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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 10, 2008, at 12:30 p.m.

Senate

FRIDAY, MARCH 7, 2008

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

Eternal God, who unites us with Your love, help the Members of this body to fulfill their duties to You and to each other. Give them the spirit to feel the sorrows and trials of others as they become Your instruments in bringing deliverance to those on life's margins.

Preserve them from selfishness and empower them to walk in Your love. May they receive strength from Your promises, wisdom from Your precepts, and courage from Your Providence. Be their abiding reality as you lead them into paths of loving service. We pray in the Name of Him who is the truth and life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN, 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE REPUBLICAN LEADER

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

FISA

Mr. MCCONNELL. Mr. President, nearly an entire year has passed since the nonpartisan Director of National Intelligence, ADM Mike McConnell, warned Congress that America's electronic surveillance law was dangerously out of date and in critical need of repair. The old law was causing us to miss substantial amounts of intelligence on terrorist suspects overseas, and it needed to be fixed.

Yet nearly a year later the problem has still not been resolved. For no good reason, the dangers posed by the old law remain. The Senate has done its part to correct the problem. Last month, we passed a broadly bipartisan bill that fixed the outdated FISA law as well as the temporary bill that replaced it in August.

The only thing now standing in the way of intelligence officials having all the tools they need to monitor terrorists is the House Democratic leadership which is blocking the will of its own majority by refusing to vote on the Senate-passed version of the bill.

The House leadership's actions are quite irresponsible. Worse, they are dangerous. When a temporary 6-month revision of the FISA bill expired last month, House leaders said they needed 15 days to deliberate over a new revision that included legal protections for phone companies that stepped forward after 9/11 to help in the hunt for terrorists.

When those 15 days were up, House Democrats said they needed 3 more weeks. Then they left town for a vacation without acting, despite the urgent pleas of the Director of National Intelligence not to leave the bill undone.

Now, 3 weeks after House Democratic leaders said they needed 3 weeks to work out their concerns, they are ready to go on vacation without acting again, this time on a 2-week spring break. The patience of the American people is wearing thin. It is long past time for the Democratic leadership in the House to do its part.

They face a simple choice: Either take up the Senate-passed bipartisan bill that is guaranteed to pass their Chamber and be signed into law or go on another vacation, leaving the intelligence agents without the tools they need and America more vulnerable to terrorist attack.

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

Some cynics in the House think there is a third option: They want to pass a new bill that sounds acceptable but which they know would not be signed into law. This is a distinction without a difference. Passing a bill that will not become law is no better than passing no bill at all.

Some news reports, quoting senior Democratic aides, have suggested that a stalemate on the surveillance issue is helpful to both sides politically. This should offend anyone who takes America's security seriously. And it is refuted by the 68 Members of the Senate, Democratic and Republican, who voted last month to put the recommendation of the Director of National Intelligence into law.

The Senate's solid bipartisan action followed months of hard work between the two parties on the bill that met three basic criteria: It allowed intelligence professionals to gather information from terrorists overseas, it protected companies that stepped forward in a time of urgent national need to cooperate in the hunt for terrorists, and it was guaranteed to be signed into law by the President.

If the House Democratic leadership acts responsibly, it will follow the same three criteria by sending a good bill to the White House before the end of next week. The most efficient path to success is to take up the Senate-passed bill which a majority of House Members, we already know, support.

The time for action has long since passed. Democrats have had nearly a year to address this problem. Again and again they have asked for extensions, then failed to act once the deadline ran out. They are akin to students who continually put off their homework then ask the teacher for more time, hoping the final deadline will never come.

The acts of the House Democratic leadership make their purpose abundantly clear. If they had their way, an improved surveillance law would never pass in the only manner that is acceptable to the Director of National Intelligence.

It is not too late for the House to do the right thing. They have a full legislative week ahead to allow a simple up-or-down vote on the Senate bill. Our forces fighting in Iraq and Afghanistan will not be leaving their units for spring break. The House should not recess for theirs until they have voted on the Senate's bipartisan FISA reform legislation; to do anything less would be grossly irresponsible.

HONORING OUR ARMED FORCES

STAFF SERGEANT GEORGE S. RENTSCHLER

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a soldier from Kentucky who was taken from his family, his friends, and his country much too soon. On April 7, 2004, SSG George S. Rentschler of Louisville, in my home State of Kentucky, was on a combat patrol in Baghdad when his vehicle was struck by a rocket-propelled grenade. He was 31 years old.

For the bravery Staff Sergeant Rentschler showed in uniform, he received numerous medals, awards and decorations, including the Army Achievement Medal, the Army Commendation Medal, the Purple Heart, and the Bronze Star Medal.

Staff Sergeant Rentschler's loved ones will remember him as the finest coach, the fastest friend, and the most caring husband and son they ever knew. He loved to make people laugh. And he was, as his young son, Scott, succinctly puts it, the greatest dad you could have ever asked for.

An Army veteran of 10 years, Staff Sergeant Rentschler was raised in Louisville. As a kid he loved to play many sports, especially baseball and football. He enjoyed watching sports as well, particularly the University of Louisville, and he enjoyed the Kentucky Derby as well.

Following in his father Gilbert's footsteps, George was also an avid Detroit Lions fan. George's love of sports went beyond watching or playing, he was invested and actively encouraging others as a coach. ''He coached his kids like crazy,'' says George's mother, Lillian.

George got involved with many youth leagues, coaching baseball and football. He even coached a baseball team while stationed at Fort Knox. Many of those boys came to pay their respects at George's funeral, wearing their baseball caps in honor of their coach who taught lessons both on and off the field.

George went to Southern Middle School and Central High School and graduated from Louisville Male High School. After high school George joined the Army. He served as a training officer at Fort Knox where he attended a noncommissioned officer's academy. He also saw duty at Ft. Hood, Texas; Bosnia; and was stationed in Germany.

George's mother, Lillian, says he especially enjoyed his involvement with U.N. missions because he liked going to other countries. ''There wasn't any talking him out of it because he loved doing what he was doing,'' said Lillian. ''He loved his country.''

By the time he was deployed to Iraq, George was assigned to the Army's 1st Battalion, 35th Armor Regiment, 2nd Brigade, 1st Armored Division, based out of Baumholder, Germany.

Before shipping overseas, George was lucky enough to meet Rachel, who would become his wife. They met in a club in Louisville. Rachel noticed George because she thought he had the best manners of anyone there. She was so impressed, she got up and introduced herself.

George and Rachel married on September 11, 1998. Over their entire marriage, she cannot remember him ever being in a bad mood. George and Rachel raised two handsome sons, Scott and Brock. While George was deployed to Iraq, Rachel and the boys lived in Germany.

Family time was important to George, and whether it was an elaborate family vacation or a casual trip to a University of Louisville ball game, he always made time for Rachel, Scott, and Brock.

In George's many coaching endeavors, Rachel often wound up playing the ''team mom.'' George told his family often how proud he was to serve in the military and that he loved the camaraderie of his fellow soldiers. He earned their respect by volunteering for the tough jobs.

George's love of coaching, of bringing out the best in others, carried over to his soldiering career. He talked about one day working in the Pentagon, to train and educate younger soldiers. And he was looking forward to making coaching his profession after leaving active service.

My prayers are with the Rentschler family today after their tragic loss. We are thinking of George's wife Rachel; his sons, Scott and Brock; his mother Lillian; and many other beloved family members and friends.

George was predeceased by his father Gilbert. Staff Sergeant Rentschler's funeral service was held at the Carlisle Avenue Baptist Church in Louisville, and he was buried in Sturgis, KY. At the funeral service for her husband, Rachel said of George: ''He died doing what he loved.''

I want her and the Rentschler family to know George also died a hero, and this Senate honors SSG George S. Rentschler for his life of service. And we honor the immense sacrifice he made on behalf of a grateful nation.

I yield the floor.

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, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

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

The bill clerk proceeded to call the roll.

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

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

OUTSOURCING THE U.S. AEROSPACE INDUSTRY

Mrs. MURRAY. Mr. President, over the course of this past week, I have come to the Senate floor every single

day to sound an alarm about the misguided and potentially dangerous decision to outsource a major piece of our aerospace industry to Europe.

I have talked about the dismay Boeing workers felt in my home State of Washington when they learned the Pentagon had decided to award a contract to build the next generation of aerial refueling tankers not to Boeing but to a French company, Airbus.

I have talked about my shock that we would award Airbus this contract, given the EU's lengthy history of subsidizing these planes in order to create European, not American, jobs.

I have talked about the fact that Airbus is being less than open about how many U.S. jobs it will really create in this country.

All of these are reasons to be deeply troubled about this decision. But today I want to address yet another concern; that is, the ability to control our national security once we have effectively turned over control of our military capability and technology to a foreign government. This is an issue we all need to take a good hard look at.

America's global military strength is built on our ability to use military might anywhere in the world, at a moment's notice. Our aerial refueling tankers are the critical link that allows the U.S. Air Force to stretch across the globe. From Fairchild Air Force Base in my home State of Washington to the Far East, from Andrews to Baghdad, our bombers and our fighters can fly farther and faster because our tankers, which supply fuel in midair, are always there to support them.

Tankers, in fact, are so important to our military that Army GEN Hugh Shelton, who is the former Chairman of the Joint Chiefs, once said the motto of the tanker and airlift forces should be: ''Try fighting without us.''

Until now, the technology that powered these critical planes rested in the hands of Boeing and its American workforce, who have been building them for more than 50 years now.

Until now, our tankers have been built by manufacturers, by designers, and by engineers who have been able to pass on those skills and technology that 50 years of experience brings, and who are bound by law from selling that technology to countries that sponsor terrorism. Well, last Friday, that ended. Last Friday, the Air Force made a decision that will enable a company that is controlled by a foreign government to develop and share that technology. Are we going to look back on this decision and say this is the moment when we threw open the doors to our military technology? Are we going to allow our tankers, a linchpin of our national defense, to be the first domino to fall?

I have said this before. With one contract, we could wipe out what it has taken our Nation 50 years to build up: an experienced and exceptional aerospace industry. Once it is gone, we are not going to get it back. We will not get it back. Once we lose the ability to produce military technology right here at home, we begin to lose control over our Nation's defense.

This decision effectively gives foreign governments control over aspects of our own national security. In this case, we are giving up control and $40 billion to the European Aeronautical Defense and Space Company called EADS. That is the company that has made no secret of their desire to dismantle our American aerospace industry. In fact, this decision can be seen as a $40 billion investment in the military research budget of EADS and Airbus.

So we are allowing Airbus to take over a cornerstone of our military technology, and we are actually paying them to do it. While that certainly doesn't make sense, the fact that this deal could allow Airbus to share American technology with whomever they please is just plain dangerous.

The Air Force's decision means that American tanker technology, which has been developed over the last 50 years, is now out on the free market, available to the highest bidder. Under American law, the law that Boeing has to abide by, they are prohibited from selling technology to countries that sponsor terrorism. In other words, we have control. We have control over where that technology goes right now. But EADS and Airbus don't have to follow those same restrictions. They have said so in the past, and they have demonstrated that they don't care about giving technology to terrorists. They only care about their bottom line.

In fact, back in 2005, EADS was caught trying to sell military helicopters to Iran. But if the company is so pro-American, as they are saying right now, why was it ignoring U.S. policy to isolate Iran? Well, the answer to that question was simple to EADS Representative Michel Tripier. When he was asked about this back in 2005, his response was:

As a European company, we are not supposed to take into account embargoes from the U.S.

Let me repeat that. Here is what he said:

As a European company, we are not supposed to take into account embargoes from the U.S.

In 2006, EADS, the parent company of Airbus, proved they meant it when they tried to sell transport and patrol planes to Venezuela. That is a circumvention of U.S. law.

What if in the years to come Airbus wants to sell their tanker technology to Pakistan, to China, or to Iran? I wish to remind my colleagues that Russia now owns 5 percent of EADS, and it is pushing for 10 percent more. The United Arab Emirates now controls 7.5 percent of EADS.

What the Air Force has done is extremely shortsighted. They have said it wasn't their responsibility to take our security or our industry into account. Well, I say to my colleagues: Then Congress has to. Congress has to. We need to be more forward-looking than the Air Force was last Friday.

What happens in 20 years if EADS is controlled by countries that disagree with our policy on, say, Israel or elsewhere in the Middle East or around the globe? What if they decide to slow down production of tankers, to put us at a strategic disadvantage? Right now, we have no way to prevent that.

Where do we go from here? What other aspect of our military technology are we Americans willing to part with? Our aerial tankers are the backbone of our military strength. But what about our other critical military supplies? Are we going to outsource our tanks? Are we going to outsource our military satellites? What about the missiles that are currently made in Alabama? Are we going to outsource those? What about the equipment that has to be delivered constantly to our troops in the field? Are we going to outsource our meals ready to eat, our ammunition? I would not support that, and I know many of my colleagues wouldn't either.

So I am here to ask all of us: Where do we draw the line? The Air Force said it wasn't their job to consider the future of our national security and defense, but we as Senators have taken an oath to do that.

I urge all my colleagues to take pause and truly think about the consequences of this shortsighted contract. The American people and our national security are depending on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 2734 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized.

IMMIGRATION

Mr. KENNEDY. Mr. President, our Republican friends are at it again—offering simplistic and unworkable proposals in response to complex immigration issues. Our immigration policies should not only be about security and our economy, but they should reflect our humanity, decency, and morality. We are a Nation of immigrants. Immigrants are devoted to hard work, their families, their faith, and to America.

Mr. President, 70,000 immigrants served honorably in our Armed Forces, and many have given their lives in Iraq and Afghanistan. Those are the values that have built America and we should welcome them.

But you would never know it from the misplaced immigration priorities of my Republican colleagues. Rather than tackle the Nation's priorities, they continue to cater to the basest instincts of the far right fringe. For 7 years, Republicans have failed to fix

the broken immigration system, offering only divisive measures and empty rhetoric that subvert our values as a Nation of immigrants, undermine our national security, and leave American jobs unprotected.

It is time to get real. Approximately 12 million people are living in our country outside the system. That is more than the population of New York City. Illegal immigrants are here because there are jobs, and there are jobs because employers know they can get away with breaking the law and abusing illegal workers. The past 7 years should have taught the Republicans that deportation alone doesn't work.

Don't the Republicans get it? Deportation-only policies have failed spectacularly. Existing control efforts are unacceptably costly. We now spend over $10 billion on border and interior enforcement, and the system is more dysfunctional and lawless than ever.

These expenditures barely scratch the surface of the true costs enacted by our current policies. Heavy-handed enforcement hurts U.S. citizens living in the border region. These communities bear the brunt of environmental degradation, noise and light pollution and surging border-area violence. In spite of these escalating costs, illegal immigration continues unchecked.

Even when Republicans are given the tools, they don't use them. Last year, the Bush administration prosecuted only four employers for hiring illegal immigrants. It is time to stop coddling employers who break our laws and undercut American workers. It is time to force bad actor employers to respect our immigration and labor laws, to provide fair wages, to offer decent working conditions, to value the rights and contributions of the workers they employ, including American workers. And it is time to punish those employers who don't.

Let it be known the Republican agenda isn't based on real solutions. Instead, they have been cynically using the immigration problem to stir up local resentment and fear. They have vilified and attacked immigrants, especially Latinos. First, they proposed to criminalize priests and those who help immigrants. Remember the bill that passed the House of Representatives under the Republican leadership that said you have situations where we have several million children who are American citizens; they have mothers who may be undocumented. Under their law, the mothers had to be deported. If a mother went and talked to a priest and asked: Where is my responsibility, to comply with the law or look after my child, if that priest were to suggest that her first responsibility was to look after that child, under the Republican law, that priest could have been indicted as an accessory after the fact. That was Cardinal Mahoney, the great cardinal from Los Angeles, who spoke out on this issue with such credibility and outrage. Then they opposed comprehensive immigration reform that we had on the floor of the Senate. Two-thirds of the Democrats said yes; two-thirds of the Republicans said no. Now we have their proposal as introduced this week.

What do the Republicans have against immigrants?

When immigrants are abused, all Americans suffer. Employers can get away with depressing our wages, neglecting working conditions for all workers, immigrants, and citizens.

This isn't leadership and, sadly, it is not new. It is a continuation of a decades-old Republican strategy to scapegoat and marginalize vulnerable minority communities, to fan the flames of fear and divert attention away from their own inaction and failures.

The Republican leadership may not get it, but the American public does. Americans understand that reforming our immigration system is a complex challenge and requires a tough, fair and, above all, realistic solution. They know it is time for change and time to find a way forward.

We need to require the 12 million undocumented immigrants in this country to register with the Government and get legal. This includes payment of appropriate fees and fines, submitting to extensive security and background checks, learning English, and paying any U.S. taxes they owe. We need to deport those who have committed serious crimes or represent a threat to our national security; to implement border control that is well resourced, utilizes modern technology and is effective and humane at the same time; target and punish employers who flaunt the law by hiring those who are not authorized to work; assist States and local communities that are affected by high rates of immigration by helping to defray health, education, and criminal costs; and ensure that American workers are helped, not harmed, by U.S. immigration policy.

Instead of embracing these goals, the Republicans want to deny local communities funding for community policing because such communities recognize that earning the trust of immigrant communities helps to combat crime. They would condemn victims of domestic and sexual violence to a life of abuse, unable to come forward to report such crimes.

They want to force all American workers to prove their eligibility to work based on a database that is so flawed it will result in the denial of employment to millions of authorized workers, including American workers and American citizens. This in a time when workers are struggling to put food on the table, pay their bills, and hold onto their homes.

They want to subsidize sweetheart Government contracts with taxpayers' money to build exorbitantly expensive fences that have shown little promise in stopping illegal immigration, and they want to take property away from American landowners to build these fences. These ideas don't just hurt immigrants, they hurt Americans.

Senate Democrats have led an effort to fix our broken immigration system not once but twice. That legislation was pragmatic, recognizing it is impractical to deport 12 million illegal immigrants. That legislation recognized the Government must seize control of our immigration system and implement border enforcement that is both effective and humane, while aggressively going after and penalizing employers that knowingly break the law and profit off illegal immigrants. It also included a roadmap for future orderly immigration that would uphold American values, support the American economy, and ensure that immigration, first and foremost, serves the interests of Americans.

The majority of Republicans turned their backs on workable solutions. They chose instead to grandstand the issue and push a delusional ''round 'em up and kick 'em out'' agenda. And here they are again in this new political season playing the same old tired tune. This country deserves better.

I challenge my Republican colleagues to demonstrate the courage and fortitude it will take to pass legislation that is tough, effective, workable, and gives the American public what it deserves: an immigration system that serves the economic, social, and security needs of 21st century America. Anything less is a disgraceful insult to the American people.

CREDIT MARKET AND STUDENT LOANS

Mr. KENNEDY. Mr. President, I wish to take a few moments to discuss a growing problem for students and families struggling to pay for college.

Americans are anxious about their economic futures. They are seeing volatile markets, disappearing jobs, home foreclosures, rising debt, and declining benefits. Now the crisis in the credit market, stemming from irresponsible lending practices in the mortgage industry, may impact their ability to secure student loans at fair rates so their children can go to the college of their choice.

We all know that student loans are critical for millions of students and parents trying to pay for college. In the last 20 years, as the cost of college has tripled, more and more students are relying on students loans to afford a college education.

In 1993, less than half of all graduates had to take out loans, but in 2004, nearly two-thirds had to take out loans to finance their education.

This chart shows how more students must take out loans to finance their education. In 1993, if you look at the students taking out loans, and then here in 2004, you can see that as the cost of college has risen and grant aid has not kept pace, more and more students have to turn to loans. This difference has made students borrowing in the private sector—in many instances at exorbitant rates. It is this area, in

the private sector, that is at risk. The federal student loan system is not affected in the same way. I will say more about that in my remarks.

Last year, we passed legislation that increased grant aid and ensured that Federal loans were cheaper for students by cutting interest rates. We also ensured that no graduate would have to pay more than 15 percent of their income in monthly loan payments and that those who enter public service will have their loans forgiven. But these benefits will be meaningless if these students cannot access the loans they need to be able to afford the college of their choice.

In recent weeks, the credit market crisis has made it more difficult for student lenders to secure capital. This has increased the cost of lending, causing some lenders to pull out of the student loan market and causing those operating outside the Federal loan program to cut back on lending to high-risk borrowers.

Due to the attractiveness of the Federal guarantee in the federally subsidized program—so far—other lenders are stepping up to fill in the gaps in that program. And the interest rates in that program are capped so students are protected from inflated interest payments.

But students who need to go beyond the Federal loan program will have a tougher time finding lenders, and their rates will go up in the fall. Schools are beginning to sound alarm bells and telling students to get their loans now because they may be less available in the fall.

We must take action to ensure that students have the resources they need to attend college. We must ensure that the backstops built into the Federal loan program, designed to protect students and parents from the kind of credit market disruptions we are seeing today, are ready to be implemented.

One of those backstops is the Direct Loan Program. It allows students and parents to borrow directly from the Federal Government without going through a bank. The Secretary of Education uses funds from the U.S. Treasury to make the loans. This program does not rely on capital from the private financial markets, so it is completely insulated from the disruptions the market is experiencing today.

Current law allows the Secretary to advance capital to designated Lenders-of-Last-Resort so they can step in if students are having trouble finding loans through other banks.

These programs are already in the law. And nearly 2,000 colleges are already either using or signed up to use the Direct Loan Program. Last week, I wrote to Secretary Spellings urging her to take any necessary action to ensure that schools that rely solely on private banks can easily access the Direct Loan Program and to ensure that procedures are in place to set up lenders of last resort.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to Secretary Spellings at the end of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, we must also ensure that students who are borrowing outside the Federal loan program are protected. A good first step is to make sure parents and students are aware of their options. According to the Department of Education, many students who turn to private loans—high-cost loans that are not subsidized by the Federal Government—are not taking advantage of the grant aid and low-interest loans that they are eligible for under Federal programs. This is unacceptable. We need to make sure college financial aid advisers are giving students the information they need to maximize student aid and get the best deals on their loans.

We are currently in conference with the House on the Higher Education Act. That bill will ensure that we do just that. It will help students make the most of the college aid they are eligible for by requiring lenders to disclose—on private loan applications and the documents they sign before a loan is made—that students may be eligible for grants from the Federal Government, their State, and their college, as well as lower-cost loans from the federally subsidized program. We also require additional counseling by the financial aid experts for students regarding their student aid options.

For families who need additional loans beyond the Federal loans while they are in school, we must ensure they can access loans at affordable rates in the private markets. We are working with our colleagues in the Banking Committee, led by the committee's chair, Senator DODD, on this issue. I also plan to offer legislation that will expand the eligibility for low-cost Government loans for these students.

In the coming weeks, the Committee I chair, which deals with education issues, will convene hearings so we can hear directly from those affected. We will also continue to monitor the Department of Education's efforts to implement the existing safeguards in the Federal programs.

In today's uncertain economy, Congress has an obligation to provide a steady hand and to shore up programs on which Americans depend. Nothing can be more important than ensuring that families can afford a college degree.

EXHIBIT 1

Washington, DC, February 28, 2008.

Hon. MARGARET SPELLINGS,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY SPELLINGS: As you know, the U.S. capital market has been experiencing stress as a result of the sub-prime mortgage crisis and investor uncertainty about the condition of the economy. Recently, certain student loan lenders have encountered difficulties in accessing the capital market to finance their lending activity. While these disruptions have had an impact on some lenders, they so far have not negatively affected students' ability to access federal loans. Some lenders have expressed concern about their ability to continue to make loans through the Federal Family Education Loan Program (FFELP), but others are anticipating increasing their student loan business in response to changes in the FFEL marketplace. As you know, there are several tools already in statute that protect against any unforeseen disruptions in the private capital markets. We urge you to take any steps necessary to ensure that these options are readily available so that recent activity in the credit markets does not adversely affect students' ability to secure federal student loans in a timely manner

Since the capital market disruptions began, we have been closely monitoring the situation and its potential impact on the Federal student loan programs. We and our staffs have held in-depth discussions, and will continue meeting with, the many stakeholders involved in delivering Federal college loans to students and families, including schools, lenders, guaranty agencies, secondary markets, investment bankers, and officials of various Federal agencies, including the Departments of Education and Treasury. Through these discussions we have gained a detailed understanding of how the current difficulties in the credit markets might affect some segments of the FFELP industry, especially those lenders that have relied on the auction rate securities market.

While we are hopeful that overall credit market conditions will soon improve, subsequently easing the constraints some in the FFELP industry currently face, it is only prudent to prepare now to ensure that these conditions do not negatively impact students' ability to access Federal student loans. As we have seen far too often, shocks in the credit and financial markets come as a surprise, leaving those affected little time to react.

Having plans in place and operational now will help ensure that all stakeholders, including institutions and the federal government, can respond to any potential loan access problems with the least possible delay for students, families, and schools. More importantly, such plans will provide students and families with the assurance that they will continue to be able to obtain Federal student loans to finance their education.

The Department of Education needs to be prepared to use the tools the Congress has provided to ensure that all eligible students continue to have uninterrupted and timely access to Federal student loans, in the unlikely event that stress in the credit market leads a significant number of lenders to substantially reduce their activity in FFELP.

First, the Department of Education should update plans to implement a lender-of-last resort program in the instance that there are widespread student loan access problems and take all available steps to ensure these plans can become operational quickly, if necessary. As you know, under existing law FFELP guaranty agencies are obligated to serve as lenders-of-last resort to avert any possible problem in access to student loans, thereby providing a nationwide network of backstop lenders. Further, you have the authority to advance federal funds to guaranty agencies to provide them with loan capital if needed. While such a program has not been previously implemented for the FFELP, the Department had established such a plan in 1998, when some FFELP lenders were then indicating that they might withdraw from the guaranteed loan program. Updating

these plans now will help ensure that deploying such a contingency can he done at the first sign of any problems experienced by schools or borrowers in obtaining Federal student loans from a FFELP lender.

Second, the Department of Education should take action to ensure that the Direct Loan program is fully prepared to respond to any unanticipated increase in demand for the program. As you know, the Direct Loan program does not rely on private lenders and therefore will not be affected by the changes in the credit market. Based on our discussions with Department officials, financial aid officials from schools currently participating in the Direct Loan program, and others, we are confident that the program could help alleviate any potential problem that borrowers or schools may face should FFELP lenders continue to face difficulties and withdraw from the program. The Department needs to take steps to ensure its plans to facilitate and expedite a school's transition from the FFELP to the Direct Loan program on either a temporary or permanent basis can be immediately executed, should a school so desire. In addition, it is important for the Department to ensure that adequate capacity exists to absorb any increases in additional loan volume.

Finally, we understand that you will soon be corresponding with colleges about the state of the Federal student loan programs. We request that in such correspondence you make readily available information on the option of participating in the Direct Loan program and on lender of last resort procedures.

We are encouraged that the Department has begun to examine these options, but we look forward to hearing about further contingency plans that would allow the Department to act immediately to ensure all students and families continue to have access to federal student loans in a timely manner.

We stand ready to provide you with any needed assistance that you believe will be necessary in undertaking the two important steps outlined above.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor, and Pensions.

GEORGE MILLER,
Chairman, House Committee on Education and Labor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HOUSING CRISIS

Mr. SALAZAR. Mr. President, I come to the floor of the Senate today to call again upon our colleagues in this chamber to move forward with a package that addresses housing challenges we face here in America today.

The dream of American home ownership is very much at risk today. We are seeing a housing crisis and a financial crisis here in America that is unparalleled in recent times. In fact, when you speak to the home mortgage industry as well as the homebuilders, as well as the homeowners, they will all tell you we have not seen anything like this in America since the Great Depression. The statistics and the facts are there to demonstrate this, as well as the reality of people who are losing their homes, and more than even those who are losing their homes, who have to go through the pain and heartache of losing their homes because they cannot afford to pay the adjusted rate mortgages which are putting them in a position where they cannot afford to stay in their homes. It is also a pain that spreads across to all homeowners of America because when you have the kind of foreclosure situation in which we find ourselves in America today, that pain is one that is felt by all of those who are homeowners.

This chart is a chart that was prepared by Moody's, a group of economists that came up essentially to give us the facts and the statistics that demonstrate, without equivocation, that this is an unprecedented housing downturn we are seeing. This is a worse downturn than anything we saw in the 1990s and the 1980s, and, in fact, their conclusion is that we have never seen such a downturn since the Great Depression.

I wish to point out two things on this chart. The first is that the housing prices are projected to decline overall across the Nation by nearly 16 percent. We know that most Americans, most middle-class Americans in this country who are in a home have most of their equity, their value in life, tied up in their home. So when you have a decline in their home values by 16 percent, you are impacting the American homeowners in a very significant way. That is why, when we talk about the foreclosure crisis which is facing America, it is not about those who are on the verge of losing their homes; it is about all American homeowners because of the kind of price decline we are seeing in values in homes all across America.

A 16-percent decline in home values, I would suspect, is something that is of grave concern to most Americans. I would think this Chamber, as well as our colleagues in the House of Representatives, as well as the White House, should be saying that as part of an economic stimulus package, we ought to pivot over to the housing issues that face America and do something to restore confidence in the housing markets of America.

Another indicator from Moody's, as you see in this chart, is with respect to housing starts. You look at the trough in housing starts in the 1980s, where housing starts declined to about 58 percent. Well, the economists are telling us now that given the high rates of foreclosure, what is happening is there is no end in sight. This red line has no end in sight, where you have a 60-percent decline in housing starts. We do not know how far that is going to go. When you have that kind of decline in housing starts, you are going to be affecting several hundred thousand Americans who are in the job market as part of the housing industry.

So these statistics, which are national statistics out of Moody's, should be telling us all that we should be doing something about the housing crisis here in America.

I am certain the Presiding Officer from Ohio can paint a similar picture about the housing problems in Ohio because there is a problem in the Presiding Officer's State as well as Florida and Nevada and California and many other States around the country.

When I look at what the housing crisis means for the 5 million people in Colorado, it tells me we have a severe problem in my State as well. Today in Colorado, 1 out of every 376 homes is in foreclosure. That is the highest rate of foreclosure we have seen in the history of the State. It is unprecedented. We are not yet at the point where we have hit bottom.

If you look at foreclosures that are expected to occur between 2008 and 2009 in Colorado, projections are that nearly 50,000 homes—49,923—will go into foreclosure. For a State with 5 million people, that is a significant number. What will that mean in terms of the impact on other homeowners around the State? About 748,000 homes are going to suffer a significant decline in value. That is about half of all the homes in the State of Colorado.

When Majority Leader REID, now more than a week ago, came to the Chamber and said what we ought to do is pivot off of the economic stimulus package, which we worked out with the President, and move forward to address some other ailments in the economy—and he said the first of those ailments is the housing crisis—he was right. This Chamber should have moved forward and started to address the housing crisis. Instead, we ended up in 1 of the now 73 filibusters we have had to address.

I hope my colleagues, Republican and Democratic, come back and say: No, this is too serious an issue. It is something we have to address with the 2008 Foreclosure Prevention Act which Majority Leader REID had filed at the desk and, with amendments, we can try to make sure we have an effective remedy for this ailment we are facing in America today.

When you pick up the newspapers of today, they show this is a problem that continues to be at the highest level of attention for our people. USA Today, in its headline, talks about how home equity is below the 50-percent level. That is a figure that came out of the Federal Reserve Board yesterday. It is the lowest home equity level since 1945. To me that is another clarion call for this Congress to do something about the housing issue.

Pick up the Wall Street Journal from today. It reads: ''Housing and Bank

Troubles Deepen.'' The statistics are all there. We know we have a huge problem on our hands in terms of this pillar of the economy ailing. We also know this is causing pain to American homeowners, and the dream of American home ownership is in jeopardy today.

