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Senate

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

PRAYER

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

Let us pray.

Eternal Spirit, unite us. Help the Members of this body to work together, finding common ground and resolving differences. Match their fervency with compassion, their zeal with civility. Erase from their spirits all feelings of arrogance or contempt. May they strive to understand and respect each other with a spirit of humility. Lord, make our Senators an example to the Nation of how to strive together for the common good. Give them a fresh burst of enthusiasm for the next chapter in the unfolding drama of the American dream. Energize their efforts with the power of Your spirit. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 8, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business, following my statement and that of the Republican leader, with Senators allowed to speak for up to 10 minutes each, with the times equally divided and controlled between the two leaders. The majority will control the first half, the Republicans the final half.

Then we will begin again the consideration of H.R. 3221, the housing legislation. The first vote today will be at 2:15 this afternoon on a motion to invoke cloture on the substitute amendment to H.R. 3221.

IRAQ HEARINGS

Mr. REID. Mr. President, as we speak, there are extremely important hearings taking place on Capitol Hill. General Petraeus and Ambassador Crocker are here. The hearings started 35 minutes ago. Clearly, the eyes of the world will look upon the Senate as General Petraeus and Ambassador Crocker testify today before the Armed Services Committee and the Foreign Relations Committee. These two committees are chaired by two of our most senior Senators and two of our most able Senators, Senator LEVIN and Senator BIDEN.

The appearances of these good and honorable men, General Petraeus and Ambassador Crocker, are meant to create an open, honest, and productive dialogue with Congress on the state of the war in Iraq and the future of military operations in Iraq. I hope it does occur in that manner, that there will be an open and honest and productive dialogue with us. As the American people weigh the testimony and consider the best course of action in far-off Iraq, only two questions matter: First, has the troop surge brought us closer to the day when our troops can come home? Second, is the war in Iraq making America safer? Sadly, by all accounts, the answer to both questions is no.

The stated purpose of the surge, according to President Bush, was ''return on success,'' meaning that if the surge worked, the troops could come home. Now, the President claims success, but where is the return? It is clear to anyone that the violence has surged. Eleven Americans have been killed since Sunday in Iraq. Dozens and dozens more have been gravely wounded, including three dozen in one rocket attack. Attacks on the Green Zone have intensified. That is supposed to be the safest part of Iraq—the Green Zone. The conflict between al-Sadr and al-Maliki shows no signs of progress; in fact, there is deterioration. Has the surge brought us closer to the day when our troops come home? We have already heard General Petraeus has requested a freeze of troop levels and that President Bush is likely to accept that request.

Has the surge brought us closer to the day when our troops come home? Clearly, the answer is no. Has the war made us safer? No.

Military experts agree our Armed Forces are stretched thin beyond sustainable levels. We are taking in—13 percent of our recruits are young men and women who have committed crimes: felonies, violent crime—13 percent. One out of every eight of the people we are bringing into the military

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

today are people who have criminal records.

Because our manpower and equipment is in Iraq, we are not committing the resources to hunt down our No. 1 enemy: bin Laden and his al-Qaida network. Because we are bogged down in Iraq, we are not fully engaged in the global challenge of Afghanistan, Pakistan, Iran, and the Middle East, among others.

The moral authority of our great Nation has suffered grave damage, with our former allies refusing to stand with us in even greater numbers.

Has the war in Iraq made America safer? There is no question it has not.

The surge may have provided a temporary window for the Iraq Government to make progress, but it is becoming increasingly clear every day the Iraq Government has squandered that opportunity. Even now, with the war in its sixth year, President Bush has failed to articulate an exit strategy.

A person running for President, Senator MCCAIN, has said we should be there another 50 or 100 years.

President Bush likes to say we will only leave Iraq once victory has been achieved. It is time for the President to be honest with the American people. What does victory look like to President Bush? How does all this end?

We must not commit our courageous troops to the endless task of policing another Nation's bloody civil war. The job of America's Armed Forces—a job to which they risk and often give their lives and limbs—is to protect our country and its interests. It is time to recommit to that crucial purpose and begin a responsible end to this war.

RECOGNITION OF THE MINORITY LEADER

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

CELEBRATING THE VICTORY OF THE KANSAS JAYHAWKS

Mr. MCCONNELL. Mr. President, I note the presence of the Senator from Kansas in the well of the Senate. He must be coming over to celebrate the victory of the Kansas Jayhawks last night. I assume that is the reason for his presence. I will let him address that and whatever other matter he may have in morning business. But in noting his presence, even though I know he has some K State leanings, he nevertheless must be incredibly proud of the Kansas Jayhawks, as they won the national championship last night.

EXTENDING SYMPATHY TO THE DOLE FAMILY

Mr. MCCONNELL. Mr. President, on another matter and a sad matter, I wish to start with news of the passing of John Hanford. John was a World War II vet, a great patriot, and the dear brother of our colleague, Senator DOLE, who I know is very close to him and will miss him terribly.

This is a sad day for the Dole family, and I wish to extend our deepest sympathies to Senator DOLE and all her relatives and friends.

HOUSING CRISIS

Mr. MCCONNELL. Mr. President, I know the main event isn't housing, but I would like to start by thanking the majority leader once again for realizing the only way to address the housing crisis was to do so on a bipartisan basis, and we are on the verge of doing that. We have now made significant progress, and I am confident that before the week is out, we will be able to stand together to announce completion of a good and responsible bill.

