACK
WILLIAM N. HANNAH, JR.
CHRISTOPHER G. HAYES
LAKEISHA R. HENRY
HOWARD HOFFMAN
MARK E. HOGGAN
DAVID C. IVES
JON M. JOHNSON
JOSEPH C. JOHNSONWALL
HYON S. KANG
ERICK G. KENT
JOCELYN A. KILGORE
PETER H. KIM
HEIDI L. KJOS
DAYTON S. KOBAYASHI
KY M. KOBAYASHI
MICAL J. KUPKE
BRENT P. LEEDLE
RALPH R. LIM, JR.
JEREMY D. LLOYD
TERENCE P. LONERGAN
THOMAS R. LOWRY
SALVATORE J. LUCIDO
MARK D. LYMAN
MIKELLE A. MADDOX
MICHAEL J. MCCOLLUM
LAVETA L. MCDOWELL
LISA C. MITCHELL
STEPHEN W. MITCHELL
LAURA M. MOORE
MEREDITH L. MOORE
CHARLES D. MOTSINGER
ANDREW J. MYRTUE
MARK A. NASSIR
GREGG B. NELSON
DZUY T. NGUYEN
DAVID A. NORTON
ANDREW O. OBAMWONYI
TANDY G. OLSEN
DAVID M. OLSON
CRAIG R. PACK
RACHELLE PAULKAGIRI
STEVEN D. PEINE
ANH T. PHAM
VALERIE M. PRUITT
RECHELL G. RODRIGUEZ
CHRISTOPHER S. ROHDE
DANIEL M. ROKE
TIMOTHY M. RUTH
KAREN A. RYANPHILPOTT
MARK W. SANKEY
KIRK D. SCHLAFER
MARK A. SELDES
PATRICK A. SHEA
MICHAEL T. SHOEMAKER
DAVID P. SIMON
JAMES L. SULLIVAN
JACK J. SWANSON
KRISTEN E. TALECK
CARL E. THORNBLADE II
DAI A. TRAN
MARK W. TRUE
MICHAEL W. VANDEKIEFT
KEVIN R. VANVALKENBURG
CHARLES V. VOIGT
SANDRA R. VOLDEN
ALLAN E. WARD
MATTHEW T. WARREN
CATHERINE T. WITKOP
PAUL A. YATES
FARIDA YOOSEFIAN
BRIAN M. YORK
MAURICE E. YOUNG
AARON T. YU
MARK A. YUSPA
DUSTIN ZIEROLD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LENNY W. ARIAS
AMY R. ASTON
ANGELA M. BACHTELL
JENNIFER R. BEIN
BRODIE L. BOWMAN
MARIEANTONETTE C. BRANCATO
JOHN A. BREWSTER
CASEY M. CAMPBELL
JARED W. CARDON
AURA M. CISNEROS
BENJAMIN R. CLARKE
LINDA K. COATES
SHERDON W. CORDOVA
ANDREW C. DREYER
AIMEE N. DULL
CHRISTINA L. ELLIOTT
JAY FEDOROWICZ
GEOFFREY L. GESSEL
ROEL GONZALEZ
ERIC C. HARDY
JENNIFER A. HASSLEN
CURTIS J. HAYES
PAUL B. HILFER
TYETUS T. HOHNSTEIN
ZACHARY HOUSER
ADAM J. HUHN
NATHAN D. KRIVITZKY
MELISSA S. KRUSE
JUDD G. LANGLEY
KETU P. LINCOLN
PATRICK M. MCDONOUGH
DIONTE R. MONCRIEF
IRIS B. ORTIZGONZALEZ
RUSSELL B. OWENS
DANIEL J. PALAZZOLO

CHRISTOPHER K. PARRIS
BRADLEY J. PIERSON
JAKUB F. PIETROWSKI
JOHN C. PRITCHETT
CHAD R. RAPER
MATTHEW T. RAPER
JAROM J. RAY
MATTHEW M. ROGERS
DAVID A. ROTHAS
RENE SAENZ
CADE A. SALMON
LESLEY J. SALVAGGIO
ERIC M. SCHARF
KYRA Y. SHEA
LANCE A. SMAGALSKI
JESSE W. SMITH
HEIDI R. SOTTEK
ANGELA K. STANTON
OSCAR R. SUAREZSANCHEZ
BRADY M. THOMSON
MICHAEL K. TOWNSEND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WESLEY M. ABADIE
DAVID A. ALCINDOR
BRIAN T. ALLENBRAND
TASLIM F. ALLIBHAI
DAVID R. ALLTON
MICHAEL ALUKER
MARIA V. ALVAREZ
MICHAEL P. ANGELUCCI
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BRIAN W. ZAGOL
SCOTT A. ZAKALUZNY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEITH L. FERGUSON

CONFIRMATION

Executive nomination confirmed by the Senate March 3, 2008:

DEPARTMENT OF JUSTICE

MARK R. FILIP, OF ILLINOIS, TO BE DEPUTY ATTORNEY GENERAL.