I call on my colleagues in the Senate to move forward and address this issue in a robust way. I am hopeful in succeeding weeks we are able to put together a coalition of Democrats and Republicans who say that this housing crisis must be addressed now for the sake of the American people.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN INTELLIGENCE SURVEILLANCE

Mr. KYL. Mr. President, it has now been 20 days since the law that allows us to collect foreign intelligence abroad has lapsed. We are without the authority we need to collect intelligence against our terrorist enemy. The law expired February 16. The Senate passed a bill, a bipartisan bill, with 68 Senators voting yes, Democrats and Republicans. It was fashioned by the Intelligence Committee which passed it 13 to 2, a wide bipartisan margin, clearly a consensus that the United States must have authority for intelligence collection against our terrorist enemies. We passed that bill, sent it to the House of Representatives hoping that the House would act quickly, send it to the President for signature so we could get on with this important aspect of the war against terror. So far the House of Representatives leadership has not brought the bill to the floor of the House; this notwithstanding the fact that it clearly would pass. We know, because of letters Members of the House of Representatives have written to their leadership, that Democrats and Republicans together have more than enough votes to pass this legislation we in the Senate passed. Yet the House leadership sits on its hands.

Three weeks ago the House leadership said it needed 3 weeks to get the job done. That 3 weeks expires Sunday. But the House is not even in session now. So today I rise to urge our House colleagues and especially the House leadership to step to the plate and pass this foreign intelligence surveillance act reauthorization to enable us to collect intelligence.

I am going to, at the conclusion of my remarks, ask unanimous consent to put a variety of things in the RECORD. But I am going to refer to them now and talk a little bit about why this is so important.

Let's start by stating the premise on which I think we all agree. This is something that does not divide Democrats and Republicans. We have some divisions about the war against terror. We have some divisions about the war in Iraq. But all of us understand, first and foremost, you defeat terrorists with good intelligence. You find out what they are up to, and you are, therefore, better able to stop their plans before they are able to execute them.

Without this intelligence, bad things happen. We did not have the intelligence we needed before 9/11, and we all know what happened. Since then, a lot of changes have been made. Among other things, we have made changes to the law that enables us to collect intelligence abroad. As a result of all of those changes, we have not had an attack on the homeland.

God forbid we should have such an attack, but if we did, the new 9/11 Commission—whatever that would be called—would point the finger directly at the leadership of the House of Representatives for not reauthorizing this intelligence collection because every day that goes by we are losing important intelligence.

As we found out through the 9/11 Commission after that fateful day, we failed to see things we could have known about that might have prevented us from suffering that attack on 9/11. But because of the law that existed at the time, because of the wall that existed between the CIA and the FBI, for example, they were not able to share this information. As a result, we were not able to intercept two of the hijackers.

Well, now, today we have a situation where the law that enables us to collect this foreign intelligence has expired. There are two problems with that expiration. The first is that every day that goes by new intelligence is not being collected. You could have a terrorist in Afghanistan calling a terrorist in Germany, plotting some action against the United States, and because the call happened to be routed through a U.S. connection of some kind the law would not enable us to collect that intelligence. So every day we are losing intelligence.

Secondly, because the telecommunications companies that help us in this effort have been sued by trial lawyers, we need to provide protection against these lawsuits. If we do not, there will come a time, in my opinion, that it will be very difficult for these telecommunications companies to continue to cooperate with the U.S. Government. Then, no matter what kind of law we passed, we would not have the support of the only folks who can help us collect this intelligence. So we need this legislation, and the House of Representatives needs to act soon.

There was recently an op-ed that was written by Senator KIT BOND and Representatives PETE HOEKSTRA and LAMAR SMITH. It occurred in the Wall Street Journal on February 26. They point out, in this op-ed, that the intercept of these terrorist communications ''requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11.'' They go on to say:

> So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

They go on to say:

> It has already happened, briefly.

They quote Director of Intelligence Mike McConnell and Attorney General Michael Mukasey saying:

> [W]e have lost intelligence information . . . as a direct result of [this] uncertainty.

So, Mr. President, I ask unanimous consent this article, dated February 26, 2008, 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. 26, 2008]

IN CASE YOU MISSED IT: HARD OF HEARING

(By Reps. Kit Bond, Pete Hoekstra and Lamar Smith)

Are Americans as safe today as they were before Congress allowed the Protect America Act to expire on Feb. 16?

House Speaker Nancy Pelosi and other Democrats say we are. They go so far as to say that the Protect America Act—put in place last year to overcome obstacles in the Foreign Intelligence Surveillance Act (FISA) that make it harder to intercept terrorist communications—was not even necessary. In the Washington Post yesterday, Sens. Jay Rockefeller and Patrick Leahy, and Reps. Silvestre Reyes and John Conyers, wrote that our intelligence agencies can collect all the intelligence they need under FISA.

That is simply false. We are less safe today and will remain so until Congress clears up the legal uncertainty for companies that assist in collecting intelligence for the government—and until it gives explicit permission to our intelligence agencies to intercept, without a warrant, foreign communications that pass through the U.S. Here's why:

Intercepting terrorist communications requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11. So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

It has already happened, briefly. ''[W]e have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act,'' Director of National Intelligence Mike McConnell and Attorney General Michael Mukasey wrote in a letter dated Feb. 22 to Mr. Reyes, the chairman of the House Intelligence Committee.

The old FISA law does not adequately protect the U.S., which is why it was revised by the Protect America Act last summer. The problem is that, although it has a few work-around-provisions, such as allowing intelligence agencies to conduct surveillance for up to 72 hours without a warrant, FISA ultimately requires those agencies to jump through too many legal hurdles. Those include the Fourth Amendment's ''probable

cause'' requirements, protections never intended for suspected terrorists' communications that are routed through the U.S.

It is true that the FISA Court approves the vast majority of warrants sought by intelligence agencies. This demonstrates that our intelligence agencies are professional and painstakingly provide all of the necessary evidence to establish probable cause to the Court. But in the fast-paced intelligence world, and when dealing with foreign communications, we need our agencies to be able to intercept a far greater number of comunications—notably those of foreign terrorists—than can be justified under the Fourth Amendment.

Telecommunications companies are for now, after intense negotiations, cooperating with the government under the assumption that protections granted to them under the Protect America Act will be upheld in court, even though the law is now defunct. But there is no guarantee that the courts will do any such thing. There is also no guarantee that corporate executives, under pressure from their legal counsels and shareholders to limit liabilities, will continue to cooperate.

The cooperation of the telecommunications companies is limited to intercepting communications of terrorists identified before the Protect America Act lapsed. Until intelligence agencies can chase leads involving foreign communications, the U.S. will not be as safe as it was just a few weeks ago.

Further extending the Protect America Act is no way to fight a war against a determined enemy that uses our infrastructure against us. We need a long-term fix for FISA; and that is what a bipartisan majority in the Senate tried to accomplish earlier this month when it passed its FISA modernization bill by a 68–29 margin.

The problem is in the House, where Democratic leaders prefer to play an obstructionist role instead of constructing the architecture we need to fight an intelligence-driven war. Instead of voting on the Senate bill, even though a majority of House members stand ready to pass it, Mrs. Pelosi is still sitting on it. She is now pushing for a ''compromise'' that would gut many of the provisions that secure the cooperation of telecommunications companies.

Our troops collect intelligence in Iraq and Afghanistan on a daily basis. We must exploit quickly the leads they turn up. Court orders should not be necessary to engage foreign targets in foreign countries. The Senate bill must be allowed to come to a vote in the House of Representatives without further delay.

Mr. KYL. Secondly, a letter was written to Congressman HOEKSTRA, the ranking member of the House Intelligence Committee, and LAMAR SMITH, ranking member of the House Committee on the Judiciary, dated March 6 of this year, signed by Attorney General Mukasey and Admiral McConnell, Director of National Intelligence. I am going to quote a couple of lines from it:

We write in response to your letter of March 5 concerning the core surveillance authorities needed in any modernization of the Foreign Intelligence Surveillance Act of 1978.

. . . As we have explained in prior correspondence, the RESTORE Act—

Which is the bill that had been passed by the House of Representatives earlier—

. . . would seriously undermine these authorities and may well reopen the gaps temporarily closed by the Protect America Act. The RESTORE Act, or legislation similar to it, is, in short, no substitute for the bipartisan Senate bill.

Mr. President, I ask unanimous consent that this letter of March 6, to which I just referred, be printed in the RECORD.

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

MARCH 6, 2008.

Hon. PETE HOEKSTRA,
Ranking Member, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, House Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HOEKSTRA AND CONGRESSMAN SMITH: We write in response to your letter of March 5 concerning the core surveillance authorities needed in any modernization of the Foreign Intelligence Surveillance Act of 1978 (FISA). We appreciate the seriousness of Congress's engagement in this critical issue. As you note, much of the recent discussion concerning FISA reform has centered on liability protection for electronic communication service providers who assisted the Government in preventing another terrorist attack after September 11, 2001. The liability protection provisions of the Rockefeller-Bond FISA modernization bill, passed by a strong bipartisan majority in the Senate and now pending in the House of Representatives, provide precisely the protection from civil suits that our national security requires. Although liability protection is critical to any FISA modernization proposal, equally if not more important to our efforts to protect our nation from terrorist attack and other foreign intelligence threats are the carefully drafted authorities that modernize FISA for the technologies of the 21st century. These authorities address the operational aspects of conducting surveillance of foreign terrorists and other threats overseas, and we urge that they not be altered.

Over the past year, the Intelligence Community and the Department of Justice have worked closely with Congress, first to pass the Protect America Act last summer by a bipartisan majority in both the House and Senate as a short-term measure to enable us to close dangerous intelligence gaps and then to create a long-term framework for foreign intelligence surveillance of individuals outside the United States. Those months of bipartisan effort and of careful compromise are reflected in the bill passed by the Senate, a bill that we believe would also enjoy the support of a majority of the members of the House of Representatives. Title I of the Senate bill would preserve the core authorities of the Protect America Act—authorities that have helped us to obtain exactly the type of information we need to keep America safe. For example, the Senate bill would allow the Government to continue collecting foreign intelligence information against foreign terrorists and other foreign intelligence targets located outside the United States without obtaining prior court approval. Initiating surveillance of individuals abroad without awaiting a court order will ensure that we will keep closed the intelligence gaps that existed before the passage of the Protect America Act.

It is essential to our national security that any legislation passed by the House of Representatives not weaken the intelligence collection authorities provided in the Protect America Act, which are preserved in Title I of the Senate bill. As we have explained in prior correspondence, the RESTORE Act, passed by the House last November, would seriously undermine these authorities and may well reopen the gaps temporarily closed by the Protect America Act. The RESTORE Act, or legislation similar to it, is, in short, no substitute for the bipartisan Senate bill. Even seemingly small changes to the Senate bill may have serious operational consequences. It is our firm belief that the Senate bill provides our intelligence professionals the tools they need to protect the country.

Title I of the Senate bill also protects the civil liberties of Americans. In fact, the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the RESTORE Act. For example, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance of an American abroad. Historically, such surveillance has been conducted pursuant to Executive Branch procedures when, for example, a U.S. person was acting as an agent of a foreign power, e.g., spying on behalf of a foreign government. This change contained in the Senate bill is a significant increase in the involvement of the FISA Court in these surveillance activities. Other provisions of the bill address concerns that some have voiced about the Protect America Act, such as clarifying that the Government cannot ''reverse target'' without a court order.

The bill substantially increases the role of the FISA Court and of Congress in overseeing acquisitions of foreign intelligence information from foreign terrorists and other national security threats located outside the United States. Under the Senate bill, the Court would review certifications by the Attorney General and the Director of National Intelligence relating to such acquisitions, the targeting procedures used by the Government to conduct acquisitions under the Act, and the minimization procedures used by the Government to ensure that such acquisitions do not invade the privacy of Americans. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISA Court and to Congress. The FISA Court and Congress would also receive annual reviews relating to those acquisitions prepared by the heads of agencies that use the authorities of the bill. In addition, the bill requires the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

We remain prepared to work with Congress towards the passage of a long-term FISA modernization bill that would strengthen the Nation's intelligence capabilities while protecting the civil liberties of Americans, so that the President can sign such a bill into law. Congress has such legislation before it—the bipartisan Senate bill—and the authorities provided in Title I of that bill strike a careful balance and should not be altered.

Sincerely,

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

Mr. KYL. The point of this letter, of course, is to urge the House to adopt the bill passed by the Senate.

The next item I would like to have printed in the RECORD is a note from

the American Legion Commander, in which he urges, on February 25 of this year, that Congress pass the bill passed by the Senate. He pointed out that ''the National Intelligence Estimate noted that the United States will face a persistent and evolving threat over the next three years, with the main threat coming from Islamic terrorist groups and cells.'' And he says:

It defies all common sense to give lawsuits a higher priority than national security. The American people expect Congress to protect America, not the lawsuit lobby. This surveillance is aimed at terrorists who want to kill innocent Americans. The government is not interested in phone calls that you make to Aunt Sally.

Mr. President, I ask unanimous consent that that item be printed in the RECORD.

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

AMERICAN LEGION COMMANDER TO CONGRESS: PASS SURVEILLANCE LAW NOW

INDIANAPOLIS (February 25, 2008).—Congress should put America's national security ahead of frivolous lawsuits, American Legion National Commander Marty Conatser said today. The head of the nation's largest veterans organization sent a letter to members of the House of Representatives, urging them to pass an important intelligence-gathering law immediately.

''Since this war began, the Congress has done an exemplary job of ensuring that the nation's fighting men and women are the best-trained and best-equipped military ever in American history,'' National Commander Marty Conatser wrote. ''Today, The American Legion asks you to continue this precedent by equipping the intelligence assets with the necessary tools needed to provide these dedicated troops the very best information available by timely enactment of S. 2248, The Foreign Intelligence and Surveillance Act (FISA).''

The bill had bipartisan support in the Senate but is stuck in the House because leaders there do not believe telecommunications companies should be protected from lawsuits that arise from cooperating with surveillance requests.

Sen. Jay Rockefeller, D–West Va., the Chairman of the Select Committee on Intelligence, also supports the bill. ''Unfortunately, much of the debate over this bill has focused on liability protection for telecommunication carriers, instead of the new civil liberties protections and oversight mechanisms that have been included,'' Rockefeller said in statement posted on his Senate web site. ''We should not hold the carriers hostage to years of litigation for stepping forward when the country asked for help and providing assistance they believed to be legal and necessary. The fact is, if we lose cooperation from these or other private companies, our national security will suffer.''

Conatser pointed out to Representatives that the National Intelligence Estimate noted that the United States will face a persistent and evolving threat over the next three years, with the main threat coming from Islamic terrorist groups and cells.

''It defies all common sense to give lawsuits a higher priority than national security,'' Conatser said. ''The American people expect Congress to protect America, not the lawsuit lobby. This surveillance is aimed at terrorists who want to kill innocent Americans. The government is not interested in phone calls that you make to Aunt Sally.''

With a current membership of 2.7–million wartime veterans, The American Legion, www.legion.org, was founded in 1919 on the four pillars of a strong national security, veterans affairs, Americanism, and patriotic youth programs. Legionnaires work for the betterment of their communities through more than 14,000 posts across the nation.

Mr. KYL. Finally, a letter was written by a bipartisan group of 25 State attorneys general dated March 4, 2008. It is a letter directed to the four leaders of the House of Representatives. Among other things, these 25 Democratic and Republican attorneys general note the fact that:

Passing [this legislation] S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.

As Attorneys General, we are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe. With S. 2248 still pending in the House of Representatives, our national security is in jeopardy.

They close by saying:

We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

MARCH 4, 2008.

Re FISA Amendments Act of 2007 (S. 2248).

Hon. NANCY PELOSI1,
Speaker of the House,
Washington, DC.
Hon. STENY HOYER,
Majority Leader,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader,
Washington, DC.
Hon. ROY BLUNT,
Minority Whip,
Washington, DC.

DEAR MADAM SPEAKER PELOSI, MAJORITY LEADER HOYER, MINORITY LEADER BOEHNER AND MINORITY WHIP BLUNT: We urge the House of Representatives to schedule a vote and pass S. 2248, the FISA Amendments Act of 2007. This bipartisan legislation is critical to the national security of the United States. Once passed, S. 2248 will ensure intelligence officials have the ability to collect vitally important information about foreign terrorists operating overseas.

Senate Intelligence Committee Chairman John D. Rockefeller (D–WV) authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 12008. The root of the problem stems from a Foreign Intelligence Surveillance Act (''FISA'') Court order that jeopardizes America's national security efforts. Under that decision, U.S. intelligence agencies must obtain a FISA warrant before initiating surveillance involving suspected foreign terrorists located outside the United States.

The FISA Court's decision hinged on the fact that those entirely foreign communications are frequently routed through telecommunications facilities that happen to be located in the United States. Because modem global communications networks routinely route data through numerous facilities in a myriad of countries, the nation in which the call originates may be completely unrelated to the nation through which that call is ultimately routed.

A bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.

As Attorneys General, we are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe. With S. 2248 still pending in the House of Representatives, our national security is in jeopardy. We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007.

Sincerely,

Hon. Greg Abbott, Attorney General of Texas; Hon. Roy Cooper, Attorney General of North Carolina; Hon. W.A. Drew Edmondson, Attorney General of Oklahoma; Hon. Bill McCollum, Attorney General of Florida; Hon. Troy King, Attorney General of Alabama; Hon. Talis Colberg, Attorney General of Alaska; Hon. Dustin McDaniel, Attorney General of Arkansas; Hon. John Suthers, Attorney General of Colorado; Hon. Thurbert Baker, Attorney General of Georgia; Hon. Lawrence Wasden, Attorney General of Idaho; Hon. Steve Carter, Attorney General of Indiana; Hon. Stephen Six, Attorney General of Kansas; Hon. Doug Gansler, Attorney General of Maryland.

Hon. Mike Cox, Attorney General of Michigan; Hon. Jon Bruning, Attorney General of Nebraska; Hon. Kelly Ayotte, Attorney General of New Hampshire; Hon. Wayne Stenehjem, Attorney General of North Dakota; Hon. Tom Corbett, Attorney General of Pennsylvania; Hon. Patrick Lynch, Attorney General of Rhode Island; Hon. Henry McMaster, Attorney General of South Carolina; Hon. Larry Long, Attorney General of South Dakota; Hon. Mark Shurtleff, Attorney General of Utah; Hon. Robert McDonnell, Attorney General of Virginia; Hon. Rob McKenna, Attorney General of Washington; Hon. Darrell McGraw, Attorney General of West Virginia.

Mr. KYL. So in conclusion, the bottom line is, we have a bill passed by the Senate Intelligence Committee 13 to 2, passed by the Senate with 68 affirmative votes. I believe it was 28 or 29 negative votes—clearly, a bipartisan effort. The President has indicated he would sign this legislation. It has now been 19 days since it has been sent to the House of Representatives which said it needed 3 weeks to get the job done.

During that period of time, we have lost intelligence—we do not know how critical. We will never know because we will never gather it. The phone call was made yesterday or the day before or the day before that. It is gone now, and we cannot go back and get it. But what we can do is ensure that from now on we are going to collect that critical intelligence. Unless this legislation is

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

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

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

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

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

ORDER OF PROCEDURE

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

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

HOUSING CRISIS

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

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

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

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

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

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

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

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

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

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

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

So Senator REID's bill would include $4 billion in funding for the Community Development Block Grant Program so communities that have been hit hard could renovate or rebuild or, in some cases, raze those properties. This legislation would also provide another $200 million for supporting the efforts of nonprofit agencies across the country to counsel homeowners on how to work with a lender to stave off foreclosure. That part is so very important.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

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

JUDICIAL NOMINATIONS

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

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

Now, some of them were out giving speeches saying: Why don't we have some of these nominations go through? But they were effectively blocking the meeting. So we tried it a second time in February. Again, a lack of a quorum. In fact, at the first, only one or two Republicans remained present. At the latter hearing, the ranking member, the senior Republican on the committee, left before a quorum gathered.

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

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

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

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

I commend the ranking member of the Judiciary Committee for acknowledging the years of Republican pocket filibusters, when they pocket-filibustered more than 60 of President Clinton's judicial nominations, as excess. Yes, I would agree it is excess. It had never been done by any party, Republican or Democratic, before. I have long said that what would help the process is a sincere, full acknowledgment by those Republican Senators who worked so hard to obstruct and pocket-filibuster President Clinton's moderate and well-qualified judicial nominees of their excesses and mistakes. Hope springs eternal, and it will probably be an eternity before that acknowledgment will be made by the same people who created the problem and now complain about it.

I do not hold the senior Senator from Pennsylvania responsible for those activities. He wasn't chairing the committee. He was not a member of the Republican leadership or even one of the more active participants in that effort. In fact, except for his vote to defeat the nomination of Justice Ronnie White of Missouri, a highly qualified African American for the Federal judiciary, an action for which he subsequently apologized, I cannot think of another judicial nominee he opposed.

As chairman of the Judiciary Committee, I have worked hard to turn the other cheek. When I became chairman, I wanted to greatly improve on the sorry treatment of reported nominees when the Republicans were in control and considering President Clinton's nominees. During the 17 months I was chairman during President Bush's first term I tried to reverse that trend. I said we are not going to pocket-filibuster 60 judges in the way that the Republicans did to President Clinton. Let's move these judges, even though a lot of the vacancies were created by their filibustering.

So we Democrats acted faster and more favorably on more of this President's judicial nominees than under either of the Republican chairmen who succeeded me as chairman. During those brief 17 months I was chairman before, the Senate confirmed 100 judicial nominations. During the 2 years my friend from Pennsylvania was Chairman, the Republicans confirmed just 54 judicial nominations. Granted, two were Supreme Court justices, but 54 in 2 years, and with strong help from the Democrats, as compared to 100 during the 17 months I was chairman.

I was surprised earlier this week to hear the ranking member say that nominations were ''stymied'' when I became chairman. Complaints ring hollow under those circumstances, given the improvements I made in making the formerly secret process of checking the home State Senators as a matter of public record. Keep in mind that under the Republicans they allowed secret holds. That is how they were able to block more than 60 of President Clinton's nominations. Instead of the holds or blue slips, I made them public.

When I assumed the chairmanship last year, the committee and the Senate continued to make progress with the confirmation of 40 more lifetime appointments to our Federal courts. That is more than were confirmed during any of the 3 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. Thus, as chairman, I have worked to help the Senate act to confirm 140 lifetime appointments in only 3 years, as compared to 158 under 4 years of Republican control. Stymied?

Equally misleading is a Republican talking point that the Judiciary Committee didn't hold a hearing for circuit nominations for 5 months. What they do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, including the resignation of the Attorney General himself following those scandals, the committee was holding seven hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year and last month, including confirmation hearings for a new Attorney General to replace the disgraced Attorney General who was forced out, a new deputy Attorney General, a new associate Attorney General, and many others.

Because of the scandal of the Bush-Cheney administration and the Justice Department, there are all these vacancies. Of course, when they finally got around to replacing these people, we felt the first priority was to hold hearings so there would be an Attorney General and senior leadership at the Department of Justice. Of course those 5 months also include the December and holiday recesses and the break between sessions, so for many weeks we were not here. That is in comparison to the first 6 months of 1999, when the Republican chairman refused to schedule any judicial nomination hearings, in order to force the White House to consider his pick for a judgeship in Utah.

The Republican whip urged committee attention to the President's nominations to fill the many vacancies resulting from the resignations of the Gonzales leadership group at the Justice Department. And when we do, in fact, have those hearings and do that work and we make them a priority, we are criticized. It appears we are damned if we do and damned if we don't.

We held a prompt 2-day hearing on the nomination of Michael Mukasey to be Attorney General, a hearing on the nomination of Judge Filip to be Deputy Attorney General, a hearing on the nomination of Kevin O'Connor to be Associate Attorney General, and hearings on a number of key assistant attorneys general and heads of Justice Department offices. But you would never know it from the self-serving Republican complaints. We get no credit for any of the good things we have done, for any of our diligence or hard work.

When the Republican leader and others come to the floor and make these accusations, I think it is because they don't want to have to explain their roles in the 60 pocket filibusters of President Clinton's nominees. One of those people who was blocked and who they say was not qualified was picked as the dean of the Harvard Law School, a most prestigious position, where they produce hundreds of the brightest lawyers in the country. They picked her, a highly qualified woman, and African-Americans, and Hispanics, who were all pocket filibustered by the Republicans. Maybe they hope that in an election year people will not remind them of that. During the 1996 session, the last of President Clinton's first term, the Republican-led Senate did not confirm a single circuit court nomination. At the end of his Presidency, they took 17 circuit court nominations that they pocket filibustered and refused to act on them and sent them back to President Clinton, hoping to keep those seats vacant for a Republican President. Why was it that Republicans chose to reverse course on the treatment accorded by Democrats to nominations of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992? Why were so many nominations pocket filibustered? Who is responsible? Why have they always refused to make the blue slips of that era public? Why have they always hidden who it was holding up these judges? Why did they want to keep that secret? Why was Bonnie Campbell, the former attorney general of Iowa, who was supported by both Democratic Senator TOM HARKIN and Republican Senator CHUCK GRASSLEY, never allowed to be considered by the Judiciary Committee or the Senate after a hearing? Why was she pocket filibustered? They ought to answer some of these questions before they level any accusations. They have far too many skeletons in their closet to try to pick a bone with the Democratic side.

To any objective observer, the answer is clear: The Republicans chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in anticipation of a Republican Presidency. They took the Thurmond rule to a whole new stage by utilizing it over a 5-year period, instead of the seven or eight months that normally takes place during a Presidential election year. Because of their irresponsible actions, vacancies in the courts rose to over a hundred. Circuit court vacancies doubled during the Clinton years because Republicans would not allow him to fill those vacancies.

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. The number of circuit court vacancies rose to 32 with retirements of Republican appointed circuit judges immediately after President Bush took office.

But as soon as a Republican President was elected, they said: Why don't we have judges in these vacancies? The sky is falling, the sky is falling. Suddenly they said that things are coming to a halt in this country because we do not have enough judges. Of course they do not mention that these vacancies occurred because they pocket filibustered those judges. They have been extraordinarily successful over the past dozen years. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents. More than 35 percent have been appointed by this President. We have cut the vacancy rate in half. Had we Democrats done to them what they did to us, we would still have a huge vacancy rate. But we try to be more responsible, and we cut it in half. Another way to look at their success is to observe that the Senate has already confirmed three-quarters of this President's circuit court nominees over the last 7 years. Republicans only confirmed about half of President Clinton's.

Despite these efforts to pack the Federal courts and tilt them sharply to the right, one of my first acts when I took over as chairman in 2001 was to restore openness and accountability to the nominations process that had been abused when the Republican-controlled Senate pocket-filibustered President Clinton's nominees with anonymous holds and without public opposition or explanation. In 2001, with a Democratic-led Senate considering President Bush's nominees, we drew open the curtains on the nominations process, making blue slips public for the first time. Republicans, during the Clinton administration, cloaked their actions 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.

I am puzzled that in his recent proposals, the ranking member has suggested that the Senate bypass the committee's process for vetting nomination, and is also apparently calling for an end to the role of home State Senators. He is now proposing rules for nominations that he did not follow in the 2 years he served as chairman of the committee, from 2005 to 2006, and that he did not propose from 1995 to 2000 when Republicans were in control of the consideration of President Clinton's nominees.

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. 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 the President's current nominees do not have the support of their home State Senators. That is why the nomination of Duncan Getchell, opposed by two of the most distinguished Senators in this Chamber, Republican Senator JOHN WARNER and the distinguished Democratic Senator JIM WEBB, was finally withdrawn. That is why the nomination of Gene Pratter to the third circuit has not been considered, as well as six other circuit nominees including 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 their home State Senators. Indeed, nearly 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. The reason we know this is that unlike the Republican policy of keeping secret the so-called blue slips, I make them public knowledge.

You might ask why do we pay attention to home State Senators? It is because we are elected to represent our States. There is only one place in the United States where every State is equal, and that is here in the Senate. Out of 300 million Americans, only 100 of us have the privilege to serve here at any given time, two from every State. The distinguished Presiding Officer represents a great State, a wonderful State, a State that helped form this country. It is much larger than mine. My State was the 14th State in the Union. We have two Senators so that we can keep the identity of our State. I think of one of President Bush's circuit nominees for a circuit court judgeship representing one of our States, where the two Senators objected and so the nomination did not go through. To this day, I get criticized by the Republicans because that nomination did not go through, even after the nominee was charged with criminal fraud and convicted. They still criticized us for not giving him a lifetime position on the circuit court. They ought to say thank you to the two Senators who said do not put that nomination through.

Republican complaints about nominations ring hollow in light of the actual progress we have made and, quite frankly, their success. 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. The Senate has confirmed over 86 percent of President Bush's judicial nominations, compared to less than 75 percent for President Clinton's nominations. As I have noted, the Senate has confirmed nearly three quarters of President Bush's nominations to influential circuit courts, compared to just over half of President Clinton's.

Earlier this week on the Senate floor, in a standard ploy in these partisan attacks, my words from 8 years ago were taken out of context. At that time, I urged the Republican majority to abandon its use of pocket filibusters. I urged them to make public their process and not keep it secret, and do what we have done since I was first Chairman. I even urged then-Governor Bush, who was the Republican nominee for President, to intervene in a positive way. They rejected my efforts. They continued to pocket filibuster nominees and maintain vacancies on the court. They continued to do what they had done during the 1980 Presidential campaign, when President Reagan was running for President and Senator Thurmond, then in the Republican minority as ranking member of the Judiciary Committee, instituted a policy to stall President Carter's nominations. That policy, known as the ''Thurmond Rule'', was put in when the Republicans were in the minority. It is a rule that we still follow, and it will take effect very soon here.

For a number of years I have urged now President Bush to join with Democrats and Republicans. Regrettably he continues to insist on nominating controversial nominees in the mold of Duncan Getchell and Claude Allen. I extended another olive branch to him by my letter last November. I have received no response. Despite urging the President to work with us, 20 current judicial vacancies almost half have no nominee. In addition, many of the judicial nominations we have received do not have the support of their home State Senators.

If the White House and Senate Republicans were serious about filling vacancies and not seeking to score partisan political points, the President would not make nominations that are opposed by home State Senators. If they were serious about filling vacancies, they would not spend the rest of the Bush Presidency fighting over a handful of controversial nominations, rather than working with us to make progress. They would not keep criticizing us for not putting through a person who was convicted of criminal fraud. If they were serious about filling vacancies, the Republicans on the committee would attend committee meetings and help make a quorum to report nominations to the Senate.

I have consulted with the senior Senator from Pennsylvania and we had earlier exchanged letters. The former chairman knows from my January 22 letter what the situation is. 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.

This is the Senate. This is not Alice in Wonderland. I would rather see us work with the President on his 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.

Mr. President, you have had enormous experience in your own State. I ask this of all Senators: If you have a highly respected Republican Senator and a highly respected Democratic Senator both saying we want this person to be on a Federal circuit court, and they both vouch for him or her, you know that person is going to go sailing through this place.

I thank the Republican members of the Judiciary Committee this week for not boycotting our meeting. As a result, we have seven nominations on the Executive Calendar who would not be there if they continued the boycott.

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 before the Thurmond rule comes into effect but only with the full cooperation of this President and of the Republican Members of this Senate.

OIL PRICES

Mr. LEAHY. Mr. President, the Organization of Petroleum Exporting Countries, OPEC, is an international cartel. It limits the supply of oil, which helps keep fuel prices high, and it is one of the major causes of the relentless increase in oil prices.

This week, OPEC members met again. They refused to increase the supply of oil. If such a meeting took place in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Can you imagine somebody selling some other supplies such as medical equipment or items we need in this Nation, electricity. Let's say the utilities all met like that and they said: We will hold back electricity so we can raise the prices. There would be an antitrust suit, there would be an illegal-restraint-of-trade suit brought immediately.

I wish the administration would join me and Senator KOHL and 68 other Senators—Republicans and Democrats alike—and 345 Members of the House of Representatives of both parties who have voted for NOPEC legislation. This would hold accountable certain oil-producing nations for their collusive behavior which has artificially reduced the supply and inflated the price of fuel.

In April 2004, when American consumers were paying $1.78 per gallon at the pump, I warned energy experts were predicting the price of gas might rise to $2.50, to $3 a gallon. The administration did nothing. Last October, when American consumers were paying $2.87 per gallon at the pump, I warned that oil might be on its way to over $100 a barrel, and the administration did nothing. This week, oil reached a record $104 a barrel and gas prices averaged $3.16 a gallon. So how much will families in Vermont and across America have to pay to heat their homes in this long winter or to drive to work before the President takes action?