Most homeowners will be relieved to know one of the earlier proposals we heard from the other side—a proposal to let bankruptcy judges rewrite the terms of existing mortgages—will not be a part of the Senate's final product. Although well intentioned, this proposal would have led to a sharp increase in mortgage rates for millions of homeowners, and Republicans weren't going to allow that at a time when families are already stretched quite thin.

The final bill will help neighborhoods that have been hit hard by foreclosure with provisions that limit the amount of time empty homes sit on the market—a proposal by Senator ISAKSON. This, along with the economic growth package we passed earlier this year, will put more money in the pockets of homeowners, and it will help homebuilders climb back from the slowdown.

Americans don't want to bail out the speculators and those who tried to game the system at everyone else's expense, so this is a targeted bill that will help homeowners in the short term without jeopardizing the long-term economy. Its likely passage later this week is something we can be proud of on both sides of the aisle.

IRAQ WAR TESTIMONY

Mr. MCCONNELL. Now, to the testimony on the Iraq war in committees today. General Petraeus and Ambassador Crocker will be here, as we all know. This is an eagerly anticipated update on political and military progress being made in Iraq.

Less than a year after our counterinsurgency plan went into full effect, we have been getting a steady flow of positive reports on the security situation in Iraq. Overall violence in Iraq is down. Civilian deaths are down. Sectarian killing is down. Attacks on American forces are down. As a result, thousands of U.S. troops have already begun to come back home.

Another measure of the Petraeus plan's success is the dramatic increase in Iraqi security forces since the full implementation of the counterinsurgency strategy last June. Between December 2007 and last month, Iraqi security forces have increased by more than 40,000, bringing the total number to more than 530,000. This includes 141,000 assigned soldiers and officers and a police force of 347,000 strong. Over the last year, the so-called surge of Iraqi security forces has been three or four times larger than our own surge. As we stand here, the Iraqi security forces continue to expand, with young Iraqis signing up for local police forces to protect the border and for special operations.

As the Iraqis take over more of their own security needs, Congress can help by passing a supplemental appropriations bill that has been on request for more than a year. These funds are also needed to ensure the combat readiness of the force and our forces over in Afghanistan as well.

Increased security in Iraq has led to political progress in Iraq. Although significant benchmarks remain unmet, progress on other significant benchmarks that seemed far off a few months ago is now underway. These include such things as passage and approval of debaathification legislation, an amnesty law, and measures leading to greater centralization of the Iraqi security forces. It is also worth noting the Iraq Government has started to meet more of its own expenses, including three-fourths of the costs of its security forces and a new jobs program.

The success of General Petraeus's strategy is the best reason we have for listening closely to his advice as we move forward. Last August, he said security and local political progress will enable us to reduce the number of U.S. troops to presurge levels, and we have reason to hope the progress that has been made, both politically and in security, will, in fact, lead to a reduction in troop levels.

But General Petraeus has a better grasp than most on whether the gains we have seen are secure enough for a full reduction to begin. For the sake of our long-term security, we should listen very closely to what he has to say.

When Democrats on the campaign trail tout their plans for Iraq and Afghanistan, they often cite the need to listen to the generals. The junior Senator from New York likes to say one of her first actions as President would be to convene the Joint Chiefs of Staff to help her draw up a plan for withdrawal of U.S. troops from Iraq. If military advice is needed to draw up plans for withdrawal, shouldn't it be important to draw up plans for success?

Our friends on the other side are rightly concerned about military readiness. I share their concern. But the best way to ensure the military's readiness is not to scrap a plan that has been working in Iraq. The best way to improve readiness is to approve the Defense supplemental without arbitrary dates for withdrawal and to fully fund the 2009 Defense appropriations bill.

As most Americans, I am eager to hear what General Petraeus and Ambassador Crocker have to say about the military and political progress in Iraq. These men have spent literally decades mastering their respective professional fields. They deserve our respect, and over the last year they have earned our admiration. I know we will all welcome them and give them the fair hearing they have earned and that this all-important mission certainly deserves.

I yield the floor.

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

CONGRATULATING KANSAS JAYHAWKS

Mr. REID. Mr. President, I, too, recognize that the Senator from Kansas is on the floor today. I have to admit I was pulling for Kansas because they were very lucky in beating UNLV to get where they are. As a result of their good fortune the night they beat UNLV, I have been pulling for them since. Had it not been for the bad night UNLV had, they may not have made it. All the men on Kansas are 6 feet 5 inches; they are virtual giants. They won and it is a good day for Kansas. I acknowledge it is the first time Kansas has won in 20 years. They have a great basketball legacy and I wish them many years of good fortune in the future and congratulate Senator ROBERTS and the Kansas Jayhawks for their great victory last night.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will not be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, the time equally divided between the two leaders or their designees, with the majority controlling the first half of the time and Republicans controlling the second half.

The Senator from Oklahoma is recognized.

IRAQ

Mr. INHOFE. Mr. President, first, I associate myself much with the remarks of Senator MCCONNELL. Serving on the Senate Armed Services Committee and having been in that theater more than any other Member from the very beginning, it is so obvious to see what the cost of defeat would be. When you look at Iran and Ahmadinejad saying that if the Americans cut and run, ''there will be a void and we will fill that void,'' it would be a disaster for freedom and that would bring the fight from over there over to our soil. We cannot let that happen.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHRISTOPHER M. HAKE

Mr. INHOFE. Mr. President, having returned a few days ago from my 14th trip in the area, I think it is particularly meaningful to remember the life and sacrifice of a remarkable young man, Army Staff Sergeant Christopher Hake. Chris died on the 23rd of March, 2008, of injuries he sustained when an IED detonated near his Bradley fighting vehicle in Baghdad, Iraq.