Further, at a news conference last week, the President was not even aware—was not even aware as President of the United States—that many are predicting that gas prices will hit $3.50 or even $4 a gallon by spring. He simply was not aware of how crippling high prices really are for Americans.

Two facts are painfully clear: Gas prices have more than doubled since the President took office, and the President has no plan to protect consumers and our economy. He promised the American people that with his family's oil ties, he would effectively be able to jawbone OPEC into being nice to him and that they would raise production to lower prices if he asked them. It is now evident for all to see that it is just another unfulfilled commitment from the administration.

I said this before and I say it again today: The principal cause of the relentless increase in oil prices is not just a natural supply issue but market manipulation by OPEC.

In January, the President's best attempt to increase the supply of oil was to tell Saudi King Abdallah that paying more for gasoline hurt some American families. Well, yes. It is a lot more than some families, it is most. I am pleased the administration acknowledges the effects of rising gas prices on Americans, but Saudi Arabia is a founding member of OPEC, and they have every incentive to limit output and keep prices artificially high. The futility of going to an OPEC member and pleading for it to raise output is now obvious to all. Instead of President Bush holding hands with the oil cartel—literally and figuratively—the administration should join us in trying to protect the interests of the American people.

It is important to emphasize again that if a meeting such as the OPEC meeting that took place this week happened in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Yet this President stood in front of the King of the largest participant in the oil cartel and asked for relief instead of saying: It is an illegal activity, stop it.

If the administration truly acknowledges the impact artificially high oil prices have on our Nation, he should join with this Congress and support NOPEC legislation. Instead of pleading for help, the next time the President of the United States meets with members of the cartel, the President should be able to explain that entities engaging in anticompetitive conduct that harms American consumers can expect an investigation and they can expect prosecution. When I was a prosecutor, it was not enough just to ask people: Don't break the law. You had to outright say: If you break the law, we will arrest you.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is wrong to let these members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Mr. President, I see the distinguished Senator from Texas on the floor. I already asked that he be recognized after me.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

THE INTELLIGENCE GAP

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Vermont, the chairman of the Judiciary Committee, for his courtesy.

When the Senate debates the budget next week, we will hear a lot about the tax gap. This is the name given to uncollected taxes which some have said, if collected, could pay up to $300 billion in additional revenue to the Federal Treasury. I wish to talk about this in a minute, first of all to ask the question why it is, notwithstanding this so-called tax gap, we have not seen any money at all collected over the last year to fill that gap. But first I want to talk about the intelligence gap. This has to do with the critical information the United States should be collecting in pursuit of radical Islamists but is not because of burdensome and unnecessary legal restrictions—restrictions Congress has within its power to remove.

To the Senate's credit, in a bipartisan fashion, the Senate Intelligence Committee passed out a bill that I hope the House of Representatives will vote on soon. That same bill passed by a bipartisan majority of 68 Senators. That is not easy, but it does demonstrate a bipartisan consensus in this body to make sure we have our eyes open and our ears open when it comes to foreign intelligence that could detect, deter, and even defeat future terrorist attacks against the United States and our allies.

The intelligence gap is also closed not only by passing that important legislation which the House of Representatives has inexplicably sat on for the

last couple of weeks but also by providing protection against frivolous litigation against communications providers that have assisted the Nation in the wake of the 9/11 attacks on a voluntary basis.

It is no secret that the Director of National Intelligence has noted that given this world of wireless communications, we need to adopt new means to intercept communications from foreign nationals to other foreign nationals which could well be directed through the infrastructure in the United States and which, unless we pass this legislation, we would not be able to intercept. The biggest problem we have, of course, is that their cooperation is entirely voluntary, and unless we protect them under this bipartisan Senate legislation from frivolous litigation, in the future not only will citizens—whether they be individuals or corporate—not cooperate, but we will be left with a fraction of the actionable intelligence necessary to detect, deter, and defeat those whose sole wish is the murder of innocent Americans.

I quote the Democratic chairman of the Senate Intelligence Committee, who said:

> What people have to understand here is the quality of intelligence we are going to receive is going to be degraded.

Those, of course, are not my remarks, and they are not the words of a member of the Bush administration; those are the words of JAY ROCKEFELLER, the distinguished chairman of the Senate Intelligence Committee. That is why this legislation passed out of the Senate with a strong bipartisan vote.

I don't know about the political implications of the Democratic House leadership's failure to act responsibly, and I am not here to talk about politics, but I do know there are serious national security interests that we face, and threats, and the majority of Democrats in the House are not taking those threats seriously enough. So rather than taking a vacation from their duties, it is past time for the House to act and to do the responsible thing. I hope Speaker PELOSI and Majority Leader HOYER will call up this important bipartisan legislation and allow an up-or-down vote on the bipartisan Senate legislation that will make this Nation safer from the terrorist threats we face.

Mr. President, I have other remarks I wish to make, but I see the distinguished majority leader on the floor. I want to make sure—if he has any housekeeping business he wants to take care of, I will be glad to defer to him for that purpose and then to reclaim the floor later on. I do not want to have him necessarily have to wait.

I understand he is motioning for me to continue, and I will do that. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend from Texas allowing me to do that, but he should finish his statement, and I will do some wrap-up when he finishes.

THE FEDERAL BUDGET

Mr. CORNYN. I thank the majority leader.

Mr. President, I wish to now transition to talk about the issue that will be in front of the Senate next week, and this has to do with the Federal budget.

This is so important across so many areas because not only does this budget talk about what the tax burden of hard-working Americans will be in the coming year, it also has an impact on energy costs, on health insurance costs, on the ability of Americans to buy homes. How do we create better schools for better jobs? How do we deal with the issue of runaway lawsuits that threaten the business environment and have a dampening effect on job creation? How do we revive capital markets, rebuild our roads, bridges, railroads and airports? How do we provide a simpler, fairer tax system than we have now? And How do we make sure Americans retain the right to work in the job of their choosing without having to become part of a union when they don't want to?

The part of this budget that concerns me the most is not the proposed $1.2 trillion tax hike that is contemplated under this budget that passed strictly along party lines in the Budget Committee yesterday afternoon, although that is bad enough. It will hit family budgets hard. Mr. President, 43 million families will owe an average of $2,300 more in 2009 in taxes as a result of this budget if it is adopted on the Senate floor. I am also concerned about the spending increase under this budget, some $211 billion in additional spending that is part of this budget proposed from the Budget Committee that will be before the Senate this next week. That means, in fiscal year 2009, if adopted, a 9-percent increase over what the Federal Government spent in fiscal year 2008. Now, as bad as the higher taxes and higher spending is, I wish I could say that was the end of the story, but it goes on from there and it doesn't get any better.

As a result of the increased spending and the increased taxes contemplated under this budget, America will find itself $2 trillion deeper in debt by the year 2013 if this budget is adopted. That is more than $6,000 in extra debt for every American.

And I would say this budget also fails in another important respect. It fails to deal with the impending crisis in entitlement spending and the future insolvency of both Medicare and Social Security, two important safety net programs, and ones we have made a promise to fund and to make sure is there for not only present beneficiaries of these programs but for our children and grandchildren as well. We know that unless something dramatic happens, we will not be able to keep that commitment.

As a matter of fact, unless this Congress acts, there is $66 trillion in unfunded responsibilities under the current entitlement programs we need to fix; that we need to take into account.

Now, there is an important piece of legislation I think we ought to take up and that is the Conrad-Gregg task force to deal with this gathering storm of an entitlement crisis. It is a bipartisan bill by the chairman and the ranking member of the Budget Committee. But we are not taking that up, as we should, as part of dealing with the Federal budget. Because we know that if we don't do anything, there is going to be a terrible financial catastrophe, and the people who will ultimately suffer as a result of our failure to act will be future beneficiaries under Social Security and Medicare—our children, our grandchildren, and future generations.

The last thing I wish to mention with regard to the budget is what the Wall Street Journal has called the pay-go farce. You will recall that pay-go was the name given to pay-as-you-go requirements under the budget. Sounds good. That is what the family budget has to do. If there is no money coming in the front door, then you are not going to be able to spend yourself into debt. You pay as you go. That is the way most businesses operate but not the Federal Government. The Federal Government can continue to print money and spend money it doesn't have and pass the debt down to our children and grandchildren.

If you take into account this unfunded liability of $66 trillion because of the entitlement crisis—the gathering storm I mentioned a moment ago—that boils down to about $175,000 per person—every man, woman, and child—that we owe now for those unfunded liabilities unless we take action now. But the pay-go farce the Wall Street Journal article mentions—and the date of this article is December 10, 2007—quotes Speaker NANCY PELOSI in remarks she made on December 12, 2006. She said:

> Democrats are committed to ending years of irresponsible budget policies that have produced historic deficits. Instead of compiling trillions of dollars of debt onto our children and grandchildren, we will restore pay-as-you-go budget discipline.

Now, I have to tell you, just taken at face value, that sounds pretty good. We do need to take responsibility. We do need to do that on a bipartisan basis. But the pay-go promise made by this Congress looks like Swiss cheese. There are so many holes in it that you could drive—not to mix my metaphors—but you could drive a truck through it. And let me explain why.

First of all, these pay-go rules that promise financial discipline do not apply to discretionary spending. That is about $1 trillion a year. And it doesn't restrain spending increases under current law in entitlements,

such as Medicare or Medicaid, the programs I mentioned a moment ago. The main goal, and this is a problem, is that it is designed to make tax relief for working families and small businesses almost impossible.

Now, we ran into this pay-go requirement when it came to relieving middle-class taxpayers from the alternative minimum tax this last December. And I agree in that instance it was important to waive the pay-go requirement. Because, frankly, if you will recall, the alternative minimum tax was never designed to hit the middle class. But because it was not indexed for inflation this last year, it covered 6 million taxpayers. If we hadn't acted, it would have hit 23 million middle-class taxpayers. So I agree it was appropriate not to require pay-as-you-go principles for that alternative minimum tax that Congress never intended the middle class to have to pay.

As a matter of fact, back in the 1960s, the alternative minimum tax was adopted, as a result of a report issued by the Department of Treasury that said that 155 high-income taxpayers did not pay Federal income tax because of other deductions. But as is typical in schemes designed to ''tax the rich,''—we have heard that before—eventually it grows and grows and grows to cover the middle class. So be wary when Congress says: We are only going to tax the rich. That means we all need to put our hand on our wallet because it eventually grows into a middle-class tax.

Another time Congress used the pay-go gimmick, which gives rise to the title of this article called ''The Pay-go Farce,'' was on SCHIP. Now, you will recall that is the State Children's Health Insurance Plan, something we all support on a bipartisan basis. But the way it was proposed by the leadership last year, to fund the 140-percent increase in this program, was a joke. The SCHIP bill included a spending cliff that disguised its actual cost. It assumed spending would rise to $14 billion by 2012, but then pretended the costs would fall to less than half in 2013, which just so happens to fall outside the 5-year budget scoring window. Some $60 billion in spending over the next 10 years were hidden through this ploy of creating a cliff in spending, suggesting that somehow Congress would cut this program in half and deny children access to health insurance, something we all know would not happen.

So that is why the pay-go requirement has been called a farce and why I likened it to Swiss cheese. It has so many holes in it, it doesn't do what it has promised to do, which is to restore budget discipline; and it unfairly impacts the ability to provide tax relief to working families in a way that can grow the economy and allow people to keep more of what they earn—money they can use to pay for things like education, health care, and transportation.

As a matter of fact, as a result of the 2001–2003 tax relief that this Congress voted on and passed in the wake of 9/11, in the wake of the stock market scandals, and with the recession at the beginning of that decade, we saw more than 50 months of uninterrupted job growth in the country, with 9 million new jobs being created. It should not be surprising that tax relief ends up being one of the best stimulae we could possibly give the economy. We saw Federal revenues at historic highs and that is because more people working means more people paying taxes and more revenue to the Federal Government; and thus the budget deficit reduced from roughly 1.9 percent of the gross domestic product to about 1.2 last year.

So, in closing, I would say this debate we are going to have next week is vitally important, and the question is: Are we going to wreck the Federal budget or will we find ways to help families balance their budget, especially with the economic challenges that they face? It is all about taxing, it is all about spending, it is all about whether we are going to increase the Federal debt, it is all about whether we are going to meet our responsibilities as elected officials to deal with the impending entitlement crisis which threatens to act similar to a tsunami and engulf us in a huge wave of red ink.

Mr. President, I appreciate the courtesy of the majority leader, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 2664

Mr. REID. Before my friend leaves the floor, I have a unanimous consent request to make.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S. 2664, which is the 30-day extension of the Protect America Act; further, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, I don't believe this extension includes the immunity provision for the telecoms; thus, I will object.

The PRESIDING OFFICER. Objection is heard.

FISA EXTENSION

Mr. REID. Mr. President, let me say a few words about a number of issues today. I think we have had a productive week. I did wish to say a few words about the FISA bill—the Foreign Intelligence Surveillance Act.

Both the House and the Senate have passed bills to strengthen the 1978 FISA law. The House passed its bill in November, and we passed our bill several weeks ago. Since Senate passage, the chairmen of the Senate and House Judiciary and Intelligence Committees have been working to resolve their differences between the two pieces of legislation.

Democratic staffers have been meeting to work out a strong and broadly supported final bill, but with the exception of Senator SPECTER, Republicans have instructed their staffs not to participate in these negotiations.

Today, the Republican leader asserted on the Senate floor once again that the Senate bill should be jammed through the House. As my friend, the Republican leader, knows, that is not how Congress works and never has worked that way. The law-making process dictates the House pass a bill, the Senate then passes a bill, or vice versa, and then Members in both Chambers work through their differences in a conference to see if they can work out a compromise.

On numerous occasions, the Republican leader himself has insisted upon following that time-honored method of legislating. On issues such as the Children's Health Insurance, raising the minimum wage, and Iraq war funding, Senator MCCONNELL has refused to jam a House bill through the Senate. But now, he insists we must jam a Senate bill through the House. Demanding the House of Representatives pass the Senate's FISA bill—as is—and refusing to sit down and talk to negotiate differences accomplishes nothing but needlessly delaying final passage of that bill.

I know my Republican colleagues are as serious about protecting the safety and security of all American people as are Democrats. If the Republican leader is interested, and I am sure he is, in getting this done, I invite him to sit down anytime with House leadership and committee chairmen—and I will be happy to be there—to work out a final bill.

Will it be a painful discussion? No, it would not be. Would it take a long time? No, it would not. It would not be a political exercise. It would be an exercise in responsible lawmaking. That is how we have done it for 233 years.

We should be negotiating on a bipartisan basis. A new FISA law that passes with broad bipartisan support in both Houses will provide greater certainty to the intelligence community to make our Nation stronger. That can only happen if Republicans take a seat at the table, and it can only happen if President Bush lays aside the overheated rhetoric and embraces bipartisan negotiations.

In order to facilitate these discussions, we have suggested a temporary extension of the Protect America Act—that is what I just did—that would ensure there are no gaps in our intelligence gathering while we work for a long-term solution. That is common sense. Even Admiral McConnell, Director of National Intelligence, has testified an extension would be valuable. But President Bush has threatened to veto an extension, and our Republican

colleagues continue to follow his lead in lockstep.

The President can't have it both ways. He has said many times: Why don't they extend the legislation? We tried to. He would not let us. So it simply is illogical as to what he is talking about.

Never in our Nation's history has national security succumbed to this kind of political posturing. It is time for my Republican colleagues to withdraw their opposition.

MORNING NEWS

Mr. REID. Mr. President, every morning when I get up, I go out and do my exercise. It takes about an hour. I usually listen to public radio. I am anxious to hear the news in the morning to see what has happened.

This morning, hearing the morning news was very distressing. It was a terrible day both at home and abroad in Iraq. A coordinated suicide bombing killed—we don't know how many at this stage—at last count, about 70 and injured at least 120. We don't know how many, but 120 will die. It happened in a crowded Baghdad shopping district.

A couple days ago, another attack killed 26. A few weeks ago, a horrifying suicide attack on Shiite pilgrims killed about 100. This doesn't take into consideration the kidnappings, the small bombings, and other acts of terror that take place in Iraq every day.

Although it may have receded from the front pages of our newspapers, there is no doubt the Iraqi civil war wages on, with no end in sight.

There are 150,000 brave young Americans in that far-off land policing another country's civil war. Our troops are shouldering an enormous burden of the war, but all Americans are suffering the consequences. We are now spending $12 billion a month on that war. That is more than $400 million every day, $17 million every hour. In my short remarks here, we will wind up spending about $5 million in Iraq. Mr. President, $12 billion a month from a country, our country, that is staggering economically; $12 billion a month to build roads in Iraq while our own roads crumble.

From where does this money come? It is all borrowed. President Bush already burned through trillions of dollars prudently saved by the Clinton administration and has spent trillions of dollars on tax giveaways for big business and the superwealthy.

We are putting the cost of the war on credit cards. Who will pay the bill? My children, my children's children and my children's children's children will be paying this bill. Future generations will be burdened with paying this bill, plus interest; meanwhile, the burden of an economy that is spiraling downward every day.

This morning's news on the economy announced the U.S. economy lost 63,000 jobs last month. When I first started listening to the news this morning, they expected this report to come out that they expected 5,000 jobs lost. They were 58,000 wrong; there were 63,000 jobs lost—the largest monthly job loss in nearly 5 years. For the second month in a row, our country has lost jobs. We also learned that the number of jobs lost in January was larger than previously reported. The number has been revised up to more than 20,000.

It comes as no surprise that the manufacturing and construction sectors were among the hardest hit. Manufacturing had 52,000 jobs lost; construction, 39,000 job losses. Homebuilders are laying off construction workers as new homes remain unsold. Today, we learned the fourth quarter of 2007 saw the highest level of homes having foreclosure in our history. And now the amount of equity Americans have in their homes has dropped to the lowest level since World War II.

Yesterday, oil went to more than $106 a barrel. We all remember when we were concerned when it hit $50 a barrel. It was good news last night because it dropped to $105.47 a barrel.

The American people are already struggling under the enormous burden of skyrocketing prices for groceries, heat for their homes, gasoline.

I heard my friend, the distinguished junior Senator from Texas, say that during the Bush administration 9 million jobs have been created. That is nothing to brag about. During the Clinton 8 years—this President has been on the job 7 years and going on 3 months—President Clinton created 23 million jobs.

By every indication, things are getting worse. President Bush said this week that he does not believe our country is heading for a recession. This morning, all signs say he is wrong. But regardless of what label we use, there is no doubt whatever that people in America are suffering. There is likewise no doubt that if we do not take action, things will get worse.

The economic stimulus bill we passed last month will help. I am pleased Democrats were able to secure rebates for 21.5 million senior citizens and 250,000 disabled American veterans in the bill that was passed. There is no doubt that an extra $600 will help Americans pay for groceries, health, and gas. But no one thinks this economic stimulus is enough to turn our economy around. We must legislate the growing housing crisis—the eye of the economic storm.

President Bush, who does not think America is headed for a recession, responded to the housing crisis by directing Secretary Paulson to create a voluntary program to encourage banks to work with homeowners facing foreclosure. Do we need a directive from the President to tell banks to work with homeowners who are facing foreclosure? I hope not.

This week, Secretary Paulson released data on the President's proposal. How did the voluntary approach work? Not very well. Just a drop in the bucket. It helps hardly any; some say about 2 percent. For hundreds of thousands, the only thing this offer did was to add on the amount of the missed payment to the amount due. That is not a modification. That will do nothing to help struggling families keep their homes.

The voluntary efforts Secretary Paulson led have had a positive impact but not much. Even one family saved from foreclosure is a good step. But with millions at risk to lose their homes and the news growing worse every day, the Bush administration's voluntary program is not the way to approach this.

Last week, we introduced a comprehensive housing stimulus bill that would help hundreds of thousands of homeowners that the President's voluntary program leaves behind. It has five points to help families avoid foreclosure: First, by improving loan disclosures. Second, we help families avoid foreclosure by increasing preforeclosure counseling funds. Third, we expand refinancing opportunities for homeowners stuck in bad loans. Fourth, we provide funds to help the highest need communities purchase and rehabilitate foreclosed properties. Fifth, we amend the Bankruptcy Code to allow home loans on primary residences to be modified.

How have our Republican colleagues responded to our responsible plan? They blocked us from going forward, stopped us. The Republicans proposed an alternative plan consisting of four concepts. One of these was to change the tort law. This is not the way to go. One of their other proposals was to lower taxes. This is not the way to go.

Just this week, Chairman Bernanke said the crisis demands a vigorous response. He said:

> Reducing the rate of preventable foreclosures would promote economic stability for households, neighborhood, and the Nation as a whole. Although lenders and servicers have scaled up their efforts and adopted a wider variety of loss-mitigation techniques, more can, and should, be done.

Those are the words of Chairman Bernanke, a call for our legislation to pass. That is what we need to do. Voluntary programs will not work. We have to move forward. We ask the Republicans to join with us in this most important legislation and stop blocking our ability to stimulate the economy as it relates to housing. They have to stop being beholden to the big banks and Wall Street and be beholden to the people who are in trouble—middle-class America.

We have a few things left here.

My friend from Montana, who has, at this stage of the year, probably the most important job in the Senate, being chairman of the Finance Committee—every problem we have, we go to the Finance Committee to see what we can do to work it out. So I appreciate the good work of my friend from Montana. The people of Montana are fortunate to have this good man as their Senator because we all know that

with Senator BAUCUS, Montana comes first, but we all know, all of us serving in the Senate, that he is a reservoir of good will, intelligence, and understanding, and he helps us all with our problems.

The PRESIDING OFFICER. The Senator from Montana.

TRIBUTE TO LAURIE SULLIVAN

Mr. BAUCUS. Mr. President, I speak today in tribute to a friend, Laurie Sullivan, who passed away late last month.

Laurie was a lawyer, a legislative advocate, and a business leader. I admired Laurie professionally and personally. But I was not alone, because everyone admired Laurie.

Laurie was a cut above the rest. Washington is a place where people can lose their way. Not Laurie. She was grounded. And she was centered.

Laurie stood out because she was in it for the right reasons. She built a well-respected consulting firm, because she cared about good policy. She cared about making Government work.

People admired Laurie for her intelligence, her wit, and her graciousness. She was a breath of fresh air. A veteran of Capitol Hill, Laurie was confident enough to take her work seriously, but not so much that she couldn't laugh or share a joke.

People were drawn to Laurie because she was the kind of person who gave energy. She didn't take it.

Nothing made Laurie happier than being with her family. She talked about her nieces and nephews frequently. Her face lit up each time she mentioned their latest activities or accomplishments. She was proud of them. And she treasured the time that she spent with them. She described trips with her family as priceless memories.

Laurie was also a very generous person. And her generosity was not limited to her family. She gave generously of her time and resources to her community and her friends.

She worked with a local mentoring program focusing on teenagers who had experienced a death in the family. She hired a student from the University of Virginia at Wise. The student worked at her firm for the summer. Laurie gave him a laptop computer. She helped him pay his college bills.

Laurie also gave advice. She counseled her nieces and nephews. She counseled the students whom she mentored. She recommended strategies for her clients. And she counseled women who were starting a business.

She gave her views on healthcare and politics to me and other Senators who were lucky enough to be part of her circle of friends. Her advice was always solid.

When her nieces and nephews followed her advice, they prospered. Laurie's business grew, because her clients learned that she was right. The students she mentored succeeded in college.

Laurie was truly a wonderful person. She knew what was most important in this world. And she made the most of it while she was with us. We should all be so lucky as to live that way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL AFTERSCHOOL ASSOCIATION 20TH ANNIVERSARY CONFERENCE

Mr. DODD. Mr. President, next week, members of the afterschool community will be gathering for the 20th anniversary of the National AfterSchool Association Conference. The initial conference held two decades ago marked the first formal meeting of afterschool professionals under their own organization to discuss and develop solutions to address the needs of school-age children during their hours out of school.

Of course, back then we didn't call it afterschool. Instead, we talked about ''latchkey'' programs for ''latchkey kids.'' At the outset, these programs replaced the need for latchkeys around the neck with welcoming, safe, and nurturing environments; they were a prime factor in the creation of the Act for Better Child Care.

As pioneers in the school-age movement, this passionate, dedicated group of leaders recognized that the needs of these students were distinct from those of early childhood. Their movement helped school-age providers network and share resources, culminating in the creation of the National School-Age Care Alliance, which later became the National Afterschool Association, NAA. Over time, 36 State affiliates were established.

In the past two decades, the field has evolved and NAA with it. Parents wanted more opportunities for their children, and the need for assuring quality programming became evident. In collaboration with the School Age Child Project at Wellesley College, NAA developed national quality standards and a national accreditation process for afterschool programs. These standards became the foundation for other groups' guidelines for programs for school-age children.

The NAA continues to be a leading voice in the afterschool community with almost 10,000 members nationally and internationally. The professionals who make up NAA's membership supply a critical component of quality programs, providing children with high-quality programming and positive relationships with adult mentors. The NAA has worked on behalf of the afterschool workforce to improve its quality and ensure that the profession's voice is heard. Today, their annual conference remains a key way for the afterschool community to share and network.

Afterschool has grown by leaps and bounds and now includes a diversity of programs providing a wide array of opportunities for young people. These programs tackle a variety of issues including bolstering academic performance, preventing childhood obesity, and exposing children to the arts and music. Through time, the NAA has always maintained its commitment to supporting quality programs with well-trained staff dedicated to helping children grow to the best of their abilities. Because of the NAA, parents can more successfully balance their work and home life and millions of American children have safe places to grow and develop when the school day ends.

I am proud to join with those in attendance at this milestone NAA conference celebrating the journey of the past 20 years. I congratulate the members of the afterschool community on this special anniversary and thank them for their hard work creating safe and engaging environments for our children.

COSPONSORS OF S. 2716

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senator from Alabama, Mr. SESSIONS, the Senator from Texas, Mr. CORNYN, the Senator from Louisiana, Mr. VITTER, and the Senator from South Carolina, Mr. DEMINT, be added as cosponsors to my bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes, S. 2716.

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

NATIONAL SLEEP AWARENESS WEEK

Mr. JOHNSON. Mr. President, today I wish to recognize March 8, 2008, as Suddenly Sleepy Saturday—A Day of Narcolepsy Awareness, part of National Sleep Awareness Week. Sleep is an integral part of health and overall well-being, and its importance cannot be stressed enough. Sleep disorders present a chronic health threat that can compromise normal physical, mental, and emotional functioning. There are an estimated 135,000 Americans suffering from narcolepsy, and half of that total remains undiagnosed.

Narcolepsy is a chronic disorder, which causes excessive daytime sleepiness, irresistible sleep attacks, and cataplexy—a loss of muscle tone, hypnagogic hallucinations, sleep paralysis, and disrupted nighttime sleep in women, men, and children of all ethnic backgrounds. Symptoms often begin in the teen years and increase over time. Undiagnosed narcolepsy can impair educational goals, relationships, career success, and even one's independence.

Suddenly Sleepy Saturday is an effort to lead the estimated 65,000 Americans who are living with undiagnosed narcolepsy to a proper diagnosis and treatment. This day of awareness will allow for expanding knowledge of life with narcolepsy and will allow participating communities to better support people who struggle with the challenges of this chronic neurological disorder. I am pleased that many South Dakotans, including those in Aberdeen, SD, will be commemorating Suddenly Sleepy Saturday and raising awareness of narcolepsy.

I urge all citizens to support the search for the cause, cure, and prevention of narcolepsy and assist those individuals and families who deal with this devastating disorder on a daily basis.

INTERNATIONAL WOMEN'S DAY

Mr. BIDEN. Mr. President, on March 8 we will commemorate International Women's Day, which, since 1911, has given us an opportunity to pause and assess the status of women worldwide. Since that time, we have seen great achievements by women in many parts of the world. The last century began with women in the United States fighting for the right to vote, while today we see the first real chance that a woman will be elected President.

While substantial progress has been made here and in other countries, millions of women around the world continue to live in poverty and fear. Women are denied decent health care, denied economic opportunities, denied education, and denied security for themselves and their children. Women face epidemic levels of violence. One in three women worldwide will experience gender-based violence in her lifetime. In some countries, that is true for 70 percent of women. No country is immune. From the trafficking of women in Eastern Europe, to ''honor'' killings in the Middle East, to the use of rape as a weapon of war in Darfur and the Democratic Republic of the Congo, violence against women and girls crosses all borders and affects women in all social groups, religions and socioeconomic classes.

A recently released survey of 1,500 women in Iraq by Women for Women International indicates that women there are suffering high levels of violence. The survey found that 63.9 percent of those surveyed believe that violence against women is increasing for reasons including lack of respect for women's rights and a worsening economy. The report quotes a police chief in the southern city of Basra who says that ''[r]eligious vigilantes have killed at least 40 women this year . . . because of how they dressed, their mutilated bodies found with notes warning against 'violating Islamic teachings.' ''

Violence has a profound impact on the health and development of countries worldwide. Violence against women and girls violates their basic human rights. It impedes women's full and active participation in their communities and societies. And it limits our effort to foster development around the world. Violence prevents girls from going to school, stops women from holding jobs, and limits access to critical health care for women and their children. We can't eradicate poverty and disease unless we prevent and respond to the violence women face in their own homes and communities. And we can't empower women to become active in civic life and promote peace, prosperity and democracy unless they personally are free from fear of violence. It is no surprise, then, that at this year's World Economic Forum, Secretary Rice stated that if she could focus on one thing in developing countries, it would be the empowerment of women.

Violence against women is a global health crisis, not just because so many women and girls are injured and die but also because the violence interferes with efforts to save the lives of pregnant women and babies. Rape increases vulnerability to HIV–AIDS transmission. In sub-Saharan Africa alone, women account for close to three-quarters of those living with HIV–AIDS between the ages 18 and 24.

The picture is grim and can be discouraging. But the good news is that local organizations are working in communities around the world with courage, sensitivity, and success to help women overcome violence at home, in school, and at work. Governments are bringing together all sectors of their country to try to prevent and end abuse. But they need our help.

We have made tremendous progress in reducing violence against women here in the United States since we passed the Violence Against Women Act, VAWA, in 1994. It is time to throw our weight and leadership behind efforts to help women and their families worldwide lead safer, healthier lives. Stopping gender-based violence isn't just the moral thing to do; it is also smart diplomacy since violence contributes to the poverty, inequality, and instability that threaten our security.

Last fall, Senator LUGAR and I introduced S. 2279, the International Violence Against Women Act. This groundbreaking, bipartisan legislation would ensure that our foreign assistance programs include efforts to end gender-based violence.

We would accomplish this goal in three ways:

First, we propose to reorganize and rejuvenate the gender-related efforts of the State Department by creating one central office—the Office for Women's Global Initiatives, directed by a Senate-confirmed Ambassador who reports directly to the Secretary of State. The coordinator will monitor and coordinate all U.S. resources, programs, and aid abroad that deal with women's issues, including gender-based violence. This centralization will ensure the most efficient use of taxpayer funds.

Second, we mandate a 5-year, comprehensive strategy to combat violence against women in 10 to 20 targeted countries. We would allocate $175 million a year to support programs dealing with violence against women in five areas: the criminal and civil justice system, health care, access to education and school safety, women's economic empowerment, and public awareness campaigns that change social norms.

Third, we know through terrible experience that women and girls are especially vulnerable to violence in humanitarian crises and in conflict and postconflict situations. Reports of refugee women being raped while collecting firewood, soldiers sexually abusing girls through bribery with token food items, or women subjected to torture as a tool of war are horrific. The act requires training for workers and peacekeeping forces and establishes reporting mechanisms and other emergency measures.

The issue of violence against women and girls is complex, and our legislation is ambitious. We are mindful that no country has a perfect record or all the answers. Yet Congress has a long and proud history of tackling complex international problems, most recently the epidemic of HIV–AIDS and the crime of human trafficking.

Former United Nations Secretary-General Kofi Annan said ''Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equity, development and peace.'' We could not agree more. Our International Violence Against Women Act brings together, for the first time, coordinated American resources and leadership to this global issue.

We believe the time is now for the United States to get actively engaged in the fight for women's lives and girls' futures. There is no better way to commemorate International Women's Day.

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT

Mr. ROCKEFELLER. Mr. President, I want to take this opportunity to express my complete support for H.R. 4040, the Consumer Product Safety Commission Reform Act, which passed the Senate yesterday with an overwhelming bipartisan majority. Regrettably, I was unable to vote on final passage of H.R. 4040, as I had a previous commitment that prevented me from being there. However, I believe so strongly in the Government's responsibility to maintain the highest level of product safety that I wanted the CONGRESSIONAL RECORD to reflect how pleased I am that the Senate passed H.R. 4040, after substituting the text of S. 2663 as amended, and to extend my congratulations to the bill's principal

sponsors, Senator MARK PRYOR and Senator TED STEVENS.

Throughout the past few years, our Nation has experienced an unfortunately large number of recalls on products that have been imported into our country. Of particular concern to me, and to many of my colleagues, as well as to parents and all citizens across the country are the millions of children's toys that were recalled due to dangerous levels of lead and other toxins or dangerously defective product design or manufacture. These recalls left many parents wondering whether any of the toys they purchased for their children were safe. It was time for the Senate to work together to protect America's consumers and children, and with the passage of H.R. 4040, we have done that and, I believe, done it well.

Much blame has been placed on the U.S. Consumer Product Safety Commission, CPSC, for failing to adequately protect consumers from dangerous products entering the United States. Whether this was being too lax with regard to negligible product safety standards for toys and other items produced abroad, or ineffective and often toothless oversight of the manufacturing and design process wherever the toys were made, there is more than enough blame to spread around. While I certainly recognize the important contributions of the dedicated career employees at the CPSC, it is clear that the CPSC lacks the adequate resources, and political will, to combat this growing problem.

With the passage of H.R. 4040, the Senate has taken a very good step toward addressing many of the problems we have seen in recent years by increasing funding for the CPSC, increasing penalties for manufacturers that violate consumer protection laws, reducing the levels of lead in children's products, requiring labeling so that parents can know when their children's toys have been recalled, and allowing State attorneys general to help enforce Federal consumer protection laws for the benefit of citizens throughout West Virginia and across the Nation.

Mr. President, again I would like to express my support for H.R. 4040, as amended by the remark on March 6, 2008, and thank my colleagues for all of their hard work to pass legislation that will better protect consumers and children from dangerous products.

Mr. CARDIN. Mr. President, yesterday, the Senate passed S. 2663, the Consumer Product Safety Commission Reform Act, by an overwhelming margin of 79 to 13. This significant legislation has the potential to benefit every consumer and, most notably, protect America's children.

Imagine the heartbroken look on a child's face when a favorite toy is confiscated because it's unsafe.

Then try to imagine the much greater pain felt by a parent whose child has been poisoned or injured or even killed by an unsafe toy.

So far this year, the Consumer Product Safety Commission, CPSC, has issued no fewer than six toy recalls just due to lead paint safety violations. These recalls affect over 75,000 toys. There were 473 recalls last year. In fact, as a few of my distinguished colleagues have noted, one of the ''must-have'' toys last year, AquaDots, was recalled just prior to the holidays—and for good reason. The Dots contained a potentially coma-inducing toxic coating.

American consumers have the right to expect that the products they buy are safe. The CPSC should be able to provide that assurance. Unfortunately, in recent years, we have seen numerous examples when the CPSC has not been up to the job.

The CPSC has suffered from the antiregulatory zeal that has been popular in recent years. Products under the Commission's jurisdiction cause more than 28,000 deaths and 33.6 million injuries each year, but funding for CPSC has been slashed and the staff is half the size it was 30 years ago.

The bill the Senate has passed will strengthen the CPSC by giving it the staff, enforcement powers, and other resources it needs to monitor a rapidly changing and ever-expanding global marketplace. S. 2663 will give American consumers—89 percent of whom are aware of the recent recalls—greater peace of mind.

S. 2663 provides critical budget and staffing resources necessary to provide for increased safety monitoring. The bill bans lead from children's products and subjects all toys to comprehensive hazard testing. And it mandates independent testing of many children's products. But all the increased testing and regulations in the world are only as good as the ability to back them up with meaningful penalties for violators. So S. 2663 increases the per-violation civil penalties cap to help deter violations.

I am grateful to the bill managers for including my amendment—No. 4103—to address the issue of training standards for safety inspectors. S. 2663 nearly doubles current funding levels over the next 7 years—which I think is a good idea. And it increases the CPSC staff to at least 500 by 2013—which I also think is a good idea. But if there is going to be a rapid expansion of the staff, I think it would be useful for the CPSC to develop training standards for product safety inspectors and technical staff and to consult with a broad range of consumer product safety organizations in developing those standards. My amendment merely directs the CPSC to develop such standards—again, in consultation with groups that have expertise in such matters—within 180 days of enactment and to submit a report to Congress on the standards.

I am also grateful the bill managers included an amendment, No. 4113, Senator OBAMA and I introduced to clarify, expand, and standardize the information contained in recall notices.

We have passed a bill that will help keep dangerous products off store shelves, out of our homes, and out of the hands of our children and grandchildren. We have passed a bill that will help restore consumer confidence in product safety. I am proud the Senate has passed this legislation, and I congratulate the bill managers—Senators PRYOR, STEVENS, INOUYE and COLLINS—for crafting it and bringing it to the floor with such broad, bipartisan support.

Mr. DODD. Mr. President, I wish to speak on the Consumer Product Safety Commission Reform Bill, which the Senate passed earlier today. I was pleased to cast my vote in support of this important bipartisan bill, and I thank Senators PRYOR and STEVENS for their hard work in bringing this measure to the floor.

The Consumer Product Safety Commission, or CPSC, is one of our Nation's most important Federal agencies. The Commission's principal responsibility entails protecting Americans from risks associated with products sold in the United States. Each year, it develops and enforces safety standards for thousands of goods. These goods range from toys to housewares.

We live in an age of increasing global trade. Consequently, the activities of the CPSC here become more important, as Americans purchase and consume a greater number of products manufactured in foreign nations. In order to meet these expanded responsibilities, the CPSC requires enhanced resources and authorities. I am pleased that the bill passed today provides these enhanced resources and authorities.

The Consumer Product Safety Commission reform bill includes new safety standards for a variety of products, including cigarette lighters, furniture, swimming pools, equestrian helmets, portable gasoline containers, strollers, and cribs. It strengthens the certification of safety-standard compliance, establishes more stringent standards on lead in paint, reforms third-party testing for product safety and compliance, and increases civil and/or criminal penalties for noncompliance. The bill also increases CPSC personnel in major ports-of-entry, prohibits CPSC personnel from taking industry-sponsored travel, prohibits the sale of products that are the subject of a recall, expands jurisdiction of the CPSC to cover amusement park rides at a fixed site, and fosters greater coordination among the various agencies involved in consumer safety issues.

Further, the legislation doubles the current CPSC authorization level for fiscal year 2009 to $88,500,000, and increases the level to $155,900,000 by fiscal year 2015. This bill also authorizes $40 million for fiscal year 2009 for the improvement of the Commission's research, development, and testing facilities, and also provides $1 million for fiscal year 2009 for research into safety issues related to the use of nanotechnology in consumer products.

I am particularly pleased that the bill contains two provisions that I

worked to advance regarding new CPSC safety standards for swimming pool drains and equestrian helmets. These standards are vital towards protecting children against accidental drowning and horse-related injuries respectively. I was pleased to work with my colleagues on the Commerce Committee in drafting these standards and incorporating them into the bill.

In closing, I believe the Consumer Product Safety Commission reform bill will allow the CPSC to fulfill its responsibility of protecting Americans more effectively, and I look forward to working with my colleagues on future such legislation.

REMEMBERING EVE CARSON

Mr. BURR. Mr. President, I wish to honor the life of Miss Eve Carson, student body president at the University of North Carolina at Chapel Hill. Miss Carson's life was tragically cut short on Wednesday morning.

I send my deepest condolences to Eve's family, the Chapel Hill community, and all those who came to know of her service and compassion for others.

Eve Marie Carson was born to Bob Carson and Teresa Bethke in Athens, Georgia, on November 19, 1985. She attended Clarke Central High School, where she served as student body president.

Eve enrolled at UNC in the fall of 2004 as a recipient of the prestigious Morehead Scholarship. Miss Carson left an indelible mark on the university and its community during her 3½ years in college.

Eve excelled as a student at the University of North Carolina. She was a political science and biology major and hoped to attend medical school next year. Miss Carson was a member of the Phi Beta Kappa honor society and served as a North Carolina Fellow.

Eve was dedicated to helping those around her. She taught science at Frank Porter Graham Elementary School in Chapel Hill and tutored kids at Githens Middle School in Durham.

She served as cochair of Nourish International, a hunger-relief group, and an assistant coach in the Girls on the Run of the Triangle, a character-building program.

She studied abroad in Cuba and spent her summers helping others in Ecuador, Egypt, and Ghana. Her compassion and hard work seemed to know no bounds.

Mr. President, Eve Carson was a special woman who will be missed. Her passing leaves a void in a community who knew her as an intelligent, hard-working, compassionate leader who loved helping others.

Again, I extend my heartfelt sympathy to Eve's family, friends, and all those who benefitted from her compassion and service.

ADDITIONAL STATEMENTS

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR. Mr. President, today I share with my colleagues the winners of the 2007–2008 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for 8th grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Jansen Hight, of Owen County, and Leah Lahue, of Crawford County, as winners of this year's contest, and I ask that the complete text of their respective essays be printed in the RECORD. Likewise, I would like to have printed in the RECORD the names of all of the district and county winners of the 2007–2008 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

ENERGY AWARE—ENERGY INDEPENDENT

(By Jansen Hight)

Today our world runs mainly on fossil fuels. Therefore, what are we going to do when all the fossil fuels are gone? This limit of non-renewable fuel resources is why we should start considering the use of alternative energy sources. Some of the best-known alternative fuels include biodiesel, butanol, ethanol, chemically-stored electricity, methane, biomass, hydrogen, natural gas, vegetable oil, and peanut oil (just to name a few).

A wide variety of alternative energy sources are being developed to aid our rural economies and our nation's security. With nearly 60 percent of our oil resources coming from other countries, it is important that we develop our own dependable sources of energy. Due to the lack of resources to produce substantial amounts of energy from other sources such as solar and wind power, biofuels are the best resource for Indiana to pursue energy independence.

With Indiana being a strong agricultural state, Indiana has the ability to be a leader in the production and use of domestic renewable fuels including biodiesel, ethanol, and fuels made from cellulosic biomass. Regardless of the type of alternative fuels being produced by Indiana farmers, one common advantage these fuels have is they improve our energy resources since they all can be made from sources other than imported petroleum. By using home-grown sources for fuel, this would also increase the local demand for Indiana soybeans and corn, leading to a better profit for the farmer. This profit can then be circulated back into the local community.

Indiana does have the agricultural resources to be a leader in developing a strong biofuels industry. With the cooperative efforts of biofuel users, petroleum companies, and the government, our Indiana farmers can lead the way for a sustainable energy future that supports rural economies and aids our nation's security.

UNTITLED

(By Leah Lahue)

Alternative energy sources include: solar, water, wind, geo-thermal, and bio-fuels. Alternative energy use reduces the dependence on foreign oil, reduces harmful emissions, and uses renewable resources. Protecting our environment and slowing the use of non-renewable petroleum reserves are good choices for everyone.

Bio-fuels are produced directly from plants or indirectly from organic industrial, commercial, domestic, or agricultural wastes. Three ways to make bio-fuels are burning dry organic waste, using fast growing trees, and fermenting wet materials. Partly digested cellulose and carbohydrates—animal manure can be burnt in dry form or processed into biogas. Bio-fuel comes from corn, sugarcane, wheat, rice, sorghum, sunflowers, potatoes, and sugar beets. One bushel of corn produces 2.8 gallons of ethanol. Bio-fuel, a renewable resource, reduces dependence on foreign oil and carbon dioxide emissions. With 20 parts bio-diesel and 80 parts petroleum, bio-diesel is environmentally safer. Critics are concerned that the major use of grain as bio-fuels may increase food prices. Unused croplands and continually improving farm methods can meet increased demands without food price increases. Food prices are driven up more by increased gas prices than prices paid to farmers.

Solar energy, waterpower and wind energy are clean, nature-provided alternative energy sources, especially for electricity. Solar energy, collected by solar panels, which may be placed on cars and buildings and in open spaces, can be used for heat and to power batteries and other equipment. Falling water and wind turn turbines and electrical equipment. The energy from the turbines can be stored and used as electricity and as a heat source. Alternative energy sources, especially bio-fuels, are good choices. Farmers can raise the crops used to produce bio-fuels in mass quantities. Renewable alternative energy sources are generally cleaner, reduce emissions, and reduce our dependence on foreign oil, keeping our financial resources in America.

2007–2008 DISTRICT ESSAY WINNERS

DISTRICT 1

Schuyler Awald, Walkerton; Stefanie McGovern, Winamac.

DISTRICT 2

Joshua Garcia, Auburn; Jordan Hartleroad, Butler.

DISTRICT 3

Ayren Cobb, Otterbein; Chad Griffin, Cutler.

DISTRICT 4

Tyler Barnes, Kokomo; Mariah Hornaday, Portland.

DISTRICT 5

Ross Smith, Pittsboro; Abby Garner, Covington.

DISTRICT 6

Cody Short, Centerville; Rebekah Bales, Lewisville.

DISTRICT 7

Sarah Anne Foley, Unionville; Jansen Hight, Spencer.

DISTRICT 8

Karina Collins, Columbus; Bret Rosenberger, Brookville.

DISTRICT 9

Leah Lahue, Leavenworth; Jacob Newmaster, Elberfeld.

DISTRICT 10

Denise Maxie, Austin; Luke Aaron Woolbright, Scottsburg.

2006–2007 COUNTY ESSAY WINNERS

BARTHOLOMEW

Karina Collins, Central Middle School.

BENTON

Kybren Foster and Ayren Cobb, Benton Central Junior High School.

CARROLL

Chad Griffin, Carroll Jr./Sr. High School.

CASS

Dalton Christensen and Brittany Wagoner, Columbia Middle School.

CLARK

Sarah Trotter, Charlestown Middle School.

CLAY

Kole Smith, Clay City Junior High School.

CRAWFORD

Leah Lahue, Crawford County Jr. Sr. High School.

DEARBORN

Shane Bedford and Jessica Tillman, St. John Lutheran School.

DECATUR

Jasmine Duvall, North Decatur Jr. High School.

DEKALB

Joshua Garcia, DeKalb Middle School; and Jordon Hartleroad, Eastside Jr. High School.

ELKHART

Kirstin Guerrero, Heritage Middle School.

FLOYD

William Happel, Our Lady of Perpetual Help School.

FRANKLIN

Bret Rosenberger and Emily Ash, St. Michael School.

GREENE

Jesse Houchin and Jannae Jackson, Linton-Stockton Jr. High School.

HAMILTON

Joshua Foster and Katie Cheesman, Carmel Middle School.

HENDRICKS

Ross Smith, Smith Academy.

HENRY

Cole Williams and Rebekah Bales, Tri Jr. High School.

HOWARD

Tyler Barnes and Leah Naegeli, Northwestern Middle School.

JACKSON

Kyle Wischmeier, Lutheran Central Middle School; and Denise Maxie, Crothersville Jr. High School.

JASPER

Garrett Smith and Leslie Smith, Rensselaer Middle School.

JAY

Aaron Loy and Mariah Hornaday, East Jay Middle School.

LAKE

Hunter Balczo, Our Lady of Grace; and Taylor Hillegonds, Crown Point Christian School.

MARION

Andrew Klein and Lindsay Rader, Immaculate Heart of Mary School.

MIAMI

Cole Shafer and Jylian Vigar, Maconaquah Middle School.

MONROE

Matthew Teach, Tri-North Middle School; and Sarah Anne Foley, home school.

OWEN

Jansen Hight and Sarah Law, Owen Valley Middle School.

PORTER

Maggie Mantel, Crown Point Christian School.

POSEY

Austin Bender and Jordan Wassmer, North Posey Jr. High School.

PULASKI

Stefanie McGovern, Eastern Pulaski Middle School.

RANDOLPH

Carlas Bogue and Kailey Gough, Driver Middle School.

ST. JOSEPH

Dylan Gainey and Emily Dillon, St. Matthew Cathedral School.

SCOTT

Luke Woolbright, Scottsburg Middle School.

STARKE

Schuyler Awald and Emily Pucel, Oregon-Davis Jr. High School.

VANDERBURGH

Jacob Newmaster, Trinity Lutheran; and Jessica Kelley, St. Joseph School.

VERMILLION

Brandon Downs and Abby Garner, North Vermillion Jr. High School.

WABASH

Hunter Wells and Madison Kroh, Northfield Jr. High School.

WARRICK

Andrew Gill and Emma Donaldson, Evansville Christian School.

WAYNE

Cody Short, Centerville Jr. High School; and Elise Armstrong, Seton Catholic Jr. High School.

WELLS

Kent Blazier and Chelsea Sorg, Norwell Middle School.

WHITE

Jacob Brummett and Kaity Faucett, Frontier Jr. High School.●

REMEMBERING RAFAEL VAZQUEZ

● Mr. MARTINEZ. Mr. President, I wish to speak in honor and pay tribute to a fallen paramedic from my State, Palm Beach County Fire-Rescue Lieutenant Rafael Vazquez.

Rafael's life ended prematurely this week; he died at the very young age of 42. But the memory of his dedication, hard work, and commitment to public service will live on for many lifetimes.

Rafael Vazquez led a life committed to public service. For the past 7 years, he worked at Station 28 in Royal Palm Beach, and this January he was promoted to the rank of rescue lieutenant. The men and women he supervised speak about him with great pride—describing him as a hard worker, a man with a sense of humor, and a loving father. This was a man whom they respected and considered a friend; they simply called him ''Ray.''

Rafael's coworkers knew him as someone who loved his Puerto Rican heritage. He often cooked Latin food for his colleagues. And even though he was born in Brooklyn, NY, after Rafael moved to Florida, as is our tradition in the Sunshine State, he immediately became a Floridian.

Rafael was also a family man—a devoted father and husband. He met his wife Michele while working at American Medical Response and cared for her deeply. In a recent news account, Rafael's wife Michele remembered her husband as, ''. . . a jokester with a quick wit and an infectious smile who would help anyone in need.'' Michele added, ''I thank God every day for giving me the 13 years that I had with him.'' The couple had a young son together and four children from previous relationships.

Floridians receive rapid medical care in times of emergency because of people like Rafael Vazquez. He loved his work and his contribution will be missed.

On behalf of Florida and the people of the United States, I thank and honor rescue lieutenant Rafael Vazquez for his service to his community and the safety he helped to promote.●

HONORING THE LIFE OF ELLEN PANEOK

● Ms. MURKOWSKI. Mr. President, I wish today to honor the life of Ellen Paneok, who left us last Sunday, March 2, at the age of 48. So little time on this Earth, but Ellen made so much of it. The State of Alaska is much the better for all that she has accomplished.

How to characterize Ellen? I could speak of her work for Big Brothers and Big Sisters of Southcentral Alaska. Or her work to promote aviation safety at the FAA and as a volunteer in the general aviation community.

I could speak of the inspiring articles she has published. I could tell you that Ellen was a highly respected Inupiat artist working in ivory and scrimshaw.

I could speak of that fact that Ellen offered herself freely as a role model for Native young people.

I could speak to the kindness and loyalty she gave to her friends, including Pat Heller, a very special friend of Ellen's and mine. Ellen's friends returned that kindness and loyalty as they took responsibility for Ellen's care in her final days.

And I could speak of the fact that Ellen was one of the first women—not to mention one of the first Alaska Native women—to pursue the career of Alaska bush pilot. Careers just don't get more adventurous than that. And it was her achievements in the field of aviation that earned Ellen a place in our Nation's history.

Ellen started flying in 1976. She flew primarily out of Barrow carrying mail and supplies to the Native villages of northern Alaska.

Her life story was chronicled in the ''Women in Flight'' exhibit at the National Air and Space Museum in the nineties. Ellen was one of 37 women in aviation who were part of that exhibit.

On September 11, 1997, she delighted museum goers with stories about chasing polar bears off the runway before

she could land, flying in Alaska's extreme weather conditions and restoring airplanes.

Some of her experiences were delightful, others were not. Like July 10, 1980, the day that the engine in Ellen's Piper Twin Pacer quit somewhere between Farewell and McGrath. The plane fell like a brick and crashed into a stand of trees. A day and a half later, after making a smoke fire from brush and engine oil to call attention to the downed aircraft, she was rescued.

That incident gave Ellen a new nickname, ''the survivor.'' The chapter devoted to Ellen in Sandi Sumner's book ''Women Pilots of Alaska'' is entitled ''The Survivor.'' But it goes on to note that surviving the July 1980 crash in the Alaska bush was one of many crises in Ellen's life from which she grew and thrived.

Ellen was born in Kotzebue, AK, a relatively large community, in Alaska's bush. Ellen's parents divorced when she was age 5. Her father left the picture following the divorce. Her mother was never around. The family moved from Kotzebue to the big city of Anchorage.

Ellen took on the role of mother to her two sisters at the age of 9 and carried on until the age of 12 when the State moved the children into foster homes, splitting the family up to Ellen's protestations. By 14 Ellen was living in a detention facility. She looked at a magazine with airplanes on the cover and said, ''This is going to change my life.''

Indeed, it did. At age 16, holding a dividend check from Cook Inlet Region, one of the Alaska Native Claims Settlement Act regional corporations created by Congress, Ellen went to Merrill Field, the general aviation aircraft in Anchorage, to take flying lessons. The rest is history.

When Ellen spoke to groups of at-risk kids, she could relate from her personal experience. She told them:

I was just like you. I got no encouragement. When you decide to do something don't let anyone or anything discourage you. It's up to you.

In aviation as in life, attitude influences altitude. With an attitude like this it is no wonder that Ellen will be remembered as a ''heroine in aviation.'' That was the name of an exhibit sponsored by the Chicago Airport System which also chronicled Ellen's extraordinary life adventure.

On March 15, a celebration of Ellen's life will take place at the Alaska Aviation Heritage Museum in Anchorage. I regret that I will not be able to attend this event to commemorate the achievements of this truly Renaissance woman. So I am taking a few minutes of the Senate's time today to pay tribute to this individual who I so deeply respect.

I thank the Senate for allowing me to take a few moments today to speak of Ellen Paneok, one of many Alaskans whose contributions to the making of my home State will be repeated again and again in the run-up to the 50th anniversary of Alaska's statehood next January.

Sadly, Ellen will not be with us in person to celebrate that 50th anniversary, yet her inspiring life will not be forgotten. It is forever a part of Alaska's history.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 1424. To amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

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. BIDEN (for himself, Mr. LUGAR, Mr. KENNEDY, and Mr. SUNUNU):

S. 2731. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MCCASKILL:

S. 2732. A bill to expand the definition of independent student under the Higher Education Act of 1965 to include active members of the National Guard or Reserve forces of the United States and to prevent payments of educational assistance for veterans and members of the Selected Reserve from being offset in the calculation of financial aid under such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 2733. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. BOND (for himself, Mr. ISAKSON, Mr. ALEXANDER, Mrs. DOLE, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. HATCH, Mr. INHOFE, Mr. STEVENS, Ms. MURKOWSKI, and Mr. COLEMAN):

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis; read the first time.

By Mr. REED (for himself and Mr. HAGEL):

S. 2735. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself and Mr. SCHUMER):

S. 2736. A bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. REED, Mr. REID, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. BIDEN, Mr. LEAHY, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. CHAMBLISS, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. WARNER, Mr. OBAMA, Mr. VOINOVICH, Mr. COLEMAN, Mr. DODD, Mr. LUGAR, Mr. LAUTENBERG, Mr. BROWN, Mrs. MURRAY, Mr. BAYH, Mr. MARTINEZ, Mr. INOUYE, and Mr. SALAZAR):

S. Res. 476. A resolution designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; considered and agreed to.

By Mr. CONRAD:

S. Con. Res. 70. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; from the Committee on the Budget; placed on the calendar.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 2142

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S.

2142, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2606

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2712

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2712, a bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2716

At the request of Mr. DOMENICI, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2716, a bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

S. 2718

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2718, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2720

At the request of Mr. SPECTER, the names of the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2720, a bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KENNEDY, and Mr. SUNUNU):

S. 2731. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am pleased to join Senators LUGAR, KENNEDY, and SUNUNU in introducing legislation to reauthorize our Government's effort to combat HIV/AIDS, tuberculosis, and malaria overseas. Entitled the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008—in recognition of the great service to this issue by our recently departed friends from the House of Representatives—the bill would continue and expand the revolutionary public health program begun 5 years ago at the initiative of President Bush.

In his State of the Union address in 2003, the President announced a dramatic proposal—to spend $15 billion over 5 years to combat HIV/AIDS globally, particularly in sub-Saharan Africa, which has been hardest hit by the pandemic. Congress responded promptly, authorizing the full amount requested by the President just a few months later.

In the last 5 years, the work of the U.S. Government and its implementing partners around the world has been nothing short of miraculous. Well over a million people have been saved from almost certain death by the provision of anti-retroviral drugs. Mr. President, 150,000 babies have been born without HIV because of efforts to prevent the transmission of the disease from mothers who were so infected. Millions of people suffering from AIDS have received treatment and care. Over two million orphans and vulnerable children have received care, education and support. Across Africa, in communities large and small, we have given millions of people hope for a better and longer life.

Even the most optimistic among us would not have predicted these dramatic results. History will record that this was President Bush's finest hour—he challenged our Government, and the governments in Africa, to respond to one of the most profound crises of our time. They have met and exceeded that challenge. While implementation of the program has not been problem-free, it has proceeded at a pace and scale that was unimaginable to most of us. The credit for this success goes to thousands of dedicated people serving here and abroad, and to the American people, for their generosity in supporting this program.

We cannot, however, rest on this success. We have made progress, but the disease is still winning. Thousands of new infections occur every day. For every person enrolled in a treatment program last year, six more became infected.

Last spring, the President challenged us again—to reauthorize the program at a level of $30 billion over the next 5 years. In the course of last summer and fall, the Committee on Foreign Relations has closely reviewed the President's request and the operation of our current programs. To review the programs in the field, teams of committee staff traveled to most of the 15 ''focus'' countries that have received the bulk of the funding. They visited dozens of clinics, hospitals, and care centers. They talked to hundreds of government officials, community members and health staff working against the disease, people living with HIV/AIDS, and children orphaned by the disease. We have learned what is working—and more important, what is not working. Last fall, the committee held formal hearings to take testimony from experts from within and without the Government. The committee has also closely reviewed numerous studies performed by government agencies and nongovernmental organizations working in this field.

The Congress is now ready to act, and we are ready to respond to the President's call. The bill that we introduce today will reauthorize the Global HIV/AIDS programs for the next 5 fiscal years. It will provide authorization of appropriations of $50 billion over this period, of which $9 billion is devoted to fighting malaria and tuberculosis, two diseases that are also major causes of death in the developing world. This higher figure is justified because the President's figure of $30 billion is too low—it will barely keep pace with inflation, as we are already funding current programs at a rate above $6 billion a year. Additionally, the President's request dealt only with HIV/AIDS, although the initial legislation in 2003 covered all three deadly diseases.

The bill that we introduce will keep the basic framework of the program intact, but makes important adjustments based on lessons learned over the past 5 years. First, the bill removes most earmarks in the original law that delineated the percentages that should be devoted to treatment, to care, and to prevention. A major, congressionally mandated study by the Institute of Medicine, as well as one by the Government Accountability Office, concluded that these earmarks unduly limit flexibility for the people implementing the programs. We need to lift these restrictions in order to let our Government and local officials tailor their responses to local conditions. The only earmark that is retained is a 10 percent allocation for orphans and vulnerable children, for which there appears to be universal support.

The bill also seeks to coordinate our HIV/AIDS programs with other health and development programs. The disease does not exist in a vacuum. Across the

developing world, people afflicted with HIV/AIDS face many other health and economic challenges. We need to better coordinate all of our health programs to promote efficiencies and expand the number of people we reach. Nutrition is the best example of how we could positively affect people's lives by improving our coordination. The bill promotes local health capacity—an enormous challenge in Africa in combating this disease. Further, the bill pushes the U.S. Government to plan for the long-term. We need to move from responding to an emergency toward building sustainability—so our local partners that have the resources can take over this effort, with our technical assistance.

Perhaps most important, this legislation attempts to put major emphasis on prevention. Simply put, we cannot win the fight against HIV/AIDS unless we expand and improve efforts to prevent its spread. Such efforts must include the so-called ''ABC'' approach—abstinence, being faithful, and proper use of condoms. But they must involve much more; in some places successful prevention will require major societal and cultural change that must be initiated and led by local governments and leaders.

Last week, the House Committee on Foreign Affairs approved a reauthorization bill on a bipartisan basis. The legislation was sponsored by the acting chairman, Mr. BERMAN, and the ranking member, Ms. ROS-LEHTINEN. It is endorsed by the President, who, having just returned from visiting Africa, personally urged several of us to act quickly on the reauthorization bill. The bill that we introduce today mirrors the compromise in the House in several major respects, which will facilitate a prompt conference with the other body.

In partnership with Senator LUGAR, who chaired our committee when the original legislation was approved in 2003, I have scheduled a markup in the Committee on Foreign Relations next week. I am hopeful of strong support to report the bill, and that the full Senate will act on the bill soon after the Easter recess.

By Mr. BOND (for himself, Mr. ISAKSON, Mr. ALEXANDER, Mrs. DOLE, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. HATCH, Mr. INHOFE, Mr. STEVENS, Ms. MURKOWSKI, and Mr. COLEMAN):

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis; read the first time.

Mr. BOND. Mr. President, as I described last Friday, too many families in Missouri and across the Nation are feeling the pain of this Housing crisis, and they need our help now. We have 57,000 people in Missouri delinquent on their mortgages, with 20 percent of Missouri subprime borrowers behind on their payments. These families, unfortunately, similar to many across America in I imagine almost every State, can least afford higher housing costs as they are being hit with higher heating bills, higher health care costs, and more pain at the gas pump.

That is why today I, in partnership with Senator ISAKSON, Senator COLEMAN, and several other Republican colleagues, will proudly introduce the Security Against Foreclosure and Education, or SAFE, Act of 2008. This bill focuses solely on the housing needs of our families and neighborhoods.

A growing economy free of excess litigation and cumbersome regulation will help the most people find the most good-paying jobs and the relief they need. The HOME Act we introduced last week on our side included both housing relief provisions as well as tax relief for American families, litigation reform, and capital markets reform.

However, we do not want Congress to lose sight of the housing crisis that too many American people are facing and the help they need right now. Therefore, we are introducing this measure today to focus solely on the housing help our families and neighborhoods need.

Last week, I spoke about one person in need, suffering in the current subprime mortgage meltdown. That was Willie Clay of Kansas City, MO, a Vietnam vet unable to meet rising variable mortgage payments. Unfortunately, there are many more like him.

Today I share with my colleagues the story of Katherine Gwinn of St. Louis, MO. Her story appeared in the St. Louis Dispatch last year. She is a disabled 53 year old living on Social Security and disability payments. Mrs. Gwinn refinanced her home three times to get lower payments and help pay off debt. Her subprime loan's initial fixed rate expired after 1 year. Since then, her payments have gone up 40 percent, now taking a large chunk of her $916 monthly income.

Ms. Gwinn said the last time she refinanced, her mortgage broker fast-talked her into a subprime loan with provisions she did not understand. The result is her variable rate payments are now at $566 per month. As I said earlier, Ms. Gwinn's monthly income of Social Security and disability payments is only $916 per month. How many of us could pay for food, gas, medicine, and heating bills on the remaining $350 per month? That is why I believe so strongly that we need to help folks such as Katherine Gwinn across the Nation.

First, the Republican SAFE Act will help folks such as Katherine Gwinn and Willie Clay with $10 billion to State housing finance authorities to refinance distressed subprime mortgages. Our proposal would authorize the State housing finance agencies to issue $10 billion in tax-exempt bonds and use the proceeds to help refinance subprime mortgages, refinancing them at or near the original level which they could afford.