Chris grew up in Enid, OK, with two sisters, Shannon and Keri, and two brothers, Zachary and Skylar. I was in Enid yesterday. I looked around and I could see the area, the type of place where Chris grew up. He spent his time, as most Oklahoma boys did, attending school, playing ball, driving his car, spending time with family and friends, and going to church. His strong faith in Jesus matured during his time at Oklahoma Bible Academy. While there, he became very involved in his youth group and traveled to Mexico on a mission trip. Unsure of what he wanted to do after graduating from Oklahoma Bible Academy, Chris enlisted in the Army in 2000.

Chris excelled during basic training in Fort Benning and was selected to serve as a member of the ''Old Guard''—one of the oldest and most respected infantry regiments in the U.S. Army. As a member of the Old Guard, Chris was responsible for guarding the Tomb of the Unknowns at Arlington National Cemetery and escorting deceased Army servicemembers to their final rest in the ''Garden of Stone,'' as Arlington is sometimes called. While serving in the Old Guard unit, the Pentagon was attacked on September 11. Chris was immediately called upon to clear the Pentagon after the attack. This solidified Chris's commitment to the fight for freedom in the world and to protect the people of America. He saw that opportunity in Iraq.

In 2004, Chris transferred to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry Division at Fort Stewart, GA. While home during the summer of 2004, he met Kelli Short and it was love at first sight. They married on 21 December 2004, and Chris deployed on his first Iraq tour in January.

Chris was disillusioned after his first tour, feeling many of the decisions being made back in DC were negatively impacting their ability to accomplish the mission. I know this is true because I talked to the troops when I was over there on the 14 trips I have made. As we speak, in the Senate Armed Services Committee, General Petraeus is telling us the truth about what is happening over there.

Chris returned to Fort Stewart after his year in Iraq, and on October 14, 2006, Kelli gave birth to Gage Christopher Michael Hake.

Chris was both a loving husband and a proud father. His focus and love was his family—spending time with them, playing games with them, sitting for hours just to be with them, working on their house together.

Chris returned to Iraq on his second tour in October of 2007. He fought back his emotions as he said goodbye to his 1-year-old son, but he knew what he had to do and why. He loved serving his country. Once in Iraq again, Chris saw a difference in the mission and what was happening with the Iraqi people.

During his second tour, Chris said he knew he should be there and talked of the love of the Iraqi people for him and the troops. Pete Hake, Chris's father, remembered him saying: ''You couldn't pay me to come home early.'' That is the kind of dedication Chris and so many others have.

On Easter Sunday, March 23, 2008, Chris Hake tragically died of injuries he sustained when an IED detonated near his vehicle in Baghdad. Three other soldiers of his battalion and under his command were killed alongside Chris. Chris's father recounted that Chris had said, ''They would die for each other,'' and they did. They gave the ultimate sacrifice in serving their country.

In a recent e-mail to his mom and dad, he said he wanted to dedicate his second tour in Iraq to becoming a closer follower of Jesus. Chris wrote:

> If anything were to happen to me, Gage would always be able to know that his father died so he could live in peace. I know Jesus did the same for me, so it is comforting. I don't have a nervous bone in my body this time. I am more at peace than I have been my whole life.

On March 31, Chris returned to Oklahoma and was greeted by an honor guard from Fort Sill, members of the Patriot Guard Riders motorcycle group, Airmen from Vance Air Force Base, and a mass of fellow Oklahomans to honor this American hero. It was obvious he held the respect of so many, and he was a beloved son, father, and husband.

I read through some of the comments written in Chris's online guest book, and I would like to share a few of these with you:

> Thank you for your sacrifice—my children will know what men like you have done for them.
>
> I am the mom of a soldier serving in Iraq and just wanted to tell you how proud I am of your son, husband, and daddy.
>
> Know that 1st Squad will always maintain and exceed the standards you have set. We miss you.
>
> I read through all of the entries and cried. I hope it is comforting to know that there are so many of us praying for you.
>
> John 15:13—Greater love has no one than this, that he lay down his life for his friends.
>
> The ''Spartans'' will keep you close to our hearts forever in time.
>
> Thank you for being my son. Thank you for Gage, a little copy of you. Thank you for fighting and making a stand. Goodbye, my son, my baby boy, my U.S. soldier, my pride and joy.

Today, we remember Staff Sergeant Chris Hake, a young man who loved his

family and loved his country. Chris was doing the Lord's work, and the Lord is richly blessing him now.

I yield the floor.

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

Mr. ROBERTS. Mr. President, first, I wish to associate myself with the thoughtful and special remarks of Senator INHOFE, a member of the Armed Services Committee. He is a champion of our young men and women in uniform. I thank him for his comments on behalf of another brave patriot who paid the ultimate sacrifice and his tribute to one of America's heroes from Oklahoma. Thank you, Senator, for the job you do, thank you for your tribute to this young man's life and sacrifice.

(The remarks of Mr. ROBERTS are printed in today's RECORD under ''Morning Business.'')

Mr. ROBERTS. I yield the floor.

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

TRIBUTE TO BILL KAMELA

Mrs. MURRAY. Mr. President, I come to the floor this morning to talk about a very special person on my staff. Bill Kamela came on to head my HELP Subcommittee on Employment and Workforce Safety about 5 years ago. Ever since then, he has been a critical part of my staff.

Bill is a trusted adviser, and I think what impresses all of us the most is he truly is a visionary when it comes to making the Federal Government a strong partner in worker training and safety.

Thanks to the work of Bill Kamela, across the country today, fewer employees have to worry about the danger of hazards or unsafe working conditions that they go to work every day and see. Because of his good work and insistence, more workers today get access to good-paying jobs, training, and advancement.

I come to the floor today because Bill is now preparing to move on to the next phase of his career. While we are all in my office very happy for him, we are all extremely sad to see him go. I wanted to come to the floor today to take just a couple minutes to recognize Bill's tremendous contribution on behalf of working families throughout the entire country.

Bill grew up in Buffalo, NY, where he learned the value of hard work and public service. Although he left Buffalo for Washington, DC, many years ago, anyone who has spent time with him knows that his passions are all things Buffalo, especially his beloved Buffalo Bills. We know when it comes to them, they take precedence over anything else that is going on.

Anyone who has worked with Bill also knows that he took to heart those lessons he learned growing up there about the importance of public service. Bill has dedicated his life and his career to helping kids and young people and families everywhere find success. He has worked with the National Urban Coalition, in the office of Congressman Gus Hawkins, at the National Safe Kids Campaign, and with a number of nonprofits. In every one of those positions, he has worked behind the scenes for policies that keep our working families strong.

Before he came to my staff, Bill spent 6 years at the Department of Labor under President Clinton where he served as chief of staff for the Employment and Training Administration. When he worked at the Labor Department, one of his responsibilities was to implement the Workforce Investment Act, which is, as we all know, the cornerstone of our national job training system.

Since coming to my staff, he has worked diligently on WIA, and thanks to him workers today have access to the training they need so they can still be successful in life no matter what happens to them.

Bill has been the staff director for my Employment and Workforce Safety Subcommittee. His dedication to those working families, as well as his passion for public service, has made it possible for us to make progress on the key piece of legislation to which he has devoted so many years, the Workforce Investment Act.

What impresses many of us in the Senate is that he works across the aisle, and he brings people of all kinds to the table to get things done. He has worked tirelessly, as I said, to fund and strengthen WIA and other job training programs to help workers find and keep good-paying jobs.

He also worked extremely hard and impressively on the Miner Act, which improved safety and ensured coal miners have better access to lifesaving equipment, air, and water in case of an accident.

But I think one of the things I will remember Bill the most for is his work on helping us to pass in the Senate the Ban Asbestos in America Act. He sat with me in countless meetings. He talked to so many families. He held the hands of widows whose spouses had died as a result of their exposure to asbestos. And he brought so many people to the table and diligently worked detail after detail after detail until we could bring up this bill in the Senate and, after many years, finally pass it. I owe him a debt of gratitude for that, and I want him to know as he leaves my office we are going to keep working under his name to get that bill done and to the President so those people he has worked with can finally see this bill become law.

I have to say again he has been instrumental in our efforts to make the Federal Government a strong partner. He brings together educators, workforce folks, labor, and employers because he knows everyone needs a seat at the table so our workforce can compete in this global economy.

But his contributions go far beyond legislation. Outside of my office, his attention to building personal relationships has earned him tremendous respect and admiration of workforce leaders across my State. Inside my office, he has earned all of our respect. He is a mentor to all of his coworkers. He has never been one to close the door behind him. He is always generous with his time, and he has helped bring up the next generation of staffers who rely on him so much for his sound advice or a good pep talk, whichever they need.

Bill has an uncanny knack for keeping everything balanced on staff. He sets realistic expectations, but he does not ever let anyone get discouraged. I know that will carry him far in this world.

So I come to the floor today to thank Bill for his work and for his dedication to our country, and I thank him for his personal advice so many times, his enthusiasm, and his passion for working families in my State and across the country. I wish him the best as he moves on. He will be dearly missed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

COLOMBIAN FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, at the conclusion of my remarks, I will yield to Senator STABENOW of Michigan who will also talk about trade adjustment assistance in Michigan and Ohio and all that our States are going through in large part because of misdirected trade policies.

Yesterday, President Bush announced he would send a proposed Colombian Free Trade Agreement to Congress for a vote. He does this over the opposition of the Democratic leadership in the House and in the Senate, in defiance of our desire to work on a bipartisan basis, and in direct opposition to the desires of a growing number of Ohioans and Michiganders and Americans all over this country. In doing so, President Bush has nailed shut the fast-track coffin.

As my colleagues know, this agreement was negotiated under the so-called fast-track provisions. It is an extraordinary procedure provided only for trade agreements, not for any other kind of legislation. Trade is that special and that important to a very narrow but very powerful, very influential group of people in this country. Congress decided years ago to delegate an enormous amount of power to the executive branch to negotiate trade agreements. In nothing else does this body, charged under the Constitution with specific duties and responsibilities, give that much power to the executive branch as it does with these trade agreements.

Under the fast-track provisions, once presented to Congress, a so-called free-trade agreement triggers a 90-day clock for consideration of the agreement. No

amendments can be offered to improve it, unlike anything else here. Congress is given a take-it-or-leave-it decision.

Much of the talk about this agreement centers around the violence and impunity in Colombia, especially as it relates to trade unionists, and for good reason.