Secondly, in order to help families avoid foreclosure and keep them in their homes, we propose to expedite the delivery of $180 million approved by Congress in December to assure counseling help to families in distress. As I announced last week, the first block of these funds has gone out, and we will ensure that remaining funds are delivered as quickly as possible after we can confirm that counseling is having the desired effect. This counseling is important because borrowers need to know and lenders need to know the best way to get out of this crisis is not to have foreclosures that throw families out of their homes. That not only hurts the family, it hurts the lender because they have to spend money on foreclosures, and it drives down the price of housing that is in their stock. In addition, it hurts communities, because when you have a community with significant numbers of foreclosures, you put a blanket of debt and hopelessness on communities which cannot remain viable.

Thirdly, we support helping struggling neighborhoods by providing $15,000 in tax credits available over 3 years for purchasing a home in or approaching foreclosure. This provision, initially proposed by Senator ISAKSON, will help neighbors take down foreclosure signs and stop the slide in property values. We also support the so-called net operating loss carryback tax provisions to help firms that suffered operating losses lower their tax burden, so we enable homebuilders to get through this crisis.

Our proposal includes no new loan disclosure requirements for prominent and plain English explanation of key loan conditions. Anybody who has purchased a house recently knows you are confronted with a stack of papers a half a foot high, with all kinds of legal gobbledygook and with provisions, if you looked hard enough, that may tell you what is going to happen to you if you borrow the money. Most of it is legalese that we as lawyers—and I admit to having been one—like to put in to cover every possible contingency. What borrowers need to see is in big type: ''Teaser, introductory rates,'' their payments, and when it expires. They need to know that if they are agreeing to an adjustable rate, what that rate could be and how much the new payment penalty will be or if there is going to be a repayment penalty. That information needs to be portrayed on the first page so you can see on the first page what you are getting into and how much it would cost you to get out. They will be reminded that there is no guarantee they will be able to refinance their loan before the introductory rate expires.

These are the very things Katherine Gwinn and Willie Clay and thousands of borrowers did not understand when they agreed to their loans. We hope this will protect future families who want their share of the American dream.

I also believe that providing the tax credit will help many first-time homeowners get into a house and give them the extra cash they need to be able to meet their mortgage payments.

Now, there are two new provisions added to our measure that we did not introduce last week. Senator COLEMAN provided language to give returning war veterans more time to avoid home foreclosure. Currently, they have a 3-month window from their return to the private sector to work out any mortgage difficulties they may have. That may not be enough time for a vet newly returned from the war zone and dealing with a host of family and financial problems. Our proposal would extend the returned war veteran protection against foreclosure to 6 months after they return.

We have also introduced provisions of the Federal Housing Act reform bill that passed the Senate 93 to 1 last year. That bipartisan, near unanimous reform bill deserves to become law, and it will assist the FHA in stepping up to the plate in many areas where that agency can provide the kind of help and assistance we initially intended it to provide.

Now, in contrast to the housing proposal introduced on the other side, Republicans will avoid making home ownership more expensive, especially for low-income families, through harmful bankruptcy changes that increase the cost of borrowing or encourage costly litigation.

If we put in law the fact that bankruptcy judges will be able to cram down on lenders' onerous terms that were not included in the initial mortgage, they will find that mortgage companies may increase their rates by 1.5 to 2 percent. That could mean at least 6 million Americans would no longer be able to afford a mortgage to buy the home they need.

Also, we will oppose plowing billions of dollars into big Government programs that will not help our neediest families now. We will also oppose adding more dollars to programs that are still flush with funds that were given them in December.

Together, these housing proposals will help families such as those of Katherine Gwinn and Willie Clay and neighborhoods across the country get through this crisis. I urge my colleagues to support it, and I invite all colleagues on both sides of the aisle to join with us to see if we cannot pass something that will provide relief now for the many families across this Nation who are suffering because of the subprime mortgage meltdown and the resulting financial pressures it puts on the lending industry and, through them, to the families themselves.

This is the time. Now is the time for congressional action. I hope that with a broad coalition of my colleagues, we will be able to make these additions and provide assistance to suffering American families.

By Mr. REED (for himself and Mr. HAGEL):

S. 2735. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce, along with Senator HAGEL, the Healthy Housing Council Act of 2008. This legislation would establish an independent interagency Council on Healthy Housing in the executive branch. The bill would improve the coordination of existing but fragmented programs, so that families can access Government programs and services in a more efficient and effective manner.

According to the Department of Housing and Urban Development, more than 6 million households live in housing with moderate or severe heating, plumbing, or electric hazards. This count of moderate or severe physical problems does not even include significant lead-based paint hazards, which persist in 24 million, or approximately four times as many, households.

Low-income and minority individuals and families are disproportionately affected by housing-related health hazards. We know that residents of poorly designed, constructed, or maintained housing are at greater risk for serious illnesses and injuries, including cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic Blacks and Mexican-Americans are three times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. About 1.2 million housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

If the disease and injury toll taken on our Nation's individuals and families, particularly our children, is not enough to demonstrate the need for coordinated Federal Government action on housing-related health hazards, consider some of the annual costs.

According to research at the Mount Sinai Children's Environmental Health Center, annual costs for environmentally attributable childhood diseases in the U.S. total an estimated $54.9 billion. That number is approximately 3 percent of total health care costs.

The good news is that low-cost preventative measures can have dramatic effects. For example, properly installing and maintaining a smoke alarm can cut the risk of fire death in half. The Centers for Disease Control and Prevention estimates that providing healthy housing to American families will help prevent 20 million asthma cases, 240,000 incidents of elevated blood-lead levels in young children, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths.

While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families to access assistance or to receive the comprehensive information they need. It is time for better coordination.

This bill authorizes $750,000 for each of fiscal years 2009 to 2013 for an independent Council on Healthy Housing, which would bring Federal, State, and local government representatives, as well as industry and nonprofit representatives, to the table at least once a year.

The council would review, monitor, and evaluate existing housing, health, energy, and environmental programs. The council would then make recommendations to reduce duplication, ensure collaboration, identify best practices, and develop a comprehensive healthy housing research agenda.

In order to ensure that members of the public are informed of and benefit from the council's activities, the council would hold biannual stakeholder meetings, keep an updated Web site, and work towards unified healthy housing data collection and maintenance.

While there is a growing consensus on ways to help communities make housing healthier, there is also a lack of coordinated programs and information, which has made it difficult for the public to access research and data. By creating this council, we can provide a sorely needed forum for otherwise disparate health and housing experts, whether in the Government, private, or nonprofit sector, to share their experiences, successes, and agendas for the future.

The Healthy Housing Council Act will help us start working towards a time when an affordable, decent, and healthy home will be not just the American dream, but the American promise. I hope my colleagues will join me and Senator HAGEL in supporting this bipartisan bill and other healthy housing efforts.

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

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

S. 2735

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Housing Council Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the United States—

(A) 6,000,000 households live in homes with moderate or severe physical hazards;

(B) 24,000,000 homes have significant lead-based paint hazards;

(C) 11,000,000 homes have had leaks in the last 12 months;

(D) 6,000,000 homes have had signs of mice in the last 3 months; and

(E) 1 in 15 homes have dangerous levels of radon.

(2) Residents of housing that is poorly designed, constructed, or maintained are at risk for cancer, carbon monoxide poisoning,

burns, falls, rodent bites, childhood lead poisoning, asthma, and other illnesses and injuries. Vulnerable subpopulations, such as children and the elderly, are at elevated risk for housing-related illnesses and injuries.

(3) Because substandard housing typically poses the greatest risks, the disparities in the distribution of housing-related health hazards are striking. 1,200,000 housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

(4) Minority populations also tend to be disproportionately affected by housing-related illnesses, including lead poisoning and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic blacks and Mexican Americans are approximately 3 times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. The non-Hispanic black population has an asthma mortality rate 3 times greater than the rate for the non-Hispanic white population.

(5) The annual costs for environmentally attributable childhood diseases in the United States, including lead poisoning, asthma, and cancer, total $54,900,000,000. This amount is approximately 3 percent of total health care costs.

(6) Appropriate housing design, construction, and maintenance, timely correction of deficiencies, planning efforts, and low-cost preventative measures can reduce the incidence of serious injury or death, improve the ability of residents to survive in the event of a major catastrophe, and contribute to overall well-being and mental health. Housing units that are kept lead-safe are approximately 25 percent less likely to have another child with elevated blood lead levels. Properly installed and maintained smoke alarms reduce the risk of fire deaths by 50 percent.

(7) Providing healthy housing to families and individuals in the United States will help prevent an estimated 240,000 elevated blood lead levels in young children, 11,000 unintentional injury deaths, 12,000,000 nonfatal injuries, 3,000 deaths in house fires, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths that occur in United States housing each year, as well as 20,000,000 asthma cases and 14,000,000 missed school days.

(8) While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families and individuals to access assistance or to receive comprehensive information.

(9) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that families and individuals can access government programs and services in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COUNCIL.—The term ''Council'' means the Interagency Council on Healthy Housing established under section 4.

(2) HOUSING.—The term ''housing'' means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(3) HEALTHY HOUSING.—The term ''healthy housing'' means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(4) HOUSING-RELATED HEALTH HAZARD.—The term ''housing-related health hazard'' means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

(5) LOW-INCOME FAMILIES AND INDIVIDUALS.—The term ''low-income families and individuals'' means any household or individual with an income at or below 200 percent of the Federal poverty line.

(6) POVERTY LINE.—The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

(7) PROGRAM.—The term ''program'' includes any Federal, State, or local program providing housing or financial assistance, health care, mortgages, bond and tax financing, homebuyer support courses, financial education, mortgage insurance or loan guarantees, housing counseling, supportive services, energy assistance, or other assistance related to healthy housing.

(8) SERVICE.—The term ''service'' includes public and environmental health services, housing services, energy efficiency services, human services, and any other services needed to ensure that families and individuals in the United States have access to healthy housing.

SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Healthy Housing.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote the supply of and demand for healthy housing in the United States through capacity building, technical assistance, education, and public policy.

(2) To promote coordination and collaboration among the Federal departments and agencies involved with housing, public health, energy efficiency, emergency preparedness and response, and the environment to improve services for families and individuals residing in inadequate or unsafe housing and to make recommendations about needed changes in programs and services with an emphasis on—

(A) maximizing the impact of existing programs and services by transitioning the focus of such programs and services from categorical approaches to comprehensive approaches that consider and address multiple housing-related health hazards;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services;

(C) ensuring that resources, including assistance with capacity building, are targeted to and sufficient to meet the needs of high-risk communities, families, and individuals; and

(D) facilitating access by families and individuals to programs and services that help reduce health hazards in housing.

(3) To identify knowledge gaps, research needs, and policy and program deficiencies associated with inadequate housing conditions and housing-related illnesses and injuries.

(4) To help identify best practices for achieving and sustaining healthy housing.

(5) To help improve the quality of existing and newly constructed housing and related programs and services, including those programs and services which serve low-income families and individuals.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the healthy housing needs of families and individuals are met in a more effective and efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Housing and Urban Development.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Energy.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Secretary of the Treasury.

(8) The Secretary of Agriculture.

(9) The Secretary of Education.

(10) The head of any other Federal agency as the Council considers appropriate.

(11) 6 additional non-Federal employee members, as appointed by the President to serve terms not to exceed 2 years, of whom—

(A) 1 shall be a State or local Government Director of Health or the Environment;

(B) 1 shall be a State or local Government Director of Housing or Community Development;

(C) 2 shall represent nonprofit organizations involved in housing or health issues; and

(D) 2 shall represent for-profit entities involved in the housing, banking, or health insurance industries.

(d) CO-CHAIRPERSONS.—The co-Chairpersons of the Council shall be the Secretary of Housing and Urban Development and the Secretary of Health and Human Services.

(e) VICE CHAIR.—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of either co-Chairperson or a majority of its members at any time, and no less often than annually.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out the objectives described in section 4(b), the Council shall—

(1) review Federal programs and services that provide housing, health, energy, or environmental services to families and individuals;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist families and individuals in accessing healthy housing and make recommendations about how such agencies can better work to meet the healthy housing and related needs of low-income families and individuals; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist families and individuals in meeting their healthy housing and related service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that families and individuals are able to easily access needed programs and services;

(C) work with States and local governments to better meet the needs of families and individuals for healthy housing by—

(i) holding meetings with State and local representatives; and

(ii) providing ongoing technical assistance and training to States and localities in better meeting the housing-related needs of such families and individuals;

(D) identify best practices for programs and services that assist families and individuals in accessing healthy housing, including model—

(i) programs linking housing, health, environmental, human, and energy services;

(ii) housing and remodeling financing products offered by government, quasi-government, and private sector entities;

(iii) housing and building codes and regulatory practices;

(iv) existing and new consensus specifications and work practices documents;

(v) capacity building and training programs that help increase and diversify the supply of practitioners who perform assessments of housing-related health hazards and

interventions to address housing-related health hazards; and

(vi) programs that increase community awareness of, and education on, housing-related health hazards and available assessments and interventions;

(E) develop a comprehensive healthy housing research agenda that considers health, safety, environmental, and energy factors, to—

(i) identify cost-effective assessments and treatment protocols for housing-related health hazards in existing housing;

(ii) establish links between housing hazards and health outcomes;

(iii) track housing-related health problems including injuries, illnesses, and death;

(iv) track housing conditions that may be associated with health problems;

(v) identify cost-effective protocols for construction of new healthy housing; and

(vi) identify replicable and effective programs or strategies for addressing housing-related health hazards;

(4) hold biannual meetings with stakeholders and other interested parties in a location convenient for such stakeholders (or hold open Council meetings) to receive input and ideas about how to best meet the healthy housing needs of families and individuals;

(5) maintain an updated website of policies, meetings, best practices, programs and services, making use of existing websites as appropriate, to keep people informed of the Council's activities; and

(6) work with member agencies to collect and maintain data on housing-related health hazards, illnesses, and injuries so that all data can be accessed in 1 place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that briefly summarizes—

(A) each healthy housing-related program and service administered by the agency and the number of families and individuals served by each program or service, the resources available in each program or service, as well as a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by families and individuals, with particular attention to the barriers and impediments experienced by low-income families and individuals;

(C) the efforts made by each agency to increase opportunities for families and individuals, including low-income families and individuals, to reside in healthy housing, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by each agency relating to the healthy housing needs of families and individuals.

(2) BY THE COUNCIL.—Each year the Council shall prepare and transmit to the President and the Congress, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of housing-related health hazards, and associated illnesses and injuries, in the United States;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, nonprofit organizations and for-profit entities in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) The Council may accept, use, and dispose of gifts or donations of services or property.

(2) The Council shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

(e) CONTRACTS AND INTERAGENCY AGREEMENTS.—The Council may enter into contracts with State, Tribal, and local governments, public agencies and private-sector entities, and into interagency agreements with Federal agencies. Such contracts and interagency agreements may be single-year or multi-year in duration.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall be reasonably compensated for that member's participation in the Council, including reimbursement for travel expenses as described in subsection (b).

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing and Urban Development shall provide the Council with such administrative (including office space) and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $750,000 for each of fiscal years 2009 through 2013.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available for the 2 fiscal years following such appropriation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—DESIGNATING MARCH 25, 2008, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. REED, Mr. REID, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. BIDEN, Mr. LEAHY, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. CHAMBLISS, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. WARNER, Mr. OBAMA, Mr. VOINOVICH, Mr. COLEMAN, Mr. DODD, Mr. LUGAR, Mr. LAUTENBERG, Mr. BROWN, Mrs. MURRAY, Mr. BAYH, Mr. MARTINEZ, Mr. INOUYE, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely

fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war, and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, ''Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for 3 decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, investing over $20,000,000,000, creating over 200,000 new jobs, and contributing over $750,000,000 in development aid to the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by the Prime Minister of Greece, Kostas Karamanlis, the first official visit to Turkey by a Prime Minister of Greece in 49 years;

Whereas Greece is a key energy security hub that delivers gas to Europe via the Turkey-Greece-Italy Interconnector;

Whereas Greece is a world leader in the assimilation of immigrants, with immigrants having grown to more than 10 percent of people employed in Greece;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2008, marks the 187th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 70—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2008 AND 2010 THROUGH 2013

Mr. CONRAD from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

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

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,013,878,000,000.
Fiscal year 2010: $2,199,989,000,000.
Fiscal year 2011: $2,432,588,000,000.
Fiscal year 2012: $2,656,131,000,000.
Fiscal year 2013: $2,755,116,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: −$7,652,000,000.
Fiscal year 2009: −$83,246,000,000.
Fiscal year 2010: $17,125,000,000.
Fiscal year 2011: $4,563,000,000.
Fiscal year 2012: $2,816,000,000.
Fiscal year 2013: $376,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,732,000,000.
Fiscal year 2010: $2,555,303,000,000.
Fiscal year 2011: $2,687,125,000,000.
Fiscal year 2012: $2,726,134,000,000.
Fiscal year 2013: $2,846,988,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,712,000,000.
Fiscal year 2010: $2,616,270,000,000.
Fiscal year 2011: $2,708,326,000,000.
Fiscal year 2012: $2,717,061,000,000.
Fiscal year 2013: $2,838,995,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $561,834,000,000.
Fiscal year 2010: $416,281,000,000.
Fiscal year 2011: $275,738,000,000.
Fiscal year 2012: $60,930,000,000.
Fiscal year 2013: $83,879,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,276,776,000,000.
Fiscal year 2010: $10,801,592,000,000.
Fiscal year 2011: $11,182,340,000,000.
Fiscal year 2012: $11,375,053,000,000.
Fiscal year 2013: $11,573,680,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,801,633,000,000.
Fiscal year 2010: $6,029,151,000,000.
Fiscal year 2011: $6,096,509,000,000.
Fiscal year 2012: $5,936,083,000,000.
Fiscal year 2013: $5,793,011,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,160,000,000.
(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,497,000,000.
(B) Outlays, $645,433,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,032,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.
(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $38,608,000,000.
(B) Outlays, $33,771,000,000.
Fiscal year 2009:
(A) New budget authority, $34,472,000,000.
(B) Outlays, $37,324,000,000.
Fiscal year 2010:
(A) New budget authority, $35,663,000,000.
(B) Outlays, $35,898,000,000.
Fiscal year 2011:
(A) New budget authority, $36,322,000,000.
(B) Outlays, $35,514,000,000.
Fiscal year 2012:
(A) New budget authority, $36,866,000,000.
(B) Outlays, $35,415,000,000.
Fiscal year 2013:
(A) New budget authority, $37,024,000,000.
(B) Outlays, $35,082,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $29,936,000,000.
(B) Outlays, $28,681,000,000.
Fiscal year 2010:
(A) New budget authority, $30,369,000,000.
(B) Outlays, $30,280,000,000.
Fiscal year 2011:
(A) New budget authority, $30,848,000,000.
(B) Outlays, $31,107,000,000.
Fiscal year 2012:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $31,638,000,000.
Fiscal year 2013:
(A) New budget authority, $31,816,000,000.
(B) Outlays, $31,623,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $7,026,000,000.
(B) Outlays, $2,843,000,000.
Fiscal year 2010:
(A) New budget authority, $6,935,000,000.
(B) Outlays, $4,533,000,000.
Fiscal year 2011:
(A) New budget authority, $6,916,000,000.
(B) Outlays, $5,481,000,000.
Fiscal year 2012:
(A) New budget authority, $6,895,000,000.
(B) Outlays, $5,981,000,000.
Fiscal year 2013:
(A) New budget authority, $6,858,000,000.
(B) Outlays, $6,159,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $39,748,000,000.
(B) Outlays, $36,230,000,000.
Fiscal year 2010:
(A) New budget authority, $34,705,000,000.
(B) Outlays, $37,014,000,000.
Fiscal year 2011:
(A) New budget authority, $35,399,000,000.
(B) Outlays, $37,193,000,000.
Fiscal year 2012:
(A) New budget authority, $36,086,000,000.
(B) Outlays, $37,370,000,000.
Fiscal year 2013:
(A) New budget authority, $36,787,000,000.
(B) Outlays, $37,732,000,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,423,000,000.
(B) Outlays, $21,495,000,000.
Fiscal year 2009:
(A) New budget authority, $21,377,000,000.
(B) Outlays, $21,127,000,000.
Fiscal year 2010:
(A) New budget authority, $21,532,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2011:
(A) New budget authority, $21,665,000,000.
(B) Outlays, $20,659,000,000.
Fiscal year 2012:
(A) New budget authority, $21,994,000,000.
(B) Outlays, $21,176,000,000.
Fiscal year 2013:
(A) New budget authority, $22,307,000,000.
(B) Outlays, $21,513,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,516,000,000.
(B) Outlays, $5,441,000,000.
Fiscal year 2009:
(A) New budget authority, $9,350,000,000.
(B) Outlays, $3,764,000,000.
Fiscal year 2010:
(A) New budget authority, $11,133,000,000.
(B) Outlays, $3,562,000,000.
Fiscal year 2011:
(A) New budget authority, $7,713,000,000.
(B) Outlays, $824,000,000.
Fiscal year 2012:
(A) New budget authority, $8,028,000,000.
(B) Outlays, $492,000,000.
Fiscal year 2013:
(A) New budget authority, $8,254,000,000.
(B) Outlays, $195,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $83,789,000,000.
(B) Outlays, $77,870,000,000.
Fiscal year 2009:
(A) New budget authority, $75,131,000,000.
(B) Outlays, $83,311,000,000.
Fiscal year 2010:
(A) New budget authority, $78,075,000,000.
(B) Outlays, $85,504,000,000.
Fiscal year 2011:
(A) New budget authority, $78,913,000,000.
(B) Outlays, $86,779,000,000.
Fiscal year 2012:
(A) New budget authority, $79,763,000,000.
(B) Outlays, $88,515,000,000.
Fiscal year 2013:
(A) New budget authority, $80,640,000,000.
(B) Outlays, $90,534,000,000.
(9) Community and Regional Development (450):

Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $15,024,000,000.
(B) Outlays, $24,392,000,000.
Fiscal year 2010:
(A) New budget authority, $15,235,000,000.
(B) Outlays, $22,080,000,000.
Fiscal year 2011:
(A) New budget authority, $15,473,000,000.
(B) Outlays, $18,202,000,000.
Fiscal year 2012:
(A) New budget authority, $15,716,000,000.
(B) Outlays, $16,159,000,000.
Fiscal year 2013:
(A) New budget authority, $15,949,000,000.
(B) Outlays, $15,847,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $91,381,000,000.
(B) Outlays, $90,912,000,000.
Fiscal year 2009:
(A) New budget authority, $94,141,000,000.
(B) Outlays, $91,112,000,000.
Fiscal year 2010:
(A) New budget authority, $103,891,000,000.
(B) Outlays, $98,377,000,000.
Fiscal year 2011:
(A) New budget authority, $106,486,000,000.
(B) Outlays, $103,694,000,000.
Fiscal year 2012:
(A) New budget authority, $108,255,000,000.
(B) Outlays, $104,858,000,000.
Fiscal year 2013:
(A) New budget authority, $101,660,000,000.
(B) Outlays, $103,626,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $286,108,000,000.
(B) Outlays, $287,211,000,000.
Fiscal year 2009:
(A) New budget authority, $309,404,000,000.
(B) Outlays, $307,274,000,000.
Fiscal year 2010:
(A) New budget authority, $324,863,000,000.
(B) Outlays, $325,285,000,000.
Fiscal year 2011:
(A) New budget authority, $345,558,000,000.
(B) Outlays, $344,735,000,000.
Fiscal year 2012:
(A) New budget authority, $368,273,000,000.
(B) Outlays, $367,091,000,000.
Fiscal year 2013:
(A) New budget authority, $393,283,000,000.
(B) Outlays, $391,805,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,389,000,000.
(B) Outlays, $420,150,000,000.
Fiscal year 2010:
(A) New budget authority, $445,380,000,000.
(B) Outlays, $445,513,000,000.
Fiscal year 2011:
(A) New budget authority, $494,477,000,000.
(B) Outlays, $494,305,000,000.
Fiscal year 2012:
(A) New budget authority, $491,399,000,000.
(B) Outlays, $491,163,000,000.
Fiscal year 2013:
(A) New budget authority, $551,039,000,000.
(B) Outlays, $551,161,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $393,591,000,000.
(B) Outlays, $394,613,000,000.
Fiscal year 2009:
(A) New budget authority, $411,748,000,000.
(B) Outlays, $417,187,000,000.
Fiscal year 2010:
(A) New budget authority, $416,312,000,000.
(B) Outlays, $418,131,000,000.
Fiscal year 2011:
(A) New budget authority, $425,425,000,000.
(B) Outlays, $426,180,000,000.
Fiscal year 2012:
(A) New budget authority, $411,458,000,000.
(B) Outlays, $411,587,000,000.
Fiscal year 2013:
(A) New budget authority, $426,718,000,000.
(B) Outlays, $426,609,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,268,000,000.
(B) Outlays, $92,352,000,000.
Fiscal year 2010:
(A) New budget authority, $95,615,000,000.
(B) Outlays, $95,394,000,000.
Fiscal year 2011:
(A) New budget authority, $100,959,000,000.
(B) Outlays, $100,748,000,000.
Fiscal year 2012:
(A) New budget authority, $97,782,000,000.
(B) Outlays, $97,064,000,000.
Fiscal year 2013:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $102,521,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,282,000,000.
(B) Outlays, $44,322,000,000.
Fiscal year 2009:
(A) New budget authority, $47,498,000,000.
(B) Outlays, $46,411,000,000.
Fiscal year 2010:
(A) New budget authority, $47,977,000,000.
(B) Outlays, $49,155,000,000.
Fiscal year 2011:
(A) New budget authority, $48,866,000,000.
(B) Outlays, $49,680,000,000.
Fiscal year 2012:
(A) New budget authority, $49,778,000,000.
(B) Outlays, $49,751,000,000.
Fiscal year 2013:
(A) New budget authority, $50,727,000,000.
(B) Outlays, $50,425,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $24,474,000,000.
(B) Outlays, $24,432,000,000.
Fiscal year 2010:
(A) New budget authority, $19,966,000,000.
(B) Outlays, $20,166,000,000.
Fiscal year 2011:
(A) New budget authority, $20,387,000,000.
(B) Outlays, $20,399,000,000.
Fiscal year 2012:
(A) New budget authority, $20,788,000,000.
(B) Outlays, $20,932,000,000.
Fiscal year 2013:
(A) New budget authority, $21,103,000,000.
(B) Outlays, $20,987,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,462,000,000.
(B) Outlays, $349,462,000,000.
Fiscal year 2009:
(A) New budget authority, $335,088,000,000.
(B) Outlays, $335,088,000,000.
Fiscal year 2010:
(A) New budget authority, $372,156,000,000.
(B) Outlays, $372,156,000,000.
Fiscal year 2011:
(A) New budget authority, $408,964,000,000.
(B) Outlays, $408,964,000,000.
Fiscal year 2012:
(A) New budget authority, $430,098,000,000.
(B) Outlays, $430,098,000,000.
Fiscal year 2013:
(A) New budget authority, $438,484,000,000.
(B) Outlays, $438,484,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,000,000,000.
Fiscal year 2009:
(A) New budget authority, −$1,087,000,000.
(B) Outlays, $4,351,000,000.
Fiscal year 2010:
(A) New budget authority, −$8,067,000,000.
(B) Outlays, −$7,460,000,000.
Fiscal year 2011:
(A) New budget authority, −$8,239,000,000.
(B) Outlays, −$8,030,000,000.
Fiscal year 2012:
(A) New budget authority, −$8,416,000,000.
(B) Outlays, −$8,134,000,000.
Fiscal year 2013:
(A) New budget authority, −$8,596,000,000.
(B) Outlays, −$9,281,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and

sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays.

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

''SEC. ___. DEBT DISCLOSURES.

''(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ from the current year, fiscal year 20___, to the fifth year of the budget window, fiscal year 20___.

''(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ on every United States citizen from the current year, fiscal year 20___ to the fifth year of the budget window, fiscal year 20___.

''(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20___–20___, on things other than Social Security which represents ___ percent of the projected Social Security surplus over this period.''.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term ''gross Federal debt'' described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009–2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade agreements, preferences, sanctions, enforcement, or customs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) improves the unemployment compensation program; or

(4) reauthorizes the trade adjustment assistance programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax benefits and other revenue provisions.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend energy tax incentives like the production tax credit for electricity produced from renewable resources, the Clean

Renewable Energy Bond program, or provisions to encourage energy efficient buildings, products, and power plants.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 G.I. BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents; or

(3) allow for the transfer of education benefits from servicemembers to family members;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 G.I. BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on

coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4146. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4146. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SAFETEA–LU Technical Corrections Act of 2008''.

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

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''.

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking ''among the States''.

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

''(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

''(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

''(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

''(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.''.

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting ''LA,'' after ''TX,''.

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: '', follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson''.

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking ''and on United States Route 422''.

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking ''and United States Route 422''.

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking ''through 189 as sections 601 through 609, respectively'' and inserting ''through 190 as sections 601 through 610, respectively''.

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking ''only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,''; and

(2) by striking ''section 120(b)'' and inserting ''section 120''.

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

''(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

''(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

''(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways''.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting ''(112 Stat. 257)'' after ''21st Century''; and

(4) in subsection (a)(2)(B)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''SAFETEA–LU'' and inserting ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)''.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking ''purposes under this subsection'' and inserting ''highway safety improvement program purposes''.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking ''**REPLACEMENT AND REHABILITATION**'';

(B) in subsections (b), (c)(1), and (e) by striking ''Federal-aid system'' each place it appears and inserting ''Federal-aid highway'';

(C) in subsections (c)(2) and (o) by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways'';

(D) in the heading to paragraph (4) of subsection (d) by inserting ''SYSTEMATIC'' before ''PREVENTIVE'';

(E) in subsection (e) by striking ''off-system bridges'' each place it appears and inserting ''bridges not on Federal-aid highways'';

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting ''and the removal of the Missisquoi Bay causeway'' after ''Bridge'';

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting ''BRIDGES NOT ON FEDERAL-AID HIGHWAYS'';

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting ''PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS''; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking ''State highway agency'' and inserting ''State transportation department''.

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

''(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.''.

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking ''replacement and rehabilitation''.

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking ''replacement and rehabilitation'' each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking ''replacement and rehabilitation''.

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.'';

(2) in subsection (j)(3)(D) by inserting ''or the identified phase'' after ''the project'' each place it appears; and

(3) in subsection (k)(2) by striking ''a metropolitan planning area serving''.

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking ''a National Scenic Byway under subparagraph (A)'' and inserting ''a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)''; and

(2) in subsection (c)(3) by striking ''or All-American Road'' each place it appears and inserting ''All-American Road, or one of America's Byways''.

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking ''(B), (C), and (D)'' and inserting ''(B) and (C)''.

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting ''bbb minus, BBB (low),'' after ''Baa3,''.

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting ''tribal,'' after ''local,''.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking ''plan administer'' and inserting ''plan and administer''.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting ''equity bonus,'' after ''minimum guarantee,'';

(B) by striking ''freight intermodal connectors'' and inserting ''railway-highway crossings'';

(C) by striking ''high risk rural road,''; and

(D) by inserting after ''highway safety improvement programs'' the following: ''(and separately the set aside for the high risk rural road program)''.

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking ''Act— '' and all that follows through the end of the paragraph and inserting ''Act, $45,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if

the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''.

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

''(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

''(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

''(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting ''$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic'';

(2) in item number 19 by striking the project description and inserting ''For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa''; and

(3) in item number 22 by striking the project description and inserting ''Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County''.

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting ''Improvements to State Road 312, Hammond''.