International organizations and human rights groups look at Colombia's record with urgency and alarm. Human rights defenders, trade unionists, and community leaders in Colombia are today receiving death threats from the rearmed paramilitary group, known as the Black Eagles, and are reeling from a new wave of violence.

This leaflet blown up, of course, was distributed at a March 6 rally in Colombia. The beginning says: Death to the leaders who march for peace and justice. This was a peace and justice rally. The Black Eagles handed out this leaflet to state their point of view, if you will. Before, during, and after this countrywide rally on March 6 against paramilitary and all forms of violence, at least two march organizers were killed.

Union leaders Carlos Burbano and Carmen Cecilia Carvajal were killed for trying to voice their views. At least three other leaders were killed in events also associated with the march. March organizers all over the country received death threats such as these. One organizer's house was attacked with gunfire a week before the rally on February 29.

These human rights issues are exceedingly serious. Yet the administration cavalierly casts them aside, barely acknowledging the culture of violence and impunity.

Just the merits of the Colombian Free Trade Agreement is another fundamentally flawed trade pact in the long line of trade agreements such as NAFTA and CAFTA, in the long line of bad trade policies such as PNTR with China. If these are really ''free'' trade agreements, if it did what its supporters tell us, simply knocking down trade agreements, it would be a smaller document. It would be a couple of pages, just getting rid of tariffs. Instead, it is many more pages, such as NAFTA. NAFTA was 900 pages of rules and regulations, having little to do with trade because instead of simply eliminating tariffs, which we would like to do, these agreements are packed with rules on investment, services, procurement, telecommunications, drug patents, and more.

So why do we get thousands of pages of seemingly nontrade issues in a trade agreement? Because these trade agreements are rules to protect corporations, not rules to protect workers. These trade agreements are rules to protect the drug companies, not to protect the environment; rules to protect hedge funds, not rules to protect consumers; rules to protect Wall Street, not rules to protect Main Street.

Notice the word ''protect.'' They—the editorial writers, the Harvard economists, the CEOs, the Wall Street bankers, the corporate lobbyists, the big-time lawyers, the hedge fund managers—try to label people such as us ''protectionists.'' I guess it depends on whom, Mr. President, you want to protect.

NAFTA, CAFTA, and Colombia protect the drug companies and the investment banks. They protect the corporate interests. Theirs is sort of a high-class protectionism. But protecting labor, protecting consumers, that is not protectionist. That is the duty of Government.

Many in this Chamber will recall the debate on the Central American Free Trade Agreement. We had a coalition of religious people, consumer advocates, environmentalists, small business, medium-size manufacturers, and organized labor in opposition to CAFTA. CAFTA's proponents said if it did not pass, poverty would get worse in Central America. CAFTA, they promised, would promote economic growth and curb the violence in Central America and would serve as a model for strengthening democracy.

The U.S. Trade Representative, Mr. Zoellick, said ''if CAFTA stumbles, labor rights in Central America will not be strengthened,'' as if anybody in this administration really wanted to strengthen labor rights. The reality is that there have been disturbing developments in the region, including the recent passage by the Honduran Government of a law to create exception zones that will allow foreign factories to pay less than the national minimum wage.

How does that help Honduran workers that there is a zone in which they pay a subminimum wage?

Labor ministries in Central American countries still lack the staffing and the resources to implement their programs. In many cases, budgets have actually been reduced since the passage of the Central American Free Trade Agreement.

Consistent with its history of repeating the same act and expecting different results, the administration now wants Congress to approve a deal with Colombia, a country where there are increased and continued death threats against labor activists, followed by assassinations of labor activists, followed by nothing, followed by no prosecution, no attempts to find the killers, continued excuses from President Uribe, and continued excuses from the U.S. Chamber of Commerce, the U.S. Trade Representative and, frankly, yesterday, President Bush himself.

The administration has shown no willingness to enforce labor and environmental rules at home, so it is hardly surprising it would ignore violations among our trading partners.

There have been well-documented abuses of sweatshops in Jordan, despite the supposedly better labor standards in that agreement. Jordan, to its credit, has taken steps to crack down on these companies and work with nongovernmental organizations and others in promoting the standards intended in that agreement.

It is important to note that the Bush administration, however, did not use the enforcement tools available to it in that trade agreement to require labor compliance. So why do we think they will use the provisions in this trade agreement, the Colombian Free Trade Agreement, to require labor compliance? Of course, they won't. But when there is a commercial dispute or a drug patent dispute, the administration comes down on a country with all the fury it can muster. Protect the drug companies? The administration says yes. Protect workers? No thanks. Protect oil interests? The administration says, of course. Protect the environment? The administration says, no thanks. Protect the banks and the financial institutions? The administration says: Where do I sign up? Protect food safety for our children, protect toys for our children, food safety for our families? The administration is not particularly interested.

Why then should we consider a trade agreement with a country such as Colombia which is known as the most dangerous country in the world to be a union activist? In fact, Colombia has an unbroken record in recent decades of leading the world in trade unionist killings. Violence against unionists continues at extremely high levels. The vast majority of trade union assassinations remains unsolved.

Preliminary figures show that between 12 and 17 trade unionists were killed in the first 3 months of 2008. Among those murdered was Carmen Ramirez, a teacher and member of the teachers union. She was killed on her way to work on March 4.

Gomez Rozo Leonidas, the director of the National Union of Bank Workers, disappeared on March 5 and was found dead 3 days later.