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting ''Removal and Reconfiguration of Interstate ramps, I–40, Memphis'';

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting ''M–291 highway outer road improvement project'';

(4) in item number 128 by striking ''$2,400,000'' and inserting ''$4,800,000'';

(5) in item number 154 by striking ''Virginia'' and inserting ''Eveleth'';

(6) in item number 193 by striking the project description and inserting ''Improvements to or access to Route 108 to enhance access to the business park near Rumford'';

(7) in item number 240 by striking ''$800,000'' and inserting ''$2,400,000'';

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan'';

(10) in item number 277 by striking the project description and inserting ''Construct connector road from Rushing Drive North to Grand Ave., Williamson County'';

(11) in item number 395 by striking the project description and inserting ''Plan and construct interchange at I–65, from existing SR–109 to I–65'';

(12) in item number 463 by striking ''Cookeville'' and inserting ''Putnam County'';

(13) in item number 576 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129'';

(14) in item number 595 by striking ''Street Closure at'' and inserting ''Transportation improvement project near'';

(15) in item number 649 by striking the project description and inserting ''Construction and enhancement of the Fillmore Avenue Corridor, Buffalo'';

(16) in item number 655 by inserting '', safety improvement construction,'' after ''Environmental studies'';

(17) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(18) in item number 770 by striking the project description and inserting ''Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road'';

(19) in item number 777 by striking the project description and inserting ''Akutan Airport access'';

(20) in item number 829 by striking the project description and inserting ''$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road'';

(21) in item number 881 by striking the project description and inserting ''Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park'';

(22) in item number 923 by striking the project description and inserting ''Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County'';

(23) in item number 947 by striking the project description and inserting ''Third East/West River Crossing, St. Lucie River'';

(24) in item numbers 959 and 3327 by striking ''Northern Section,'' each place it appears;

(25) in item number 963 by striking the project description and inserting ''For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53'';

(26) in item number 983 by striking the project description and inserting ''Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties'';

(27) in item number 1039 by striking the project description and inserting ''Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111'';

(28) in item number 1047 by striking the project description and inserting ''Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough'';

(29) in item number 1124 by striking ''bridge over Stillwater River, Orono'' and inserting ''routes'';

(30) in item number 1206 by striking ''Pleasantville'' and inserting ''Briarcliff Manor'';

(31) in item number 1281 by striking the project description and inserting ''Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County'';

(32) in item number 1487 by striking ''$800,000'' and inserting ''$1,600,000'';

(33) in item number 1575 by striking the project description and inserting ''Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities'';

(34) in item number 1661 by striking the project description and inserting ''Sheldon West Extension in Matanuska-Susitna Borough'';

(35) in item number 1810 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(36) in item number 1852 by striking ''Milepost 9.3'' and inserting ''Milepost 24.3'';

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(38) in item number 1933 by striking the project description and inserting ''Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving'';

(39) in item number 1975 by striking the project description and inserting ''Point MacKenzie Access Road improvements in Matanuska-Susitna Borough'';

(40) in item number 2015 by striking the project description and amount and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'' and ''$2,000,000'', respectively;

(41) in item number 2087 by striking the project description and inserting ''Railroad crossing improvement on Illinois Route 82 in Geneseo'';

(42) in item number 2211 by striking the project description and inserting ''Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio'';

(43) in item number 2234 by striking the project description and amount and inserting ''North Atherton Signal Coordination Project in Centre County'' and ''$400,000'', respectively;

(44) in item number 2316 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(45) in item number 2420 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(46) in item number 2482 by striking ''Country'' and inserting ''County'';

(47) in item number 2663 by striking the project description and inserting ''Rosemead Boulevard safety enhancement and beautification, Temple City'';

(48) in item number 2671 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(49) in item number 2743 by striking the project description and inserting ''Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County'';

(50) by striking item number 2800;

(51) in item number 2826 by striking ''State Street and Cajon Boulevard'' and inserting ''Palm Avenue'';

(52) in item number 2931 by striking ''Frazho Road'' and inserting ''Martin Road'';

(53) in item number 3047 by inserting ''and roadway improvements'' after ''safety project'';

(54) in item number 3078 by striking the project description and inserting ''U.S. 2/Sultan Basin Road improvements in Sultan'';

(55) in item number 3174 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(56) in item number 3219 by striking ''Forest'' and inserting ''Warren'';

(57) in item number 3254 by striking the project description and inserting ''Reconstruct PA Route 274/34 Corridor, Perry County'';

(58) in item number 3260 by striking ''Lake Shore Drive'' and inserting ''Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry'';

(59) in item number 3368 by striking the project description and inserting ''Plan, design, and engineering, Ludlam Trail, Miami'';

(60) in item number 3410 by striking the project description and inserting ''Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road'';

(61) in item number 3537 by inserting ''and the study of alternatives along the North South Corridor,'' after ''Valley'';

(62) in item number 3582 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(63) in item number 3604 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(64) in item number 3632 by striking the State, project description, and amount and inserting ''FL'', ''Pine Island Road pedestrian overpass, city of Tamarac'', and ''$610,000'', respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting ''FL'', ''West Avenue Bridge, city of Miami Beach'', and ''$620,000'', respectively;

(66) in item number 3673 by striking the project description and inserting ''Improve marine dry-dock and facilities in Ketchikan'';

(67) in item number 2942 by striking the project description and inserting ''Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania'';

(68) in item number 2781 by striking the project description and inserting ''Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas'';

(69) in item number 2430 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(70) by striking item number 20;

(71) in item number 424 by striking ''$264,000'' and inserting ''$644,000'';

(72) in item number 1210 by striking the project description and inserting ''Town of New Windsor—Riley Road, Shore Drive, and area road improvements'';

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking ''$240,000'' and inserting ''$420,000'';

(75) in item number 2974 by striking ''$120,000'' and inserting ''$220,000'';

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking ''$740,000'' and inserting ''$989,600'';

(78) in item number 207 by striking ''$13,600,000'' and inserting ''$13,200,000'';

(79) in item number 2656 by striking ''$12,228,000'' and inserting ''$8,970,000'';

(80) in item number 1983 by striking ''$1,600,000'' and inserting ''$1,000,000'';

(81) in item number 753 by striking ''$2,700,000'' and inserting ''$3,200,000'';

(82) in item number 64 by striking ''$6,560,000'' and inserting ''$8,480,000'';

(83) in item number 2338 by striking ''$1,600,000'' and inserting ''$1,800,000'';

(84) in item number 1533 by striking ''$392,000'' and inserting ''$490,000'';

(85) in item number 1354 by striking ''$40,000'' and inserting ''$50,000'';

(86) in item number 3106 by striking ''$400,000'' and inserting ''$500,000'';

(87) in item number 799 by striking ''$1,600,000'' and inserting ''$2,000,000'';

(88) in item number 159—

(A) by striking ''Construct interchange for 146th St. and I–69'' and inserting ''Upgrade 146th St. to I–69 Access''; and

(B) by striking ''$2,400,000'' and inserting ''$3,200,000'';

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion'';

(91) in item number 2274 by striking ''between Farmington and Merriman'' and inserting ''between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road'';

(92) in item number 52 by striking the project description and inserting ''Pontiac Trail between E. Liberty and McHattie Street'';

(93) in item number 1544 by striking ''connector'';

(94) in item number 2573 by striking the project description and inserting ''Rehabilitation of Sugar Hill Road in North Salem, NY'';

(95) in item number 1450 by striking ''III–VI'' and inserting ''III–VII'';

(96) in item number 2637 by striking the project description and inserting ''Construction, road and safety improvements in Geauga County, OH'';

(97) in item number 2342 by striking the project description and inserting ''Streetscaping, bicycle trails, and related improvements to the I–90/SR–615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I–90/SR–615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange'';

(98) in item number 161 by striking the project description and inserting ''Construct False Pass causeway and road to the terminus of the south arm breakwater project'';

(99) in item number 2002 by striking the project description and inserting ''Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage'';

(100) in item number 2023 by striking the project description and inserting ''Biking and pedestrian trail construction, Kentland'';

(101) in item number 2035 by striking ''Replace'' and inserting ''Repair'';

(102) in item number 2511 by striking ''Replace'' and inserting ''Rehabilitate'';

(103) in item number 2981 by striking the project description and inserting ''Roadway improvements on Highway 262 on the Navajo Nation in Aneth'';

(104) in item number 2068 by inserting ''and approaches'' after ''capacity'';

(105) in item number 98 by striking the project description and inserting ''Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield'';

(106) in item number 1783 by striking the project description and inserting ''Clark Road access improvements, Jacksonville'';

(107) in item number 2711 by striking the project description and inserting ''Main Street Road Improvements through Springfield, Jacksonville'';

(108) in item number 3485 by striking the project description and inserting ''Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville'';

(109) in item number 3486 by striking the project description and inserting ''Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville'';

(110) in item number 3487 by striking the project description and inserting ''Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville'';

(111) in item number 803 by striking ''St. Clair County'' and inserting ''city of Madison'';

(112) in item number 615 by striking the project description and inserting ''Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue'';

(113) by striking item number 889;

(114) in item number 324 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(115) in item number 301 by striking the project description and inserting ''Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast'';

(116) in item number 1519 by inserting ''at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex'' after ''roadway redesign'';

(117) in item number 2604 by inserting ''on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane'' after ''roadway redesign'';

(118) in item number 1157 by inserting ''on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end'' after ''roadway redesign'';

(119) in item number 805 by inserting ''on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard'' after ''roadway redesign'';

(120) in item number 2704 by inserting ''on West Cemetery Street and Frederick Courts'' after ''roadway redesign'';

(121) in item number 4599 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South'';

(122) in item number 1363 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County'';

(123) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County'';

(124) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County'';

(125) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign'';

(126) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County'';

(127) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County'';

(128) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign'';

(129) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County'';

(130) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties'';

(131) in item number 4914 by striking the project description and inserting ''Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street'';

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively;

(134) in item number 314 by striking the project description and amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively;

(135) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate'';

(136) in item number 2860 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation'';

(137) in item number 2549 by striking ''on Navy Pier'';

(138) in item number 2804 by striking ''on Navy Pier'';

(139) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton'';

(140) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange'';

(141) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(142) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(143) in item number 3597 by striking the project description and inserting ''Road Alignment from IL Route 159 to Sullivan Drive, Swansea'';

(144) in item number 2352 by striking the project description and inserting ''Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley'';

(145) in item number 3482 by striking the project description and inserting ''Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54'';

(146) in item number 1275 by striking the project description and inserting ''Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny'';

(147) in item number 726 by striking the project description and inserting ''Grade Separation at Vanowen and Clybourn, Burbank'';

(148) in item number 1579 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(149) in item number 2690 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(150) in item number 2811 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(151) in item number 259 by striking the project description and inserting ''Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County'';

(152) in item number 3456 by striking the project description and inserting ''Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County'';

(153) in item number 2329 by striking the project description and inserting ''Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn'';

(154) in item number 766 by striking the project description and inserting ''Design and construction of the walking path at Ellis Pond, Norwood'';

(155) in item number 3474 by striking the project description and inserting ''Yellow River Trail, Newton County'';

(156) in item number 3291 by striking the amount and inserting ''$200,000'';

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting ''GA'', ''Access Road in Montezuma'', and ''$200,000'', respectively;

(158) in item number 716 by striking the project description and inserting ''Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region'';

(159) in item number 1386 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities, and street lighting in Haddon Heights'' and ''$300,000'', respectively;

(160) in item number 2720 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington'' and ''$700,000'', respectively;

(161) in item number 2523 by striking the project description and inserting ''Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer'';

(162) in item number 545 by striking the project description and inserting ''Planning, design, and construction of improvements to

the highway systems connecting to Lewistown and Auburn downtowns'';

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township'';

(166) in item number 826 by striking ''and Interstate 81'' and inserting ''and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.'';

(167) in item number 2144 by striking the project description and inserting ''Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County'';

(168) in item number 1765 by striking the project description and amount and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston'' and ''$1,600,000'', respectively;

(169) in item number 2957 by striking the project description and amount and inserting ''Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre'' and ''$2,800,000'', respectively;

(170) in item number 3283 by striking the project description and amount and inserting ''Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York'' and ''$1,300,000'', respectively;

(171) in item number 3556 by striking the project description and amount and inserting ''Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County'' and ''$1,100,000'', respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting ''Design and Construct school safety projects in New York City'' and ''$2,500,000'', respectively;

(182) in item number 2375 by striking the project description and amount and inserting ''Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill'' and ''$100,000'';

(183) in item number 221 by striking the project description and inserting ''Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York'';

(184) in item number 2732 striking the project description and inserting ''Pedestrian safety improvements in the vicinity of LIRR stations'';

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting ''Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive'';

(187) in item number 446 by striking the project description and inserting ''Transportation improvements for development of the Williamsport-Pile Bay Road corridor'';

(188) in item number 671 by striking ''and Pedestrian Trail Expansion'' and inserting '', including parking facilities and Pedestrian Trail Expansion'';

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL'', and ''$300,000'', respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)'', and ''$300,000'', respectively;

(191) in item number 746 by striking ''Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in'' and inserting ''Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout'';

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''UPMC Heliport in Bedford'', and ''$750,000'', respectively;

(193) in item number 813 by striking the project description and inserting ''Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project'';

(194) in item number 816 by striking ''$800,000'' and inserting ''$880,000'';

(195) in item number 852 by striking ''Acquire Right-of-Way for Ludlam Trail, Miami, Florida'' and inserting ''Planning, design, and engineering, Ludlam Trail, Miami'';

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne'', and ''$500,000'', respectively;

(197) in item number 1015 by striking the project description and inserting ''Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN'';

(198) in item number 1101 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Road improvements and upgrades related to the Pennsylvania State Baseball Stadium'', and ''$500,000'', respectively;

(200) in item number 1345 by striking ''to Stony Creek Park, 25 Mile Road in Shelby Township'' and inserting ''south to the city of Utica'';

(201) in item number 1501 by striking the project description and inserting ''Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(202) in item number 1525 by striking ''north of CSX RR Bridge'' and inserting ''US Highway 90'';

(203) in item number 1847 by striking the project description and inserting ''Improve roads, sidewalks, and road drainage, City of Seward'';

(204) in item number 2031 by striking the project description and inserting ''Construct and improve Westside Parkway in Fulton County'';

(205) in item number 2103 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(206) in item number 2219 by striking ''SR 91 in City of Twinsburg, OH'' and inserting ''Center Valley Parkway in Twinsburg, OH'';

(207) in item number 2302 by inserting ''and other road improvements to Safford Street'' after ''crossings'';

(208) in item number 2560 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(209) in item number 2563 by striking the project description and amount and inserting ''Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County'' and ''$486,400'', respectively;

(210) in item number 2698 by striking the project description and inserting ''Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County'';

(211) in item number 3141 by striking ''$2,800,000'' and inserting ''$1,800,000'';

(212) by striking item number 3160;

(213) in item number 3353 by inserting ''and construction'' after ''mitigation'';

(214) in item number 996 by striking ''$2,000,000'' and inserting ''$687,000'';

(215) in item number 2166 by striking the project description and inserting ''Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake'';

(216) in item number 3251 by striking the project description and inserting ''I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury'';

(217) in item number 1488 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(218) in item number 3240 by striking the project description and inserting ''Railroad-highway crossings in Pierre'';

(219) in item number 1738 by striking ''Paving'' and inserting ''Planning, design, and construction'';

(220) in item number 3672 by striking the project description and inserting ''Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border'';

(221) in item number 2424 by striking ''Construction'' and inserting ''preconstruction (including survey and archeological clearances) and construction'';

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''For roadway construction improvements to Route 222 relocation, Lehigh County'', and ''$1,313,000'', respectively;

(223) in item number 2956 by striking ''$1,360,000'' and inserting ''$2,080,000'';

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough'', and ''$700,000'', respectively;

(225) in item number 1291 by striking the matters in the State, project description,

and amount columns and inserting ''PA'', ''Enhance parking facilities in Chester Springs, Historic Yellow Springs'', and ''$20,000'', respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County'', and ''$250,000'', respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County'', and ''$250,000'', respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 29, Lehigh County'', and ''$220,000'', respectively;

(229) in item number 80 by striking ''$4,544,000'' and inserting ''$4,731,200'';

(230) in item number 2096 by striking ''$4,800,000'' and inserting ''$5,217,600'';

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Study future needs of East-West road infrastructure in Adams County'', and ''$115,200'', respectively;

(232) in item number 2193 by striking the project description and inserting ''710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility'';

(233) in item number 2445 by striking the project description and inserting ''$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County'';

(234) in item number 346 by striking the project description and inserting ''Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue'';

(235) by striking item number 449;

(236) in item number 3688 by striking ''road'' and inserting ''trail'';

(237) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(238) in item number 3699 by striking ''to improve fish habitat'';

(239) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(240) in item number 3703 by inserting ''or other roads'' after ''Cape Blossom Road'';

(241) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(242) in item number 3705 by striking ''in Cook Inlet for the Westside development/Williamsport-Pile Bay Road'' and inserting ''for development of the Williamsport-Pile Bay Road corridor'';

(243) in item number 3829 by striking the amount and inserting ''$3,050,000'';

(244) by inserting after item number 3829 the following:

''3829A	CO	U.S. 550, New Mexico State line to Durango	$950,000'';

(245) in item number 4788 by striking the project description and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'';

(246) in item number 3861 by striking the project description and inserting ''Creation of a greenway path along the Naugatuck River in Waterbury'';

(247) in item number 3883 by striking the project description and inserting ''Wilmington Riverfront Access and Street Grid Redesign'';

(248) in item number 3892 by striking ''$5,000,000'' and inserting ''$8,800,000'';

(249) in item number 3894 by striking ''$5,000,000'' and inserting ''$1,200,000'';

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91'';

(251) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(252) in item number 3916 by striking the project description and inserting ''City of Hollywood for U.S. 1/Federal Highway, north of Young Circle'';

(253) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(254) in item number 3945 by striking ''CR 293 to CS 5231'' and inserting ''SR 371 to SR 400'';

(255) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(256) in item number 3986 by striking the project description and inserting ''Extension of Sugarloaf Parkway, Gwinnett County'';

(257) in item number 3999 by striking ''Bridges'' and inserting ''Bridge and Corridor'';

(258) in item number 4003 by striking the project description and inserting ''City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project'';

(259) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(260) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(261) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(263) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(264) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(265) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting ''Upgrade 146th Street to Improve I–69 Access'' and ''$800,000'', respectively;

(267) in item number 4125 by striking ''$250,000'' and inserting ''$1,650,000'';

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting ''Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne'';

(271) in item number 4299 by striking the project description and inserting ''Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(272) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access, streetscape, and pedestrian safety improvements'';

(273) in item number 4315 by striking ''stormwater mitigation project'' and inserting ''environmental preservation project'';

(274) in item number 4318 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns'';

(275) in item number 4323 by striking the project description and inserting ''MaineDOT Acadia intermodal passenger and maintenance facility'';

(276) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(277) in item number 4355 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(278) in item number 4357 by striking the project description and inserting ''Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael'';

(279) in item number 4360 by striking the project description and inserting ''Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul'';

(280) in item number 4362 by striking the project description and inserting ''I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area'';

(281) in item number 4365 by striking the project description and inserting ''34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program'';

(282) in item number 4369 by striking the project description and inserting ''Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud'';

(283) in item number 4371 by striking the project description and inserting ''Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(284) in item number 4411 by striking ''Southaven'' and inserting ''DeSoto County'';

(285) in item number 4424 by striking the project description and inserting ''U.S. 93 Evaro to Polson transportation improvement projects'';

(286) in item number 4428 by striking the project description and inserting ''US 76 improvements'';

(287) in item number 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County'';

(288) in item number 4461 by striking the project description and inserting ''Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte'';

(289) in item number 4507 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129'';

(290) in item number 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(291) in item number 4565 by striking the project description and inserting ''Railroad Construction and Acquisition, Ely and White Pine County'';

(292) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(293) in item number 4596 by striking the project description and inserting ''Centerway Bridge and Bike Trail Project, Corning'';

(294) in item number 4610 by striking the project description and inserting ''Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport'';

(295) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(296) in item number 4651 by striking ''for the transfer of rail to truck for the intermodal'' and inserting '', and construction of an intermodal freight'';

(297) in item number 4691 by striking the project description and inserting ''Transportation improvements to Idabel Industrial Park Rail Spur, Idabel'';

(298) in item number 4722 by striking the project description and inserting ''Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh'';

(299) in item number 4749 by striking ''study'' and inserting ''improvements'';

(300) in item number 4821 by striking ''highway grade crossing project, Clearfield and Clinton Counties'' and inserting ''Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties'';

(301) in item number 4838 by striking ''study'' and inserting ''improvements'';

(302) in item number 4839 by striking ''fuel-celled'' and inserting ''fueled'';

(303) in item number 4866 by striking ''$11,000,000'' and inserting ''$9,400,000'';

(304) by inserting after item number 4866 the following:

''4866A	RI	Repair and restore railroad bridge in Westerly	$1,600,000'';

(305) in item number 4892 by striking the project description and inserting ''Construct a 4-lane highway between maverick Junction and the Nebraska border'';

(306) in item number 4916 by striking ''$1,000,000'' and inserting ''$328,000'';

(307) in item number 4924 by striking ''$3,450,000'' and inserting ''$4,122,000'';

(308) in item number 4960 by inserting ''of which $50,000 shall be used for a street paving project, Calhoun'' after ''County'';

(309) in item number 4974 by striking '', Sevier County'';

(310) in item number 5008 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(311) in each of item numbers 5011 and 5033 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(312) in item number 5021 by striking ''Pine View Dam,'';

(313) in item number 5026 by striking the project description and inserting ''Roadway improvements on Washington Fields Road/300 East, Washington'';

(314) in item number 5027 by inserting ''and roadway improvements'' after ''safety project'';

(315) in item number 5028 by inserting ''and roadway improvements'' after ''lighting'';

(316) in item number 5029 by inserting ''and roadway improvements'' after ''lights'';

(317) in number 5032 by striking the project description and inserting ''Expand Redhills Parkway, St. George'';

(318) in item number 5132 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(319) in item number 5161 by striking the project description and inserting ''Raleigh Street Extension Project in Martinsburg'';

(320) in item number 1824 by striking the project description and inserting ''U.S. Route 10 expansion in Wadena and Ottertail Counties'';

(321) in item number 1194 by striking the project description and inserting ''Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn'';

(322) in item number 2286 by striking the project description and inserting ''Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park'';

(323) in item number 1724 by striking the project description and amount and inserting ''For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown'' and ''$1,500,000'', respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Road repair and maintenance in the Town of Southampton'', and ''$500,000'', respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Improve NY State Route 112 from Old Town Road to NY State Route 347'', and ''$6,000,000'', respectively;

(326) in item number 3479 by striking the project description and inserting ''Road improvements and utility relocations within the city of Jackson'';

(327) in item number 141 by striking ''construction of pedestrian and bicycle improvements'' and inserting ''transportation enhancement activities'';

(328) in item number 1204 by striking ''at SR 283'';

(329) in item number 2896 by striking the project description and inserting ''Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun'';

(330) in item number 3017 by striking '', Pine View Dam'';

(331) in item number 3188 insert after ''Reconstruction'' the following: ''including U.S. 169/Valley View Road Interchange,'';

(332) in item number 1772 by striking the project description and inserting ''Reconstruction of Historic Eastern Parkway'';

(333) in item number 2610 by striking the project description and inserting ''Reconstruction of Times and Duffy Squares in New York City'';

(334) in item number 2462—

(A) by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike''; and

(B) by striking ''$1,200,000'' and inserting ''$450,000'';

(335) in item number 2871 by striking the amount and inserting ''$2,430,000'';

(336) in item number 3381 by striking the project description and inserting ''Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey'';

(337) in item number 2703 by striking the project description and inserting ''Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation'';

(338) in item number 1004 by inserting ''SR 71 near'' after ''turn lane on'';

(339) in item number 2824 by striking the project description and inserting the following: ''Sevier County, TN, SR 35 near SR 449 intersection'';

(340) in item number 373 by striking the project description and inserting ''Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49'';

(341) in item number 1486, by striking the project description and inserting ''Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project'';

(342) in item number 4541 by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike'';

(343) in item number 4006 by striking the project description and inserting ''Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements'';

(344) in item number 2901 by striking the project description and inserting ''Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio'';

(345) in item number 2619 by striking the project description and inserting ''Improve access to I–55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06'';

(346) in item number 1687 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting ''Plan and implement truck route improvements in the Maspeth neighborhood of Queens County'' and ''$500,000'', respectively;

(352) in item number 3039 by striking the project description and inserting ''Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township'';

(353) in item number 2922 by striking the project description and amount and inserting ''Detroit River International Wildlife Refuge

for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service'' and ''$1,800,000'', respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe'', and ''$1,200,000''; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Phase 1 of Monroe County greenway system construction, Monroe County'', and ''$940,000'', respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County'', and ''$1,000,000'', respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe'', and ''$100,000''; respectively;

(358) in item number 1883 by striking the project description and inserting ''Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County'';

(359) in item number 3757 by inserting '', including Van Asche Drive'' after ''Corridor'';

(360) in item number 4347 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(361) in item number 4335 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(362) in item number 4891 by striking the project description and inserting ''Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail'';

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville'', and ''$1,000,000'', respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham'', and ''$1,075,000'', respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County'', and ''$1,075,000'', respectively;

(366) in item number 562 by striking ''a designated truck route through'' and inserting ''roadway and sidewalk improvements in'';

(367) in item number 2836 by striking the project description and inserting ''Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County'';

(368) in item number 1353 by striking the project description and inserting ''Improve the flow of truck traffic in Orrville'';

(369) in item number 1975 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(370) in item number 1661 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(371) in item number 1574 by striking the project description and inserting ''Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities'';

(372) in item number 3461 by striking the project description and inserting ''Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities'';

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting ''To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary'';

(374) in item number 4934 by striking ''connection with Hermitage Avenue'' and inserting ''Hermitage Avenue and pedestrian connection'';

(375) in item number 1227 by striking the project description and inserting ''Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park'';

(376) in item number 2507 by striking the project description and inserting ''Texas Department of Transportation: for those projects the Department has identified as its highest priorities'';

(377) in item number 3903 by striking the project description and inserting ''Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line'';

(378) in item number 56 by striking the project description and inserting ''Bicycle and pedestrian improvements, Oregon'';

(379) in item number 604 by striking the amount and inserting ''$11,800,000'';

(380) in item number 1299 by striking the amount and inserting ''$9,800,000'';

(381) in item number 1506 by striking the amount and inserting ''$5,100,000'';

(382) in item number 1904 by striking the project description and inserting ''Study and construct access to intermodal facility in Azusa'';

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Bicycle and pedestrian trails in Harrison Township'', and ''$2,900,000'', respectively;

(384) in item number 3447 by striking the project description and inserting ''Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities'';

(385) in item number 2321 by striking the project description and inserting ''Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA''; and

(386) in item number 370 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''.

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the ''Truman-Hobbs Act'', (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

''(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.''.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is

amended by striking ''Minneapolis-St. Paul, Minnesota'' and inserting ''Minneapolis, Minnesota''.

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking ''from the Arkansas State line'' and inserting ''from Interstate Route 540''.

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking ''The Department'' and inserting ''Notwithstanding any other provision of law, the Department''.

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;''.

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting '', Saole,'' after ''Sua'';

(2) in item number 448 by inserting ''by removing asphalt and concrete and reinstalling blue cobblestones'' after ''streets'';

(3) by striking item number 451;

(4) in item number 452 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(5) in item number 12 by striking ''Yukon River'' and inserting ''Kuskokwim River'';

(6) in item number 18 by striking ''Engineering and Construction in Merced County'' and inserting ''and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties'';

(7) in item number 38 by striking the project description and inserting ''Relocation of the Newark Train Station'';

(8) in item number 57 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(9) in item number 114 by striking ''IA-32'' and inserting ''SW'' after ''Construct'';

(10) in item number 122 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County'';

(11) in item number 130 by striking the project description and inserting ''Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad'';

(12) in item number 133 by striking ''IA-32'';

(13) in item number 138 by striking the project description and inserting ''West Spencer Beltway Project'';

(14) in item number 142 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(15) in item number 161 by striking ''Bridge replacement on Johnson Drive and Nall Ave.'' and inserting ''Construction improvements'';

(16) in item number 182 by striking the project description and inserting ''Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(17) in item number 198 by striking the project description and inserting ''Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(18) in item number 201 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(19) in item number 238 by striking the project description and inserting ''Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage'';

(20) in item number 329 by inserting '', Tulsa'' after ''technology'';

(21) in item number 358 by striking ''fuel-celled'' and inserting ''fueled'';

(22) in item number 374 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(23) in item number 402 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(24) in item number 309 by striking the project description and inserting ''Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle''; and

(25) in item number 462 by striking the project description and inserting ''I–75 widening and improvements in Collier and Lee Counties, Florida''.

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking ''**STUDY**'' and inserting ''**DESIGN**'';

(2) by striking subsections (a), (b), and (c) and inserting the following:

''(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.''; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking ''509, and 510'' and inserting ''and 509'';

(B) in subsection (a)(4) by striking ''$69,700,000'' and all that follows through ''2009'' and inserting ''$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after ''50 percent'' the following ''or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent''.

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking ''PROGRAM APPRECIATION.—'' and inserting ''PROGRAM APPLICATION.—''.

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking ''tier'' and inserting ''Tier'';

(B) in subsection (i)—

(i) by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(ii) by adding at the end the following:

''(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.''; and

(C) in subsection (k)(3) by striking ''The Secretary'' and all that follows through ''to carry out this section'' and inserting ''For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section''.

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking ''$8,593,000,000'' each place it appears and inserting ''$8,708,000,000''.

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking ''2003'' and inserting ''2009''.

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting '', and planning and construction to Heisley Road,'' before ''in Mentor, Ohio'';

(2) in item number 1646 by striking ''and construction'' and inserting ''construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving''; and

(3) in item number 614 by inserting ''and for NJ Carteret, NJ Ferry Service Terminal'' after ''east''.

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking ''and United States Routes 1, 3, 9, 17, and 46,'' and inserting ''United States Routes 1, 9, and 46, and State Routes 3 and 17,''; and

(2) in paragraph (64)—

(A) by striking ''United States Route 42'' and inserting ''State Route 42''; and

(B) by striking ''Interstate Route 676'' and inserting ''Interstate Routes 76 and 676''.

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading ''INNOVATIVE PROJECTS'' by inserting ''and contiguous counties'' after ''Michigan''.

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) receive—

''(i) a driver's license suspension for not less than 1 year; or

''(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

''(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;''.

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking ''$2,225,000''and inserting ''$2,250,000''.

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting ''the project numbered 1322 and'' before ''the projects''.

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' and inserting ''SAFETEA-LU Technical Corrections Act of 2008''.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking ''charter,'' and inserting ''charter, sightseeing,''.

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.''.

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting ''or the identified phase'' before ''within the time''; and

(B) by inserting ''or the identified phase'' before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking ''a metropolitan planning area serving''.

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking ''2007'' and inserting ''2009'';

(2) in paragraph (2)(A)—

(A) by striking ''2007'' and inserting ''2009''; and

(B) by striking ''mass'' and inserting ''public'';

(3) by adding at the end of paragraph (2) the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''; and

(4) in paragraph (3) by striking ''section 5305(a)'' and inserting ''section 5303(k)''.

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking ''regulation.'' and inserting ''this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(2) in subsection (e)(6)(B) by striking ''subsection.'' and inserting ''subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(3) in the heading for paragraph (2)(A) of subsection (m) by striking ''MAJOR CAPITAL'' and inserting ''CAPITAL''; and

(4) in subsection (m)(7)(B) by striking ''section 3039'' and inserting ''section 3045''.

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking ''for any purpose other than operating assistance'' and inserting ''for a capital project or project administrative expenses'';

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking ''capital'' after ''net''; and

(3) in subsection (i)(1) by striking ''Sections 5323(a)(1)(D) and 5333(b) of this title apply'' and inserting ''Section 5333(b) applies''.

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking ''MASS TRANSPORTATION'' and inserting ''PUBLIC TRANSPORTATION''.

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking ''section 5323(a)(1)(D)'' and inserting ''section 5333(b)''.

(h) SECTION 5319.—Section 5319 of such title is amended by striking ''section 5307(k)'' and inserting ''section 5307(d)(1)(K)''.