A subunit of the attorney general's office was established in 2006 in Bogota to accelerate resolutions of assassinations of trade unionists. Despite more resources for these cases, convictions have lagged behind murders, leaving the unsolved murder/conviction rate at 98 percent. Of the 2,283 murders between 1991 and 2007—2,283 murders of union activists in that 17-year period—there have been 50 convictions. There have been 50 convictions out of 2,283. Does that sound like the Government really is interested in going after hate groups like this?

We need to craft trade policies that deliver the long-term results we need, not just the short-term profits a few multinational companies crave. When it comes to trade and the Bush administration, idealogy trumps outcomes. Special interests always—always—trump U.S. interests.

Congress needs to reject this agreement. The Senate needs to make a clear statement that we stand for a better approach to trade, one based on using our market as leverage to raise

living standards in Latin America, in Michigan, in Montana, in Ohio, and our whole country.

Mr. President, joining me today is Senator STABENOW of Michigan, who, during her almost 7½ years in the Senate and time in the House, has been a stalwart advocate for workers in Michigan and across this country, and she is particularly interested in this trade adjustment work, with the problems in Michigan. She has stood strong, and we are joining together today.

I yield to Senator STABENOW.

Ms. STABENOW. First of all, I thank Senator BROWN for his eloquence and his comments and his conviction. I know he would agree with me that we want trade; we just want to export our products, not our jobs. That is what we want to export.

It seems to me, Mr. President, that the administration, one more time, is getting the cart before the horse. We hear all the time about the interest in beefing up trade enforcement and passing Trade Adjustment Assistance or dealing with currency manipulation and so on. Yet those things are not happening, and the administration comes forward one more time with another trade agreement without those things in place.

Now, I first wish to thank the chairman of the Finance Committee for speaking out very strongly about this and for introducing the bipartisan Trade Adjustment Assistance bill that he has indicated must be passed before this trade agreement is even considered. I appreciate that very much and his willingness to report from the Finance Committee, on which I am honored to serve, a bill dealing with currency manipulation. We have a trade enforcement bill as well.

But the reality is that we have not received support from the administration, and we have not seen the willingness to make this the priority it needs to be in terms of our families. I know it is a priority for our leader. I know it is a priority for the chairman of the Finance Committee and the majority of us on that committee. Yet still today we are here one more time with an administration that, rather than listening to the leadership, the Speaker, rather than listening to our leadership and being willing to address the needs of workers who have lost their jobs because of trade, sends up another trade agreement. And as my friend from Ohio has indicated, it is not one that focuses on what is right in terms of workers—either the workers in Colombia or the workers in Michigan or Ohio or Montana or across the country. From my perspective, it is hard to imagine that since the beginning of this administration, almost 8 years ago, we have lost 3.6 million manufacturing jobs—million. That means 3.6 million families who had great middle-class jobs with health benefits and pensions now find themselves either unemployed or underemployed in many situations. In my home State of Michigan, we have lost 425,000 jobs. I don't know how many folks are in Montana for sure, but my guess is that would be a pretty big percentage of the folks who live in a State you love dearly and advocate for every day—425,000 people in the last 7½ years.

Again, we know the economy is changing, and we are focused on advanced manufacturing. We are focused on new technology. Michigan is becoming a leader in alternative energy and will be a leader in alternative energy, but we have to continue to make things in this country. That is what manufacturing is about. I happen to believe that an economy doesn't grow unless you make things and grow things and then you add leverage to it and you add value to it. That is how you have an economy. That is how we have had an economy and a middle class that has been the envy of the world.

Frankly, when we look at creating a level playing field, we ought to be talking about bringing other countries up to us, not racing to the bottom. Americans have been told: If you only work for less, lose your health care benefits, lose your pension, we can be competitive. Senator BROWN talks about Colombia setting up zones, or other countries, where companies don't have to even pay minimum wage in those countries. If they come in as an American company or a company from another part of the world, they can come in and pay workers less. That is a race to the bottom. That is not a race we can win, and I don't want to win it because if we win that race, we have lost the American dream. We have lost the middle class of this country. What we want is a race up, and that means education, innovation, changing the way we fund health care, and, yes, it means a level playing field on trade.

I believe that before we can go further with trade agreements, there are four things we have to make clear we are going to get done on behalf of American workers and American families:

Trade Adjustment Assistance. There is an excellent bipartisan bill which has been introduced in the Senate which is a bill that would extend and improve upon trade adjustment assistance. This was set up so that if somebody loses their job because of trade, they are going to be able to go back to school and they are going to have their health care benefits continued for a couple of years while they get retraining to be able to go into that new economy we all talk about.

Secondly, we have to have a stronger trade enforcement operation in this country. Mr. President, we have some 230 different trade agreements. According to former Secretary of Commerce Mickey Kantor, who came before the Finance Committee, we have the smallest trade enforcement office of anyplace in the industrialized world—the smallest trade enforcement office. So we need to beef that up. Again, we have legislation to do that. We just need to pass it and get it signed into law and hear the President will support it. It includes a provision that Senator LINDSEY GRAHAM and I have been working on, a bipartisan agreement we have worked on for years, to create what we call a U.S. Trade Prosecutor but basically is a chief enforcement officer—a place for business to go when their patent is stolen or there is an unfair trade practice against them so we have somebody fighting for American businesses and American workers. That needs to get done.

We need the strongest possible currency bill to address what is, in fact, against the law and creating an unfair advantage—particularly as regards China but in the case of the auto industry, Japan as well—where they are manipulating their currency and selling products to us that get anywhere from a 5-percent up to a 40-percent discount right off the top because of the valuation of their currency. That needs to change. That is called a level playing field.