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking ''intra—agency'' and inserting ''intraagency'';

(2) in subsection (b)(5)(A) by striking ''5302(a)(1)(A)'' and inserting ''5302(a)(1)'';

(3) in subsection (d)(1) by inserting ''to administer this section and'' after ''5338(b)(2)(J)'';

(4) by adding at the end of subsection (d) the following:

''(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.'';

(5) in subsection (k)(3) by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)'';

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

''(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.''.

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking ''section 5336(e)(2)'' and inserting ''section 5336(d)(2)''.

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end ''adopted before August 10, 2005'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking ''Of the amount'' and all that follows before paragraph (1) and inserting ''Of the amount apportioned under subsection (i)(2) to carry out section 5307—'';

(B) in subsection (d)(1) by striking ''subsections (a) and (h)(2) of section 5338'' and inserting ''subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338''; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''.

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking ''for each of fiscal years 1998 through 2003'' and inserting ''for each of fiscal years 2005 through 2009''.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking ''section 5315(a)(16)'' and inserting ''section 5315(b)(2)(P)''.

(o) SAFETEA–LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

''(5) Central Florida Commuter Rail Transit Project.''.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking ''Phase II''; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking ''$7,871,895,000'' and inserting ''$7,872,893,000''.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting ''/Milwaukie'' after ''Mall''.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

''(13) Los Angeles—Exposition LRT (Phase 1).''.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

''(104A) Los Angeles—Exposition LRT (Phase 2).''.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking ''LOSSAN Del Mar-San Diego—Rail Corridor Improvements'' and inserting ''LOSSAN Rail Corridor Improvements''.

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking ''San Diego'' and inserting ''San Diego Transit''.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking ''Downtown''.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

''(6) Boston-Silver Line Phase III, $20,000,000.''.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

''(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).''.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

''(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

''(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.''.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking ''$217,360'' and inserting ''$167,360''; and

(II) by striking ''$225,720'' and inserting ''$175,720'';

(ii) in item number 36 by striking the project description and inserting ''Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area'';

(iii) in item number 71 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(iv) in item number 84 by striking the project description and inserting ''Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)'';

(v) in item number 94 by striking the project description and inserting ''Pacific Transit, WA Vehicle Replacement'';

(vi) in item number 120 by striking ''Dayton Airport Intermodal Rail Feasibility Study'' and inserting ''Greater Dayton Regional Transit Authority buses and bus facilities'';

(vii) in item number 152 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(viii) in item number 416 by striking ''Improve marine intermodal'' and inserting ''Improve marine dry-dock and'';

(ix) in item number 457—

(I) by striking ''$65,000'' and inserting ''$0''; and

(II) by striking ''$67,500'' and inserting ''$0''; and

(x) in item number 458—

(I) by striking ''$65,000'' and inserting ''$130,000'';

(II) by striking ''$67,500'' and inserting ''$135,000''; and

(xi) in item number 57 by striking the project description and inserting ''Wilmington, NC, maintenance and operations facilities and administration and transfer facilities'';

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting ''460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe'', ''$500,000'', and ''$500,000'', respectively.

(xiii) in item number 138 by striking ''Design'' and inserting ''Determine scope, engineering, design,'';

(xiv) in item number 23 by striking ''Construct'' and inserting ''Design, engineering, right-of-way acquisition, and construction'';

(xv) in item number 439 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvi) in item number 453 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvii) in item number 371 by striking the project description and inserting ''Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility'';

(xviii) in item number 487 by striking ''Central Arkansas Transit Authority Facility Upgrades'' and inserting ''Central Arkansas Transit Authority Bus Acquisition'';

(xix) in item number 491 by striking the project description and inserting ''Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis'';

(xx) in item number 512 by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY'';

(xxi) in item number 534 by striking ''Community Buses'' and inserting ''Bus and Bus Facilities'';

(xxii) in item number 570 by striking ''Maine Department of Transportation-Acadia Intermodal Facility'' and inserting ''MaineDOT Acadia Intermodal Passenger and Maintenance Facility'';

(xxiii) in item number 80 by striking the project description and amounts and inserting ''Flagler County, Florida–buses and bus facility'', ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'' respectively;

(xxiv) in item number 135 by striking the project description and inserting ''Pace Suburban Bus, IL–Purchase Vehicles'';

(xxv) in item number 276 by striking the project description and amounts and inserting ''Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services'', ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column ''666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes''; and

(bb) in the FY08 column and the FY09 column ''$50,000'';

(II)(aa) in the project description column ''667. St. Johns County Council on Aging buses and bus facilities, Florida''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'', respectively;

(III)(aa) in the project description column ''668. The City of Compton, California, for the replacement of buses and paratransit vehicles''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(IV)(aa) in the project description column ''669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,200'', ''$133,760'', ''$144,908'', and ''$150,480'', respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting '', or other entity,'' after ''State or local governmental authority''; and

(ii) by striking ''projects numbered 258 and 347'' and inserting ''projects numbered 258, 347, and 411''; and

(iii) by striking the period at the end and inserting: '', and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.''.

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking ''hydrogen fuel cell vehicles'' and inserting ''hydrogen fueled vehicles'';

(B) by striking ''hydrogen fuel cell employee shuttle vans'' and inserting ''hydrogen fueled employee shuttle vans''; and

(C) by striking ''in Allentown, Pennsylvania'' and inserting ''to the DaVinci Center in Allentown, Pennsylvania''.

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting ''by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island'' before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking ''Section 31104'' and inserting ''Section 31144''; and

(B) in paragraph (1) by inserting ''(c)'' after ''the second subsection''.

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking ''the second subsection (c)'' and inserting ''(f)''.

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking ''amendment made by subsection (a)'' and inserting ''amendments made by subsections (a) and (b)''.

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''section''.

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking ''31139(f)(5)'' and inserting ''31139(g)(5)''.

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking ''license'' and inserting ''licenses''.

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking ''31318'' and inserting ''31313''.

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting ''of title 49, United States Code,'' after ''31502''.

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking ''Surface Transportation Safety Improvement Act of 2005'', and inserting ''Motor Carrier Safety Reauthorization Act of 2005''; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

''(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.''.

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking ''a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier'' and inserting ''determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier''.

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking ''interstate'' the last place it appears and inserting ''intrastate''.

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking ''or'' the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking ''the a'' and inserting ''a'';

(2) in subsection (f)(1)(A)(i) by striking ''in connection with the filing of proof of financial responsibility''; and

(3) in subsection (f)(1)(A)(ii) by striking ''in connection with such a filing'' and inserting ''under the UCR agreement''.

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ''or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement''.

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking ''DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT'' and inserting ''DRIVEAWAY SADDLEMOUNT'';

(B) by striking ''drive-away saddlemount with fullmount'' and inserting ''driveaway saddlemount''; and

(C) by inserting ''Such combination may include one fullmount.'' after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking ''a driveaway saddlemount with fullmount'' and inserting ''all driveaway saddlemount''.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking ''(3)(A)'' and inserting ''(3)'';

(2) in subparagraph (A) by striking ''clause (i)'' and inserting ''clause (i) of subparagraph (A)''; and

(3) in subparagraph (B) by striking ''clause (ii)'' and inserting ''subparagraph (A)(ii)''.

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''subsection''.

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking ''5119(e)'' and inserting ''5119(f)'';

(2) in each of subsections (e) and (g) by striking ''5119(b)'' and inserting ''5119(f)''; and

(3) in subsection (g) by striking ''(b), (c)(1), or (d)'' and inserting ''(a), (b)(1), or (c)''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting ''the first place it appears'' before ''and inserting''.

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''exemptions'' and inserting ''special permits''; and

(2) in paragraph (3) by striking ''exemption'' and inserting ''special permit''.

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

''§ 5128. Authorization of appropriations''.

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking ''Transportation'' and inserting ''transportation''.

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting ''(including delegations by the Secretary of Transportation)'' after ''All orders''.

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''SHIPPERS'' and inserting ''OFFERORS''; and

(2) by striking ''shipper's'' and inserting ''offeror's''.

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking ''165'' and inserting ''1165''.

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and inserting ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking ''through'' and inserting ''for which''; and

(2) by inserting ''is appropriate'' before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A);

(B) by striking ''and'' at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking ''shall'' and inserting ''may''.

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL REQUIREMENT.—

''(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.

''(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.''; and

(2) by striking ''commercial'' each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking ''commercial motor vehicle'' in subsection (b)(1) and inserting ''motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)''; and

(2) by striking ''commercial'' in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking ''commercial motor vehicle (as defined in section 31132)'' and inserting ''motor vehicle''.

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.''.

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.''.

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA-LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term ''covered employee'' means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term ''St. Joseph Memorial Hall'' means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking ''$55,000,000'' and inserting ''$75,000,000''.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing that was scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources regarding old-growth forest science, policy and management in the Pacific Northwest region has been rescheduled.

The rescheduled hearing will be held on Thursday, March 13, 2008, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224–0883 or Kira Finkler at 202–224–5523.

CPSC REFORM ACT

On Thursday, March 6, 2008, the Senate passed H.R. 4040, as amended, as follows:

H.R. 4040

Resolved, That the bill from the House of Representatives (H.R. 4040) entitled ''An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''CPSC Reform Act''.

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

SEC. 2. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

SEC. 3. REAUTHORIZATION.

(a) IN GENERAL.—Section 32 (15 U.S.C. 2081) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking subsections (a) and (b) and inserting the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;
''(B) $96,800,000 for fiscal year 2010;
''(C) $106,480,000 for fiscal year 2011;
''(D) $117,128,000 for fiscal year 2012;
''(E) $128,841,000 for fiscal year 2013;
''(F) $141,725,000 for fiscal year 2014; and
''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, up to $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) There are authorized to be appropriated to the Commission for the Office of Inspector General—

''(1) $1,600,000 for fiscal year 2009;
''(2) $1,770,000 for fiscal year 2010;
''(3) $1,936,000 for fiscal year 2011;
''(4) $2,129,600 for fiscal year 2012;
''(5) $2,342,560 for fiscal year 2013;
''(6) $2,576,820 for fiscal year 2014; and
''(7) $2,834,500 for fiscal year 2015.

''(c) There are authorized to be appropriated to the Commission for the purpose of renovation, repair, construction, equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards), $40,000,000 for fiscal years 2009 and 2010.

''(d) There are authorized to be appropriated to the Commission for research, in cooperation with the National Institute of Science and Technology, the Food and Drug Administration, and other relevant Federal agencies into safety issues related to the use of nanotechnology in consumer products, $1,000,000 for fiscal years 2009 and 2010.''.

SEC. 4. PERSONNEL.

(a) PROFESSIONAL STAFF.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall increase the number of fulltime personnel employed by the Commission to at least 500 by October 1, 2013, subject to the availability of appropriations.

(2) PORTS OF ENTRY; OVERSEAS INSPECTORS.—The Consumer Product Safety Commission shall hire at least 50 additional personnel to be assigned to duty stations at United States ports of entry, or to inspect overseas production facilities, by October 1, 2010, subject to the availability of appropriations.

(b) PROFESSIONAL CAREER PATH.—The Commission shall develop and implement a professional career development program for professional staff to encourage retention of career personnel and provide professional development opportunities for Commission employees.

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

SEC. 5. FULL COMMISSION REQUIREMENT; INTERIM QUORUM.

(a) NUMBER OF COMMISSIONERS.—

(1) IN GENERAL.—The Congress finds that it is necessary, in order for the Consumer Product Safety Commission to function effectively and carry out the purposes for which the Consumer Product Safety Act was enacted, for the full complement of 5 members of the Commission to serve and participate in the business of the Commission and urges the President to nominate members to fill any vacancy in the membership of the Commission as expeditiously as practicable.

(2) REPEAL OF LIMITATION.—Title III of Public Law 102–389 is amended by striking the first proviso in the item captioned ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' (15 U.S.C. 2053 note).

(b) TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 9-month period beginning on the date of enactment of this Act.

SEC. 6. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 7. PUBLIC DISCLOSURE OF INFORMATION.

Section 6 (15 U.S.C. 2055) is amended—

(1) by inserting ''A manufacturer or private labeler shall submit any such mark within 15 calendar days after the date on which it receives the Commission's offer.'' after ''paragraph (2).'' in subsection (a)(3);

(2) by striking ''30 days'' in subsection (b)(1) and inserting ''15 days'';

(3) by striking ''finds that the public'' in subsection (b)(1) and inserting ''publishes a finding that the public'';

(4) by striking ''notice and publishes such a finding in the Federal Register),'' in subsection (b)(1) and inserting ''notice),'';

(5) by striking ''10 days'' in subsection (b)(2) and inserting ''5 days'';

(6) by striking ''finds that the public'' in subsection (b)(2) and inserting ''publishes a finding that the public'';

(7) by striking ''notice and publishes such a finding in the Federal Register.'' in subsection (b)(2) and inserting ''notice.'';

(8) in subsection (b)—

(A) by striking ''(3)'' and inserting ''(3)(A)''; and

(B) by adding at the end thereof the following:

''(B) If the Commission determines that the public health and safety requires expedited consideration of an action brought under subparagraph (A), the Commission may file a request with the District Court for such expedited consideration. If the Commission files such a request, the District Court shall—

''(i) assign the matter for hearing at the earliest possible date;

''(ii) give precedence to the matter, to the greatest extent practicable, over all other matters pending on the docket of the court at the time;

''(iii) expedite consideration of the matter to the greatest extent practicable; and

''(iv) grant or deny the requested injunction within 30 days after the date on which the Commission's request was filed with the court.'';

(9) by striking ''section 19 (related to prohibited acts);'' in subsection (b)(4) and inserting ''any consumer product safety rule or provision of this Act or similar rule or provision of any other Act enforced by the Commission;'';

(10) by striking ''or'' after the semicolon in subsection (b)(5)(B);

(11) by striking ''disclosure.'' in subsection (b)(5)(C) and inserting ''disclosure; or'';

(12) by inserting in subsection (b)(5) after subparagraph (C) the following:

''(D) the Commission publishes a finding that the public health and safety requires public disclosure with a lesser period of notice than is required under paragraph (1).'';

(13) in the matter following subparagraph (D) of subsection (b)(5) (as added by paragraph (12) of this section), by striking ''section 19(a),'' and inserting ''any consumer product safety rule or provision under this Act or similar rule or provision of any other Act enforced by the Commission,''; and

(14) by adding at the end of subsection (b) the following:

''(9) PUBLICLY AVAILABLE DATABASE OF REPORTED DEATHS, INJURIES, ILLNESS, AND RISK OF SUCH INCIDENTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site. The database shall include any reports of injuries, illness, death, or risk of such injury, illness, or death related to the use of consumer products received by the Commission from—

''(i) consumers;

''(ii) local, State, or Federal government agencies;

''(iii) health care professionals, including physicians, hospitals, and coroners;

''(iv) child service providers;

''(v) public safety entities, including police and fire fighters; and

''(vi) other non-governmental sources, other than information provided to the Commission by retailers, manufacturers, or private labelers pursuant to a voluntary or required submission under section 15 or other mandatory or voluntary program.

''(B) ADDITIONAL CONTENTS.—In addition to the reports described in subparagraph (A), the Commission may include in the database any additional information it determines to be in the public interest.

''(C) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, product, manufacturer, the model of the product, and any other category the Commission determines to be in the public interest.

''(D) TIMING.—The Commission shall make such reports available on the Commission website no later than 15 days after the date on which they are received.

''(E) REMOVAL OF INACCURATE OR INCORRECT INFORMATION.—If the Commission determines, after investigation, that information made available on the database is incorrect the Commission shall promptly remove it from the database.

''(F) MANUFACTURER COMMENTS.—A manufacturer, private labeler, or retailer shall be given an opportunity to comment on any information involving a product manufactured by that manufacturer, or distributed by that private labeler or retailer, as the case may be. Any such comments may be included in the database alongside the information involving such product if requested by the manufacturer, private labeler, or retailer.

''(G) DISCLOSURE.—The Commission may not disclose the names or addresses of consumers pursuant to its authority under this subsection.

''(H) APPLICATION WITH OTHER PROVISIONS.—Subsection (a) and the preceding paragraphs of this subsection do not apply to the public disclosure of information received by the Commission under subparagraph (A) of this paragraph.''.

SEC. 8. RULEMAKING.

(a) ANPR REQUIREMENT.—

(1) IN GENERAL.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice,''; and

(E) by striking ''Register.'' in the matter following paragraph (4) of subsection (c) and inserting ''Register. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed consumer product safety standard.''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)) is amended to read as follows:

''(a) RULEMAKING.—

''(1) IN GENERAL.—Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which it finds meets the requirements of section 2(f)(1)(A).

''(2) PROCEDURE.—Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(2) PROCEDURE.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(3) ANPR REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) OTHER CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking paragraphs (c) and (d) of section 2 and inserting the following:

''(c) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in sections 5(c)(6)(D)(i) and 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and 1273(b)), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission'';

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1) (15 U.S.C. 1275(a)(1)); and

(J) by striking paragraph (5) of section 18(b) (15 U.S.C. 1261 note).

(c) RULEMAKING UNDER FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' in subsection (g) and inserting ''may be commenced by a notice of proposed rulemaking or''; and

(B) by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' in subsection (i) and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking paragraph (i) of section 2 (15 U.S.C. 1191(i)) and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''Commission'';

(C) by striking ''Secretary'' each place it appears and inserting ''Commission'', except in sections 9 and 14 (15 U.S.C. 1198 and 1201);

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking paragraph (5) of section 4(e) (15 U.S.C. 1193(e)) and redesignating paragraph (6) as paragraph (5);

(F) by striking ''Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')'' in section 15 (15 U.S.C. 1202) and inserting ''Commission'';

(G) by striking section 16(d) (15 U.S.C. 1203(d)) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related material, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) by striking ''Consumer Product Safety Commission'' in section 17 (15 U.S.C. 1204) and inserting ''Commission''.

SEC. 9. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 10. THIRD PARTY CERTIFICATION OF CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5);

(2) by striking ''Every manufacturer'' in paragraph (1) and inserting ''Except as provided in paragraph (2), every manufacturer'';

(3) by designating the second and third sentences of subsection (a) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

''(2) Beginning 60 days after the date on which the Commission publishes notice of an interim procedure designated under subsection (d)(2) of this section, every manufacturer, or its designee, of a children's product (and the private labeler, or its designee, of such product if it bears a private label) manufactured or imported after such 60th day that is subject to a children's product safety standard shall—

''(A) have the product tested by a third party laboratory qualified to perform such tests or testing programs; and

''(B) issue a certification which shall—

''(i) certify that such product meets that standard; and

''(ii) specify the applicable children's product safety standard.'';

(5) by striking ''Such certificate shall'' in paragraph (3) as redesignated by paragraph (1) and inserting ''A certificate required under this subsection shall''; and

(6) in paragraph (5), as redesignated by paragraph (1)—

(A) by striking ''required by paragraph (1) of this subsection,'' and inserting ''required by paragraph (1) or (2) (as the case may be),''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) TESTING PROGRAMS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by inserting ''(1)'' before the first sentence;

(2) by designating the second sentence as paragraph (2); and

(3) in paragraph (2), as so designated, by striking ''Any test or'' and inserting ''Except as provided in subsection (a)(2), any test or''.

(c) CHILDREN'S PRODUCTS; TESTING BY INDEPENDENT THIRD LABORATORIES; CERTIFICATION.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) APPLICATION TO OTHER CONSUMER PRODUCTS; CERTIFIER STANDARDS; AUDIT.—

''(1) IN GENERAL.—The Commission—

''(A) within 1 year after the date of enactment of the CPSC Reform Act shall by rule—

''(i) establish protocols and standards—

''(I) for acceptance of certification or continuing guarantees of compliance by manufacturers under this section; and

''(II) for verifying that products tested by third party laboratories comply with applicable standards under this Act and other Acts enforced by the Commission;

''(ii) prescribe standards for accreditation of third party laboratories, either by the Commission or by 1 or more independent standard-setting organizations to which the Commission delegates authority, to engage in certifying compliance under subsection (a)(2) for children's products or products to which the Commission extends the certification requirements of that subsection;

''(iii) establish requirements, or delegate authority to 1 or more independent standard-setting organizations, for third party laboratory testing, as the Commission determines to be necessary to ensure compliance with any applicable rule or order, of random samples of products certified under this section to determine whether they meet the requirements for certification;

''(iv) establish requirements for periodic audits of third party laboratories by an independent standard-setting organization as a condition for accreditation of such laboratories under this section; and

''(v) establish a program by which manufacturers may label products as compliant with the certification requirements of subsection (a)(2); and

''(B) may by rule extend the certification requirements of subsection (a)(2) to other consumer products or to classes or categories of consumer products.

''(2) INTERIM PROCEDURE.—Within 30 days after the date of enactment of the CPSC Reform Act, the Commission shall—

''(A) consider existing laboratory testing certification procedures established by independent standard-setting organizations; and

''(B) designate an existing procedure, or existing procedures, for manufacturers of children's products to follow until the Commission issues a final rule under paragraph (1)(A).

''(e) DEFINITIONS.—In this section:

''(1) CHILDREN'S PRODUCT.—The term 'children's product' means a consumer product designed or intended for use by, or care of, a child 7 years of age or younger that is introduced into the interstate stream of commerce. In determining whether a product is intended for use by a child 7 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product, if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 7 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by a child 7 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission in September 2002 and any subsequent version of such Guideline.

''(2) CHILDREN'S PRODUCT SAFETY STANDARD.—The term 'children's product safety standard' means a consumer product safety rule or standard under this Act or any other Act enforced by the Commission, or a rule or classification under this Act or any other Act enforced by the Commission declaring a consumer product to be a banned hazardous product or substance.

''(3) THIRD PARTY LABORATORY.—

''(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

''(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

''(ii) except as provided in subparagraph (C), is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

''(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

''(C) FIREWALLED PROPRIETARY LABORATORIES.—Upon request, the Commission may certify a laboratory that is owned, managed, or controlled by the manufacturer or private labeler as a third party laboratory if the Commission—

''(i) finds that certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(ii) establishes procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(iii) establishes procedures for confidential reporting of allegations of undue influence to the Commission.

''(D) PROVISIONAL CERTIFICATION.—

''(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (C) of this paragraph, or a laboratory described in subparagraph (A) of this paragraph, upon a showing that the laboratory—

''(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

''(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

''(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

''(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

''(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

''(E) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory (including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph) if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''consumer products which are subject to consumer product safety standards'' and inserting ''a consumer product that is subject to a consumer product safety standard, a children's product that is subject to a children's product safety standard, or either such product that is subject to any other rule under this Act (or a similar rule under any other Act enforced by the Commission)''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

(e) LABEL AND CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall prescribe a rule in accordance with section 14(a)(5) and (d) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(5) and (d)) for children's products (as defined in subsection (e) of such section).

(f) PROHIBITION ON IMPORTS OF CHILDREN'S PRODUCTS WITHOUT THIRD PARTY TESTING CERTIFICATION.—Section 17(a) (15 U.S.C. 2066(a)) is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking ''(g).'' in paragraph (5) and inserting a ''(g); or''; and

(3) by adding at the end the following:

''(6) is a children's product, as that term is defined in section 14(e), or a product for which the Commission, under section 14(d)(1), has required certification under section 14(a)(2), that is not accompanied by a certificate from a third party as required by section 14(a)(2).''.

(g) CPSC CONSIDERATION OF EXISTING REQUIREMENTS.—In establishing standards for laboratories certified to perform testing under section 14 of the Consumer Product Safety Act, as amended by this section, the Consumer Product Safety Commission may consider standards and protocols for certification of such laboratories by independent standard-setting organizations that are in effect on the date of enactment of this Act, but shall ensure that the final rule prescribed under subsections (a)(2) and (d) of that section incorporates, as the standard for certification, the most current scientific and technological standards and techniques available.

SEC. 11. TRACKING LABELS FOR PRODUCTS FOR CHILDREN.

(a) LABELING REQUIREMENT FOR INTERNET AND CATALOGUE ADVERTISING OF CERTAIN TOYS AND GAMES.—Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—

''(A) CAUTIONARY STATEMENT.—Any advertisement that provides a direct means of purchase posted by a manufacturer, retailer, distributor, private labeler, or licensor for any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including any advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. A manufacturer, distributor, private labeler, or licensor that uses a retailer to advertise a product shall inform the retailer of any cautionary statement that may apply to such products in any communication to the retailer that contains information about the products to be advertised. The requirement imposed by the preceding sentence shall only apply to advertisements by the retailer if the manufacturer, importer, distributor, private labeler, or licensor affirmatively informs the retailer that such cautionary statement is required for the product.

''(B) DISPLAY.—The cautionary statement described in subparagraph (A) shall be prominently displayed—

''(i) in the primary language used in the advertisement, catalogue, or Internet website;

''(ii) in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in such advertisement; and

''(iii) in a manner consistent with part 1500 of title 16, Code of Federal Regulations.

''(C) DEFINITIONS.—In this paragraph, the terms 'manufacturer, retailer, distributor, private labeler, and licensor'—

''(i) mean any individual who, by such individual's occupation holds himself or herself out as having knowledge or skill peculiar to consumer products, including any person who is in the business of manufacturing, selling, distributing, labeling, licensing, or otherwise placing in the stream of commerce consumer products; but

''(ii) do not include an individual whose selling activity is intermittent and does not constitute a trade or business.

''(2) ENFORCEMENT.—The requirement under paragraph (1) shall be treated as a consumer product safety standard promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). The publication or distribution of any advertisement that is not in compliance with paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).''.

(b) TRACKING LABELS FOR PRODUCTS FOR CHILDREN.—Section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)), as amended by section 10(a) of this Act, is further amended by adding at the end thereof the following:

''(6) Effective 1 year after the date of enactment of the CPSC Reform Act, the manufacturer of a children's product or other consumer product (as may be required by the Commission in its discretion after a rulemaking proceeding) shall place distinguishing marks on the product and its packaging, to the extent practicable, that will enable the ultimate purchaser to ascertain the manufacturer, production time period, and cohort (including the batch, run number, or other identifying characteristic) of production of the product by reference to those marks.''.

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended—

(1) by striking ''(c) The'' and inserting ''(c)(1) The'';

(2) by striking ''rule)—'' and inserting ''rule):'';

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by indenting the sentence beginning ''Such labels'' and inserting ''(2)'' before ''Such labels''; and

(5) by adding at the end thereof the following:

''(4) If an advertisement, label, or package contains a reference to a consumer product safety standard, a statement with respect to whether the product meets all applicable requirements of that standard.''.

SEC. 12. SUBSTANTIAL PRODUCT HAZARD REPORTING REQUIREMENT.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by striking ''consumer product distributed in commerce,'' and inserting ''consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code) distributed in commerce,'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

''(2) fails to comply with any rule or standard promulgated by the Commission under this or any other Act;''.

SEC. 13. CORRECTIVE ACTION PLANS.

Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''whichever of the following actions the person to whom the order is directed elects:'' and inserting ''any one or more of the following actions it determines to be in the public interest:'';

(6) by indenting the sentence beginning ''An order'' and inserting ''(2)'' before ''An order'';

(7) by striking ''satisfactory to the Commission,'' and inserting ''for approval by the Commission,'';

(8) by striking ''described in paragraph (3).'' and inserting ''described in paragraph (1)(C).''; and

(9) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may by order amend, or require amendment of, the action plan.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan. The manufacturer, retailer, or distributor to which the action plan applies may not distribute the product to which the action plan relates in commerce after receipt of notice of a revocation of the action plan.''.

SEC. 14. IDENTIFICATION OF MANUFACTURER BY IMPORTERS, RETAILERS, AND DISTRIBUTORS.

Section 16 (15 U.S.C. 2065) is amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request to the extent that the information is known, or can be determined, by the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which it directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication of such product or substance; and

''(C) each subcontractor from which it obtained a component thereof.''.

SEC. 15. PROHIBITED ACTS.

(a) SALE OF RECALLED PRODUCTS.—Section 19(a) (15 U.S.C. 2068(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, but only if the seller, distributor, or manufacturer knew or should have known of such voluntary corrective action; or

''(C) subject to an order issued under section 12 or 15 of this Act, designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8);

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''; and

(5) by striking ''18(b).'' in paragraph (10) and inserting ''18(b); or''.

(b) EXPORT OF RECALLED PRODUCTS.—

(1) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end thereof the following:

''(c) Notwithstanding any other provision of law, the Commission may prohibit a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under this Act of any other Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety standard under this Act or with a similar rule under any such other Act and does not violate applicable safety standards established by the importing country;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this Act or any other Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer, except that the Commission may permit such a product to be exported if it meets applicable safety standards established by the importing country.''.

(2) PENALTY.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (a) of this section, is further amended—

(A) by striking ''or'' after the semicolon in paragraph (10);

(B) by striking ''37.'' in paragraph (11) and inserting ''37; or''; and

(C) by adding at the end thereof the following:

''(12) violate an order of the Commission under section 18(c).''.

(3) CONFORMING AMENDMENTS TO OTHER ACTS.—

(A) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States,'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(B) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end thereof the following:

''(d)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), the Consumer Product Safety Commission may prohibit a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(A) is not in conformity with an applicable consumer product safety standard under the Consumer Product Safety Act or with a rule under this Act;

''(B) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(C) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this or another Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer.

''(2) The Commmission may permit the exportation of a fabric, related material, or product described in paragraph (1) if it meets applicable safety standards of the country to which it is being exported.''.

(c) FALSE CERTIFICATION OF COMPLIANCE WITH TESTING LABORATORY STANDARD.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (b)(2) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (11);

(2) by striking ''18(c).'' in paragraph (12) and inserting ''18(c); or''; and

(3) by adding at the end thereof the following:

''(13) sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark.''.

(d) MISREPRESENTATION OF INFORMATION IN INVESTIGATION.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (c) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (12);

(2) by striking ''false.'' in paragraph (13) and inserting ''false; or''; and

(3) by adding at the end thereof the following:

''(14) misrepresent to any officer or employee of the Commission the scope of consumer products subject to an action required under section 12 or 15, or to make a material misrepresentation to such an officer or employee in the course of an investigation under this Act or any other Act enforced by the Commission.''.

(e) CERTIFICATES OF COMPLIANCE WITH MANDATORY STANDARDS.—Section 19(a)(6) (15 U.S.C. 2068(a)(6)) is amended to read as follows:

''(6) fail to furnish a certificate required by this Act or any other Act enforced by the Commission, or to issue a false certificate if such person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c);''.

(f) UNDUE INFLUENCE ON THIRD PARTY LABORATORIES.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (d) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (13);

(2) by striking ''Commission.'' in paragraph (14) and inserting ''Commission; or''; and

(3) by adding at the end thereof the following:

''(15) exercise, or attempt to exercise, undue influence on a third party laboratory (as defined in section 14(e)(2)) with respect to the testing, or reporting of the results of testing, of any product for compliance with a standard under this Act or any other Act enforced by the Commission.''.

SEC. 16. PENALTIES.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 20(a) (15 U.S.C. 2069(a)) is amended—

(A) by striking ''$5,000'' and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (3)(B) and inserting ''December 1, 2011,''.

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (6)(B) and inserting ''December 1, 2011,''.

(3) FLAMMABLE FABRICS ACT.—Section 5(e) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (5)(B) and inserting ''December 1, 2011,''.

(4) MAXIMUM PENALTY FOR CERTAIN VIOLATIONS.—Section 20(a)(1) (15 U.S.C. 2069(a)), section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)), and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) are each amended by inserting ''The Commission shall impose civil penalties exceeding $10,000,000 under this paragraph only when issuing a finding of aggravated circumstances.'' after ''violations.''.

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 21(a) (15 U.S.C. 2070(a)) is amended to read as follows:

''(a) Violation of section 19 of this Act is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(2) DIRECTORS, OFFICERS, AND AGENTS.—Section 21(b) (15 U.S.C. 2070(b)) is amended by striking ''19, and who has knowledge of notice of noncompliance received by the corporation from the Commission,'' and inserting ''19''.

(3) UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(a)) is amended by striking ''one year, or a fine of not more than $3,000, or both such imprisonment and fine.'' and inserting ''5 years, a fine determined under section 3571 of title 18, United States Code, or both.''.

(4) UNDER THE FLAMMABLE FABRICS ACT.—Section 7 of the Flammable Fabrics Act (15 U.S.C. 1196) is amended to read as follows:

''PENALTIES

''SEC. 7. Violation of section 3 or 8(b) of this Act, or failure to comply with section 15(c) of this Act, is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(c) CIVIL PENALTY CRITERIA.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall initiate a rulemaking in accordance with section 553 of title 5, United States Code, to establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances. Section 20 (15 U.S.C. 2069) is amended—

(1) by striking ''charged.'' in subsection (b) and inserting ''charged, including how to mitigate undue adverse economic impacts on small businesses.''; and

(2) by striking ''charged,'' in subsection (c) and inserting ''charged (including how to mitigate undue adverse economic impacts on small businesses),''.

(d) CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.—Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalties provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act or any other Act enforced by the Commission for which the violator is sentenced to pay a fine, be imprisoned, or both.''.

SEC. 17. PREEMPTION.

The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively)), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261

note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation.

SEC. 18. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end thereof the following:

''(f)(1) The Commission may make information obtained by the Commission under section 6 available to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) the foreign government agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) Except as provided in paragraph (3) of this subsection, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(A) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(B) any material reflecting a consumer complaint obtained from any other foreign source, if the foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(C) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(3) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) The Commission may terminate a memorandum of understanding or other agreement with another agency if it determines that the other agency has not handled information made available by the Commission under paragraph (1) or has failed to maintain confidentiality with respect to the information.

''(5) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).''.

SEC. 19. FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

''FINANCIAL RESPONSIBILITY

''SEC. 39. (a) The Commission, in a rulemaking proceeding, may establish procedures to require the posting of an escrow, proof of insurance, or security acceptable to the Commission by—

''(1) a person that has committed multiple significant violations of this Act or any rule or Act enforced by the Commission;

''(2) the manufacturer or distributor of a category or class of consumer products; or

''(3) the manufacturer or distributor of any consumer product or any product or substance regulated under any other Act enforced by the Commission.

''(b) AMOUNT.—The escrow, proof of insurance, or security required by the Commission under subsection (a) shall be in an amount sufficient—

''(1) to cover the costs of an effective recall of the product or substance; or

''(2) to cover the costs of holding the product and the destruction of the product should such action be required by the Commission under this Act or any other act enforced by the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents is amended by striking the item relating to section 10 and inserting the following:

''Sec. 10. [Repealed].''.

(2) The table of contents is amended by inserting after the item relating to section 34 the following:

''Sec. 35. Interim cellulose insulation safety standard.
''Sec. 36. Congressional veto of consumer product safety rules.
''Sec. 37. Information reporting.
''Sec. 38. Low-speed electric bicycles.
''Sec. 39. Financial responsibility.''.

SEC. 20. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 26 the following:

''ENFORCEMENT BY STATE ATTORNEYS GENERAL

''SEC. 26A. (a) Except as provided in subsection (f), whenever the attorney general of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer product safety rule, regulation, standard, certification or labeling requirement, or order prescribed under this Act or any other Act enforced by the Commission (including the sale of a voluntarily or mandatorily recalled product or of a banned hazardous substance or product), the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief provided under such Act.

''(b) The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

''(c) Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

''(1) be heard on all matters arising in such civil action; and

''(2) file petitions for appeal of a decision in such civil action.

''(d) Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

''(e) In a civil action brought under subsection (a)—

''(1) the venue shall be a judicial district in which—

''(A) the manufacturer, distributor, or retailer operates; or

''(B) the manufacturer, distributor, or retailer is authorized to do business;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

''(3) a person who participated with a manufacturer, distributor, or retailer in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(f) If the Commission has instituted a civil action or an administrative action for violation of this Act or any other Act enforced by the Commission, no State attorney general, or other official or agency of a State, may bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

''(g) If the attorney general of the State prevails in any civil action under subsection (a), it can recover reasonable costs and attorney fees from the manufacturer, distributor, or retailer. Any attorney's fees recovered pursuant to this subsection shall be reviewed by the court to ensure that those fees are consistent with section 2060(f) of this title.

''(h) If private counsel is retained to assist in any civil action under subsection (a), the private counsel retained to assist the State may not share with participants in other private civil actions that arise out of the same operative facts any information that is—

(1) subject to a litigation privilege; and

(2) was obtained during discovery in the action under subsection (a).

The private counsel retained to assist the State may not use any information that is subject to a litigation privilege and that was obtained while assisting the State in the action under subsection (a) in any other private civil actions that arise out of the same operative facts.''.

(b) CONFORMING AMENDMENT.—The table of contents is amended by inserting after the item relating to section 26 the following:

''Sec. 26A. Enforcement by state attorneys general.''.

SEC. 21. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 19, is further amended by adding at the end the following:

''WHISTLEBLOWER PROTECTION

''SEC. 40. (a) No manufacturer, private labeler, distributor, or retailer, nor any Federal, State, or local government agency, may discharge an employee or otherwise discriminate

against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission.

''(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(5)(A) Any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

''(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) Subsection (a) shall not apply with respect to an employee of a manufacturer, private labeler, distributor, or retailer who, acting without direction from such manufacturer, private labeler, distributor, or retailer (or such person's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, regulation, or consumer product safety standard under this Act or any other law enforced by the Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 19 of this Act, is further amended by inserting after the item relating to section 39 the following:

''Sec. 40. Whistleblower protection.''.

SEC. 22. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, any children's product (as defined in section 14(e) of the Consumer Product Safety Act (15 U.S.C. 2063(e))) that contains lead shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(b) TRACE AMOUNTS OF LEAD.—

(1) INITIAL STANDARD.—For purposes of subsection (a), a children's product shall be considered to contain lead if any part of the product contains lead or lead compounds and the lead content of such part (calculated as lead metal) is greater than 0.03 percent by weight of the total weight of such part (or such lesser amount as may be established by the Commission by regulation).

(2) REDUCED THRESHOLD.—

(A) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this Act, paragraph (1) shall be applied by substituting ''0.01 percent'' for ''0.03 percent'' unless the Consumer Product Safety Commission determines that a standard of 0.01 percent is not

technologically feasible. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(B) ALTERNATIVE REDUCTION.—If the Commission determines under subparagraph (A) that the 0.01 percent standard is not technologically feasible, the Commission shall, by regulation, establish a lesser amount that is the lowest amount of lead, lower than 0.03 percent by weight, the Commission determines to be technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 0.03 percent standard under paragraph (1) beginning on the date that is 3 years after the date of enactment of this Act.

(c) EXCEPTIONS.—

(1) INACCESSIBLE COMPONENTS.—

(A) IN GENERAL.—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) INACCESSIBILITY PROCEEDING.—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) APPLICATION PENDING CPSC GUIDANCE.—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) CERTAIN BARRIERS DISQUALIFIED.—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(2) ELECTRONICS.—If the Commission determines that it is not feasible for certain electronic devices, including batteries, to comply with subsection (a) at the time the regulations take effect, the Commission shall, by regulation—

(A) issue standards to reduce the exposure of and accessibility to lead in such electronic devices; and

(B) establish a schedule by which such electronic devices shall be in full compliance with the regulations prescribed under subsection (a).

(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.

(d) REGULATIONS.—Notwithstanding the provisions of subsection (b), the Commission may by regulation establish such lower thresholds for lead content in children's products than those set forth in subsection (b) as the Commission finds to be technologically feasible.

(e) PAINT STANDARD FOR ALL PRODUCTS.—Effective on the date that is 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall modify section 1303.1 of its regulations (16 C.F.R. 1303.1) by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section.

(f) APPLICATION WITH ASTM F963.—To the extent that any standard or rule promulgated by the Consumer Product Safety Commission under this section (or any section of the Consumer Product Safety Act or any other Act enforced by the Commission, as such Acts are affected by this section) is inconsistent with the ASTM F963 standard, such promulgated standard or rule shall supersede the ASTM F963 standard to the extent of the inconsistency.

SEC. 23. ALTERNATIVE MEASURES OF LEAD CONTENT.

The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

SEC. 25. COST-BENEFIT ANALYSIS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970.

Section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472) is amended by adding at the end thereof the following:

''(e) Nothing in this Act shall be construed to require the Secretary, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.''.

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SEC. 27. PUBLIC INTERNET WEBSITE LINKS.

Not later than 30 days after the date of enactment of this Act, the Consumer Product Safety Commission shall establish and maintain—

(1) a direct link on the homepage of its Internet website to the Internet website of the Commission's Office of Inspector General; and

(2) a mechanism on the homepage of the Office of Inspector General's Internet website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Commission.

SEC. 28. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.

(a) CONSUMER PRODUCT SAFETY RULE.—

(1) ESTABLISHMENT.—There is established, as a consumer product safety rule promulgated by the Commission in accordance with section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), a requirement that each portable gasoline container for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517–05, issued by ASTM International.

(b) REVISION OF RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, after the date of the enactment of this Act, ASTM International proposes to revise

the child resistance requirements of ASTM F2517–05—

(A) ASTM International shall notify the Commission of the proposed revision; and

(B) the proposed revision shall be incorporated in the consumer product safety rule established by subsection (a).

(2) EXCEPTION.—If, not later than 60 days after the date of the notice described in paragraph (1)(A), the Commission notifies ASTM International that the Commission has determined that such revision is inconsistent with subsection (a), the requirement of paragraph (1)(B) shall not apply.

(c) IMPLEMENTING REGULATIONS.—With respect to the promulgation of any regulations by the Commission to implement the requirements of this section—

(1) section 553 of title 5, United States Code, shall apply; and

(2) sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report on—

(1) the degree of industry compliance with the consumer product safety rule established by subsection (a);

(2) any enforcement actions brought by the Commission to enforce such rule; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the rule established by subsection (a)).

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) PORTABLE GASOLINE CONTAINER.—The term ''portable gasoline container'' means any portable gasoline container intended for use by consumers.

(f) EFFECTIVE DATE.—The rule established by subsection (a) shall apply to portable gasoline containers manufactured on or after the date that is 6 months after the date of enactment of this Act.

SEC. 29. TOY SAFETY STANDARD.

(a) IN GENERAL.—Beginning 60 days after the date of enactment of this Act, ASTM International Standard F963–07, Consumer Safety Specifications for Toy Safety, as it exists on the date of enactment of this Act shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) REVISIONS.—If more than 60 days after the date of enactment of this Act, ASTM International proposes to revise Standard F963–07, Consumer Safety Specifications for Toy Safety, or a successor standard, it shall notify the Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule. The revised standard shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 30 days after the date on which ASTM International notifies the Commission of the revision unless, within 60 days after receiving that notice, the Commission notifies ASTM International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.

SEC. 30. ALL-TERRAIN VEHICLE SAFETY STANDARD.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 21 of this Act, is further amended by adding at the end thereof the following:

''ALL-TERRAIN VEHICLE SAFETY STANDARD

''SEC. 41. (a) IN GENERAL.—

''(1) MANDATORY STANDARD.—Notwithstanding any other provision of law, within 90 days after the date of enactment of the CPSC Reform Act the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2007). The standard shall take effect 150 days after it is published.

''(2) COMPLIANCE WITH STANDARD.—After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless—

''(A) the vehicle complies with each applicable provision of the standard;

''(B) the vehicle is subject to an ATV action plan filed with the Commission before the date of enactment of the CPSC Reform Act, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer or private labeler and the ATV action plan to which it is subject; and

''(C) the manufacturer or distributor is in compliance with all provisions of the applicable ATV action plan.

''(3) VIOLATION.—The failure to comply with any requirement of paragraph (2) shall be deemed to be a failure to comply with a consumer product safety rule under this Act and subject to all of the penalties and remedies available under this Act.

''(4) COMPLIANT MODELS WITH ADDITIONAL FEATURES.—Paragraph (2) shall not be construed to prohibit the distribution in interstate commerce of new all-terrain vehicles that comply with the requirements of that paragraph but also incorporate characteristics or components that are not covered by those requirements. Any such characteristics or components shall be subject to the requirements of section 15 of this Act.

''(b) MODIFICATION OF ALL-TERRAIN VEHICLE SAFETY STANDARD.—

''(1) ANSI REVISIONS.—If the American National Standard ANSI/SVIA–1–2007 is revised through the applicable consensus standards development process after the date on which the product safety standard for all-terrain vehicles is published in the Federal Register, the American National Standards Institute shall notify the Commission of the revision.

''(2) COMMISSION ACTION.—Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for all-terrain vehicles to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles, and notify the Institute of any provision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for all-terrain vehicles within 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

''(3) UNREASONABLE RISK OF INJURY.—Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for all-terrain vehicles to include any additional provision that the Commission determines is reasonably necessary to reduce an unreasonable risk of injury associated with the performance of all-terrain vehicles.

''(4) CERTAIN PROVISIONS NOT APPLICABLE.—Sections 7, 9, 11, and 30(d) of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.

''(c) REQUIREMENTS FOR 3-WHEELED ALL-TERRAIN VEHICLES.—Until a mandatory consumer product safety rule applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this Act is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 19(a)(1) of this Act and may also be enforced under section 17 of this Act.

''(d) FURTHER PROCEEDINGS.—

''(1) DEADLINE.—The Commission shall issue a final rule in its proceeding entitled 'Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles'.

''(2) CATEGORIES OF YOUTH ATVS.—In the final rule, the Commission may provide for a multiple factor method of categorization that, at a minimum, takes into account—

''(A) the weight of the vehicle;

''(B) the maximum speed of the vehicle;

''(C) the velocity at which a vehicle of a given weight is traveling at the maximum speed of the vehicle;

''(D) the age of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle; and

''(E) the average weight of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle.

''(e) DEFINITIONS.—In this section:

''(1) ALL-TERRAIN VEHICLE OR ATV.—The term 'all-terrain vehicle' or 'ATV' means—

''(A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but

''(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

''(2) ATV ACTION PLAN.—The term 'ATV action plan' means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the vehicles, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading The Undertakings of the Companies in the Commission Notice published in the Federal Register on September 9, 1998 (63 FR 48199–48204).''.

(b) GAO STUDY.—The Comptroller General shall conduct a study of the utility, recreational, and other benefits of all-terrain vehicles to which section 38 of the Consumer Product Safety Act (15 U.S.C. 2085) applies, and the costs associated with all-terrain vehicle-related accidents and injuries.

(c) CONFORMING AMENDMENT.—The table of contents, as amended by section 21 of this Act, is further amended by inserting after the item relating to section 40 the following:

''Sec. 41. All-terrain vehicle safety standard.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety–UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after

the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratory, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety-UL 325 before the date of enactment of this Act.

(c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

SEC. 32. REDUCING DEATHS AND INJURIES FROM CARBON MONOXIDE POISONING.

(a) IN GENERAL.—The Consumer Product Safety Commission shall issue a final rule in its proceeding entitled ''Portable Generators'' for which the Commission issued an advance notice of proposed rulemaking on December 12, 2006 (71 Fed. Reg. 74472), no later than 18 months after the date of enactment of this Act.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Consumer Product Safety Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation that—

(1) reviews the effectiveness of its labeling requirements for charcoal briquettes (16 C.F.R. 1500.14(b)(6)) during the windstorm that struck the Pacific Northwest beginning on December 14, 2006;

(2) identifies any specific challenges faced by non-English speaking populations with use of the current standards; and

(3) contains recommendations for improving the labels on charcoal briquettes.

SEC. 33. COMPLETION OF CIGARETTE LIGHTER RULEMAKING.

The Consumer Product Safety Commission shall issue a final rule mandating general safety standards for cigarette lighters in its proceedings entitled ''Safety Standard for Cigarette Lighters'' for which the Commission issued an advance notice of proposed rulemaking on April 11, 2005 (68 Fed. Reg. 11339) no later than 24 months after the date of enactment of this Act.

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(c) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE, SALE, RESALE AND LEASE OF CRIBS.—It shall be unlawful for any commercial user to manufacture, sell, contract to sell or resell, lease, sublet, offer or provide for use or otherwise place in the stream of commerce any new or used full-size or non-full size crib, including a portable crib and a crib-pen, that is not in compliance with the mandatory rule promulgated in section (b)(1) and (b)(2).

(2) Commercial users include but are not limited to hotel, motel or similar transient lodging facilities and day care centers.

(3) DEFINITION OF COMMERCIAL USER.—

(A) IN GENERAL.—In this subsection, the term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(iii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(4) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(d) CONSUMER PRODUCT REGISTRATION FORMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate final consumer product safety rules that require manufacturers of durable infant or toddler products—

(A) in accordance with paragraph (2), to provide consumers with postage-paid consumer registration forms with each such product;

(B) in accordance with paragraph (5), to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to place permanently the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORMS.—

(A) IN GENERAL.—The registration forms required by paragraph (1)(A) shall provide space sufficiently large to permit easy, legible recording of the information specified in subparagraph (B)(i).

(B) ELEMENTS.—Such forms shall include the following:

(i) Spaces for a consumer to provide the following:

(I) The consumer's name.

(II) The consumer's postal address.

(III) The consumer's telephone number.

(IV) The consumer's e-mail address.

(ii) The manufacturer's name.

(iii) The model name and number for the product.

(iv) The date of manufacture of the product.

(v) A message that—

(I) explains the purpose of the registration; and

(II) is designed to encourage consumers to complete the registration.

(vi) A statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

(vii) A message that explains the option to register via the Internet, as required by paragraph (4).

(C) PLACEMENT.—Such form shall be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer will notice and handle the form after purchasing the product.

(3) TEXT AND FORMAT OF REGISTRATION FORMS.—In promulgating regulations under paragraph (1), the Commission may prescribe the exact text and format of such form.

(4) INTERNET REGISTRATION.—In promulgating regulations under paragraph (1), the Commission shall require manufacturers of durable infant or toddler products to provide a mechanism for consumers to submit to the manufacturer via the Internet electronic versions of the registration forms required by paragraph (1)(A).

(5) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—The rules promulgated under paragraph (1) shall require each manufacturer of a durable infant or toddler product—

(i) to maintain a record of consumers who register for such product that includes all of the information provided by such consumers; and

(ii) to use such information to notify such consumers in the event of a voluntary or involuntary recall of, or safety alert regarding, such product.

(B) PERIOD OF MAINTENANCE.—Such rules shall require such manufacturers of durable infant or toddler products to maintain the records described in subparagraph (A)(i) for a period of not less than 6 years after the date of manufacture of the product concerned.

(C) LIMITATION ON USE OF INFORMATION COLLECTED.—The rules promulgated under paragraph (1) shall prohibit manufacturers from using or disseminating to any other party the information collected by the manufacturer under this subsection for any purpose other than notification to the consumer concerned in the event of a product recall or safety alert regarding the product concerned.

(D) RESERVATION.—Nothing in this section requires a manufacturer to collect, retain, or use any information unless it is provided by the consumer.

(e) REPORT AND STUDY.—Not later than 4 years after the date of enactment of this Act, the Commission shall—

(1) conduct a study on the effectiveness of the rules promulgated under subsection (a) in facilitating product recalls; and

(2) submit to Congress a report on the findings of the Commission with respect to the study required by paragraph (1).

(f) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

(g) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term ''durable infant or toddler product'' means a durable product intended for use by, or that may be reasonably expected to be used by, children younger than the age of 5 years, including the following:

(A) Full-size cribs and nonfull-size cribs.

(B) Toddler beds.

(C) High chairs, booster chairs, and hook-on chairs.

(D) Bath seats.

(E) Gates and other enclosures for confining a child.

(F) Play yards.

(G) Stationary activity centers.

(H) Infant carriers.

(I) Strollers.

(J) Walkers.

(K) Swings.

(L) Bassinets and cradles.

SEC. 35. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 36. CONSUMER PRODUCT SAFETY COMMISSION PRESENCE AT NATIONAL TARGETING CENTER OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall enter into a memorandum of understanding with the Secretary of Homeland Security for the assignment by the Commission of not less than 1 full-time equivalent personnel to work at the National Targeting Center of U.S. Customs and Border Protection.

(b) RESPONSIBILITIES.—Any personnel assigned under subsection (a) shall, in cooperation with other personnel working at the National Targeting Center, identify products, before such products are imported into the customs territory of the United States, that—

(1) are intended for importation into such customs territory; and

(2) pose a high risk to consumer safety.

(c) WAIVER.—The Consumer Product Safety Commission may waive the requirement of subsection (a) if the Commission determines that an assignment under subsection (a) would not improve the effectiveness of the Commission in identifying products described in subsection (b) before such products are imported into the customs territory of the United States.

SEC. 37. DEVELOPMENT OF RISK ASSESSMENT METHODOLOGY TO IDENTIFY SHIPMENTS OF CONSUMER PRODUCTS THAT ARE LIKELY TO CONTAIN CONSUMER PRODUCTS IN VIOLATION OF SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall develop a risk assessment methodology for identification of shipments of consumer products that are—

(1) intended for import into the customs territory of the United States; and

(2) are likely to include consumer products that would be refused admission into such customs territory under section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)).

(b) USE OF INTERNATIONAL TRADE DATA SYSTEM.—The methodology developed under subsection (a) shall, as far as practicable, use the International Trade Data System (ITDS) established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States before such shipments enter such customs territory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 38. SEIZURE AND DESTRUCTION OF IMPORTED PRODUCTS IN VIOLATION OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) LIST OF PRODUCT DEFECTS THAT CONSTITUTE A SUBSTANTIAL PRODUCT HAZARD.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall publish a list of product defects that constitute a substantial product hazard (as defined in section 15 of the Consumer Product Safety Act (15 U.S.C. 2064)).

(2) UPDATES.—The Consumer Product Safety Commission shall, as the Commission considers appropriate—

(A) update the list required by paragraph (1); and

(B) provide a copy of the updated list to the Secretary of Homeland Security.

(b) DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.—Section 17(e) (15 U.S.C. 2066(e)) is amended to read as follows:

''(e) PRODUCT DESTRUCTION.—The Secretary of Homeland Security shall ensure the destruction of any product refused admission into the customs territory of the United States under this section unless such product is exported, under regulations prescribed by the Secretary or the Commission, as appropriate, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.''.

(c) INSPECTION AND RECORDKEEPING REQUIREMENTS AS CONDITIONS ON IMPORTATION.—Section 17(g) (15 U.S.C. 2066(g)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(d) PROVISION OF INFORMATION TO COOPERATING AGENCIES.—Section 17(h)(2) (15 U.S.C. 2066(h)(2)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(e) CONSTRUCTION.—Section 17 (15 U.S.C. 2066) is amended by adding at the end the following:

''(i) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security from prohibiting entry or directing the destruction or export of a consumer product under any other provision of law.''.

(f) CONFORMING AMENDMENTS.—Such section 17 is further amended—

(1) in subsection (a), by striking ''Any consumer'' and inserting ''REFUSAL OF ADMISSION.—Any consumer'';

(2) in subsection (b), by striking ''The'' in the first sentence and inserting ''SAMPLES.—The'';

(3) in subsection (c), by striking ''If'' and inserting ''MODIFICATION.—If'';

(4) in subsection (d), by striking ''All actions'' in the first sentence and inserting ''SUPERVISION OF MODIFICATIONS.—All actions'';

(5) in subsection (f), by striking ''All expenses'' in the first sentence and inserting ''PAYMENT OF EXPENSES OCCASIONED BY REFUSAL OF ADMISSION.—All expenses'';

(6) in subsection (g), by striking ''The Commission'' and inserting ''IMPORTATION CONDITIONED UPON MANUFACTURER'S COMPLIANCE.—The Commission'';

(7) in subsection (h), by striking ''(h)(1) The Commission'' and inserting ''(h) PRODUCT SURVEILLANCE PROGRAM.—(1) The Commission''.

(g) TECHNICAL AMENDMENTS.—Such section 17 is further amended—

(1) by striking ''Secretary of the Treasury'' each place it occurs and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Department of the Treasury'' each place it occurs and inserting ''Department of Homeland Security''.

SEC. 39. DATABASE OF MANUFACTURING FACILITIES AND SUPPLIERS INVOLVED IN VIOLATIONS OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) DOCUMENTATION OF ACTS AND OMISSIONS.—If the Consumer Product Safety Commission discovers evidence that a violation of a consumer product safety rule was the result of an act or omission by a manufacturing facility or supplier, the Commission shall document the following:

(1) The date on which the violation occurred.

(2) A description of the violation and the circumstances that led to the violation.

(3) Details of the act or omission and the relation of such act or omission to the violation.

(4) Identifying information about the manufacturing facility or supplier, including the name and address of such manufacturing facility or supplier.

(b) DATABASE.—The Consumer Product Safety Commission shall establish and maintain a database that contains the following:

(1) All of the information documented under subsection (a).

(2) Any information submitted under subsection (d).

(c) NOTICE.—The Commission shall take reasonable steps to provide notice to each manufacturing facility or supplier documented in the database required by subsection (b) of the inclusion of such manufacturing facility or supplier in such database and the reasons for such inclusion.

(d) COMMENTS.—The Commission shall establish a process by which a manufacturing facility or supplier included in the database required by subsection (b) for an act or omission described in subsection (a) may submit information to the Commission for inclusion in the database. Such information may consist of—

(1) evidence refuting evidence contained in the database that a violation described in subsection (a) was the result of an act or omission by such manufacturing facility or supplier; and

(2) evidence of remedial measures taken by such manufacturing facility or supplier to correct such act or omission.

Information submitted under this subsection shall be treated the same as information in the database for purposes of subsections (g) and (h).

(e) AVAILABILITY OF DATABASE TO U.S. CUSTOMS AND BORDER PROTECTION.—The Consumer Product Safety Commission shall make the database established under subsection (b) available on a real-time basis to the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(f) USE OF DATABASE BY U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall use the information stored in the database required by subsection (b) in determining—

(1) whether a container being imported into the United States contains consumer products that are in violation of a consumer product safety standard of the Commission; and

(2) whether action should be taken with respect to any consumer products in such container under section 17 of the Consumer Product Safety Act (15 U.S.C. 2066).

(g) LIMITATION ON DISCLOSURE OF INFORMATION IN DATABASE.—

(1) IN GENERAL.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of

the Department of Homeland Security shall not disclose any information contained in or provide access to the database required by subsection (b) to any person except as provided in paragraph (2), provided that this limitation does not apply to the disclosure of information that was collected, received, or maintained by the Commission for purpose other than inclusion in the database.

(2) EXCEPTION FOR LAW ENFORCEMENT AND NATIONAL SECURITY.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may disclose information contained in and provide access to the database required by subsection (b) to a law enforcement agency or an intelligence agency of the United States if the Commission or the Commissioner determine that such disclosure is necessary—

(A) to prevent a crime; or

(B) to detect, prevent, or respond to a threat to national security.

(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT DISCLOSURE REQUIREMENTS.—The database required by subsection (b) shall not be subject to the disclosure requirements of section 552 or 552A of title 5, United States Code.

(h) LIMITATION ON USE OF INFORMATION IN DATABASE FOR CERTAIN CIVIL OR CRIMINAL PENALTIES.—

(1) PROHIBITION ON IMPOSITION BY CONSUMER PRODUCT SAFETY COMMISSION OF PENALTIES SOLELY ON BASIS OF DATABASE.—The Consumer Product Safety Commission may not impose any penalty under section 20 or 21 of the Consumer Product Safety Act (15 U.S.C. 2069, 2070) on any person solely on the inclusion of information on a person in the database required by subsection (b).

(2) PROHIBITION ON IMPOSITION BY U.S. CUSTOMS AND BORDER PROTECTION OF PENALTIES SOLELY ON BASIS OF DATABASE.—Notwithstanding any other provision of law, the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may not impose any civil or criminal penalty on any person solely on the inclusion of information on a person in the database required by subsection (b).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

SEC. 41. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

SEC. 42. REQUIREMENTS FOR RECALL NOTICES.

(a) IN GENERAL.—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

''(i) REQUIREMENTS FOR RECALL NOTICES.—

''(1) IN GENERAL.—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

''(A) A description of the product, including—

''(i) the model number or stock keeping unit (SKU) number of the product;

''(ii) the names by which the product is commonly known; and

''(iii) a photograph of the product.

''(B) A description of the action being taken with respect to the product.

''(C) The number of units of the product with respect to which the action is being taken.

''(D) A description of the substantial product hazard and the reasons for the action.

''(E) An identification of the manufacturers, importers, distributers, and retailers of the product.

''(F) The locations where, and Internet websites from which, the product was sold.

''(G) The name and location of the factory at which the product was produced.

''(H) The dates between which the product was manufactured and sold.

''(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

''(J) A description of—

''(i) any remedy available to a consumer;

''(ii) any action a consumer must take to obtain a remedy; and

''(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

''(K) Any other information the Commission determines necessary.

''(2) NOTICES IN LANGUAGES OTHER THAN ENGLISH.—The Commission may require a notice described in paragraph (1) to be distributed in a

language other than English if the Commission determines that doing so is necessary to adequately protect the public.''.

(b) PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

SEC. 43. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

SEC. 44. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

SEC. 45. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

ORDER FOR FILING

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Budget Committee have until 4 p.m. today, Friday, March 7, to file the concurrent budget resolution, notwithstanding the adjournment of the Senate.

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

ORDER TO CONSIDER BUDGET RESOLUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the concurrent budget resolution on Monday, March 10, at 3 p.m., and that on Monday there be debate only, with no amendments in order.

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

ORDER FOR PRIVILEGES OF THE FLOOR AND USE OF CALCULATORS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the list of staff from the Budget Committee at the desk be granted full floor access privileges; and that the use of calculators be permitted on the floor of the Senate during consideration of the concurrent resolution on the budget.

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

The list is as follows:

BUDGET STAFF

John Righter
Joel Friedman
Steve Posner
Jim Hearn
Cheri Reidy
David Pappone

CPSC REFORM ACT

AMENDMENT NO. 4143, AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent that not withstanding the adoption of amendment No. 4143 and the passage of the act H.R. 4040, amendment 4143 be modified with changes at the desk.

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

The modification is as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances, Section 20 (15 U.S.C. 2069) is amended—

(1) by striking ''charged.'' in subsection (b) and inserting ''charged, including how to mitigate undue adverse economic impacts on small businesses.'';' and

(2) by striking ''charged.'' in subsection (c) and inserting ''charged, (including how to mitigate undue adverse economic impacts on small businesses),''.

MEASURE READ THE FIRST TIME—S. 2734

Mr. BAUCUS. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2734) to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

Mr. BAUCUS. Mr. President, I now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

MEASURES PLACED ON THE CALENDAR—H.R. 1084, H.R. 1424, AND H.R. 5159

Mr. BAUCUS. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

A bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

Mr. BAUCUS. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

TEMPORARILY EXTENDING THE PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. BAUCUS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. 2733, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 2733) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2733

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Higher Education Extension Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''March 31, 2008'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

DESIGNATING MARCH 25, 2008 AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 476 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 476) designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and America Democracy.''

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war, and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, ''Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for 3 decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, investing over $20,000,000,000, creating over 200,000 new jobs, and contributing over $750,000,000 in development aid to the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by the Prime Minister of Greece, Kostas Karamanlis, the first official visit to Turkey by a Prime Minister of Greece in 49 years;

Whereas Greece is a key energy security hub that delivers gas to Europe via the Turkey-Greece-Italy Interconnector;

Whereas Greece is a world leader in the assimilation of immigrants, with immigrants having grown to more than 10 percent of people employed in Greece;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2008, marks the 187th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–567, the Intelligence Authorization Act for Fiscal Year 2001, appoints the following individual to serve as a member of the Public Interest Declassification Board: Sanford Ungar of Maryland.

ORDERS FOR MONDAY, MARCH 10, 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, March 10, 2008; that following the prayer and the 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; that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. BAUCUS. Mr. President, under the previous order, the Senate will begin consideration of the concurrent resolution on the budget at 3 p.m. on Monday. As announced earlier, there will be no rollcall votes on Monday. Senators should be prepared for a busy week as the Senate considers the fiscal year 2009 budget resolution.

ADJOURNMENT UNTIL MONDAY, MARCH 10, 2008, at 2 P.M.

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:32 p.m., adjourned until Monday, March 10, 2008, at 2 p.m.