Finally, Mr. President, we need to make sure we extend unemployment benefits for folks who have been unemployed due to our inaction on trade or through other parts of the economic upheaval we have been in, in so many parts of the country, and which, unfortunately, is growing across the country. I think Michigan was the canary in the coal mine, in many ways. We were hit hardest first—the epicenter of manufacturing—but this is now spreading across the country. We need to make sure the middle-class person who has lost their job has the opportunity to at least put food on the table and pay the mortgage while they are continuing to look for work.

I believe those things need to be put in place before we send any more trade agreements forward—a trade agreement that we don't have the capacity to enforce, where we are not helping the workers who have lost or will lose their jobs, and where we are not addressing the broader issues that have cost us jobs every single day.

I am stunned. We got the new numbers on Friday for what has happened. Last week's dismal jobs report was released. It was reported that our Nation lost 83,000 jobs last month—83,000 jobs last month. We know what is happening. We know we are in a recession. We have known it in Michigan for a long time. Yet President Bush's Chief Economist, Edward Lazear, said:

> I don't focus too much on the monthly unemployment rate because it has been a bit volatile.

A bit volatile? Three weeks, 4 weeks ago, we were hearing: Well, the underlying fundamentals of the country are good. We have a little housing problem, but the underlying fundamentals are good.

With all due respect, I don't know what planet these folks are on, but the reality is that we have seen a convergence of issues, from the housing situation, to the broader financial markets,

to trade imbalance, trade deficits, huge deficits in our budget; we have seen a lack of enforcement on trade agreements; jobs lost, 3.6 million manufacturing jobs alone; and I think this is more than just a little bit of volatility in the economy.

So, Mr. President, I am extremely hopeful that we will say no to this Colombian Free Trade Agreement and that we will stand up for Americans, that we will stand up for Americans who have lived their lives working hard, trying to play by the rules, and who expect us to stand up for them, and American businesses that have done the same thing. Let's pass Trade Adjustment Assistance the right kind of way. Let's make sure we have a strong policy on currency manipulation. Let's make sure we toughen our trade enforcement laws. And let's most certainly recognize the tens of thousands—millions at this point—of those who are on unemployment insurance and who are asking us to extend those benefits, as has been done in every other time of recession, so that they have the ability to be able to care for their families while they are looking for a job.

Mr. President, I hope we will value the dignity of work and what millions of Americans are going through every day now and understand it is our job, first and foremost, to fight for them.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

IRAQ

Mr. BOND. Mr. President, I know many people have been watching General Petraeus and Ambassador Crocker reporting on what is going on in Iraq. Obviously, it is very important information, and I would hope we would heed what they are saying.

Regrettably, I must say that too many in the Democratic Party remain in denial over the progress being made in Iraq and still remain politically vested in defeat. We have heard the leaders of the party say: Oh, we have already lost. They believe that might give them an advantage in the November elections. That is certainly a bad way to decide what our strategy should be to defend the security of the United States.

We have made great progress in our fight against terrorism. The war is far from won, but today there is no question that the central battleground in the global war on terror is Iraq. Our men and women in the military are fighting the al-Qaida terrorists there in Iraq, where Osama bin Laden and Ayman Zawahiri say they are going to establish their caliphate. We are fighting that war so that future generations will not have to fight them on our own soil.

For my colleagues who argue we should not be fighting them in Iraq but in Afghanistan, let me get you a little bit of intelligence news. Al-Qaida is not in Afghanistan. Al-Qaida left Afghanistan after we deposed Saddam Hussein. What we are fighting there are the indigenous Taliban insurgents, not al-Qaida.

More than anyone else, our brave veterans who are fighting in Iraq against the al-Qaida know the dangers of defeat. They know what they and others like them have done. Their word to us is: We as a nation, but more specifically we as your military, have made too many contributions and too many sacrifices to walk away from this essential battle for our freedom and declare defeat.

My own son, a marine, returned last fall from his second tour of Iraq with his scout snipers. He returned on success because they cleaned al-Qaida out of Falluja and Al Anbar, and they turned the job of keeping security over to the Iraqi Sunni Citizens Watch and the police.

If my colleagues will listen today to the voices of veterans who are on the Hill in their tan golf shirts, they are the voice of people who have been in the field—the Vets for Freedom, with whom I have had the honor of being this morning, and to General Petraeus and Admiral Crocker—these are the people we need to listen to, not the voices of moveon.org and the Code Pink extremists. We need to bring our troops home, but we need to bring them home on success. That is what they fought for; that is what they are there for.

As one man in the field reported today: You can't be for us, for the troops, and against the war because we are the war.

Despite the evidence of progress in Iraq, the media seems trigger happy to report bad news. Less than 48 hours after Iraqi security forces began their campaign against the militant Shia factions in Basra, the media already was declaring the operation a failure. The operation initiated on March 25 was designed to quell rogue factions of Muqtada al-Sadr's Mahdi army. In covering the fighting, the press displayed its previously seen penchant for quickly throwing in the towel when the military operation does not instantaneously achieve its goals. If the operation were a failure and didn't meet its goals, then why did Muqtada al-Sadr order a cease-fire? I don't know of any commander who has declared a cease-fire when he is winning.

Right now, General David Petraeus and Ambassador Ryan Crocker are testifying before the Senate on the progress being made in Iraq. I expect that testimony will show that the new counterinsurgency, or COIN strategy, backed up by the surge, has been working and has brought Iraqi citizens to our side in the fight against al-Qaida.

Since the surge forces began operating under this new policy in mid-2007 and the adoption of the COIN strategy, there is some important security progress to point to. Overall violence in Iraq, civilian deaths, sectarian killings, and attacks on American forces are all down. Coalition forces have captured or killed thousands of extremists in Iraq, including hundreds of key al-Qaida leaders and operatives. American troops are beginning to return home on success.

In addition to security progress, the Iraqis are also making critical political progress. While this front has been the slowest—and we must continue to demand that the Iraqis assume greater control—the Government has taken several important steps. The Iraqi Government has enacted a pension law that keeps the promises made to Sunnis. It has enacted a debaathification law that allows midlevel Baath Party members to reenter political and civic life. It has passed a budget that focuses spending on security reconstruction projects and provincial governments. It has enacted an amnesty law, and it has reached agreement on a provincial powers law that will ensure the Iraqis the right to be heard in upcoming elections.

Democrats are in denial of the progress in Iraq despite this evidence of both security and political gain. Their rejection of the reality in Iraq does not extend just to the current Petraeus and Crocker testimony, however. Some who favor retreat and defeat in Iraq have also taken issue with the classified Iraq National Intelligence Estimate, or NIE, distributed to lawmakers last week.

Always quick to tout and cherry-pick information from a NIE that can be twisted to support their motives, the retreat-and-defeat gang has outright rejected the latest Iraqi intelligence report. They claim it is ''too rosy.''

Unfortunately, this denial is no more than rhetoric and fodder for the mainstream media because we know that defeat in Iraq would have serious national security implications and do great harm to our image around the world, an image that so many of our colleagues on the other side say they wish to repair. Iraq is the central battleground in the war on terror. In addition to giving al-Qaida safe haven, defeat in Iraq would embolden a possibly nuclear-armed Iraq. The intelligence community has stated in an open hearing before the Intelligence Committee earlier this year that if we withdraw from Iraq before their army and police can maintain security, violence and chaos will spread across the region.

This has been a tough fight. We have lost over 4,000 of our bravest and finest men and women. The surest and most fitting way to honor their memory and their service is to ensure victory, not defeat.

Mr. President, I have several Members on my side who have been waiting for time in morning business. What is the situation?

The ACTING PRESIDENT pro tempore. The Republicans control 9 minutes.

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Senator from Georgia is also waiting to speak, so I would like to be notified at 4½ minutes, and I will split it down the middle with the Senator from Georgia.

Mr. President, I rise today to speak about General Petraeus' testimony. I was able to watch a little bit of it before I came over here. I was beginning to see, of course, the questioning from the Armed Services Committee. I think it is so important that we look at the big picture and what General Petraeus is saying. Also, of course, we have Ambassador Crocker who is doing a terrific job over there.

I was there at the end of February, just 6 weeks ago. I met with both of them. But what I saw was an incredible change from the other time I had been in Iraq. As General Petraeus said himself, from June 2007 through February 2008 deaths from ethno-sectarian violence in Bagdad have fallen 90 percent. American casualties have fallen sharply, down by 70 percent. In the last year, the number of high-profile attacks have fallen by 50 percent.

All of us believe one American death is not worth the price we would pay if we had a choice. But every one of those who are there understand our mission and how important it is. Every one of those with whom I have met, both the people who have returned from Iraq and Afghanistan and the families of those who have lost loved ones, say: Do not leave. Do not leave without a victory, without seeing through the successes that we have gained.

They understand this mission. Unfortunately, it does not seem that the majority in the Congress see it as those who are on the ground and who have suffered the most do. As recently as February, the Senate leadership was trying to stop the surge by requiring an immediate and arbitrary withdrawal of U.S. forces from Iraq when we didn't even have the results. Yet those of us who have been there recently have seen the results.

I went to a police station with our embedded forces and to a security regional center with embedded forces. I did that because I was very concerned. I wanted to see it myself. I was very pleased with the fact that our troops embedded there were causing the Iraqis to come forward and do more and help us.

The Sons of Iraq, which are now 91,000 strong, are serving as neighborhood watches. They are manning the checkpoints. They are taking us to the weapons caches. Do you know that, since the beginning of this year, we have found, because of the Sons of Iraq's cooperation, more weapons than we discovered in all of 2006? We are making progress. Mr. President, 21,000 of the Sons of Iraq have now been accepted into security forces or government work. It is amazing that we are seeing military gains, and we are seeing political gains. It is not as fast as we would like to see it, of course, but it is progress. It is in the right direction.

The consequences of leaving precipitously are consequences that would be unthinkable. People talk about the cost of Iraq, the cost of the war on terror, as if the costs are prohibitive. The costs are high. But the cost of leaving and letting al-Qaida have a base in Iraq are much more expensive. We are talking about 9/11 costing over $1 trillion, if you put it in monetary terms, which I don't think we should—this is not the thing that we should even be considering. We should be supporting our troops, and we should be supporting the effort that would require complete success for our country. This is the United States of America.

I met with the Vets for Freedom who just met by Senator BOND as well. They are the patriots who have been there, who know what it is like, and who are saying stay and fight and win. It is the right thing for the United States of America to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. I thank the distinguished Senator from Texas for allowing me part of the time. I ask unanimous consent to be recognized for 10 minutes.

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

Mr. ISAKSON. I associate myself with the remarks of the distinguished Senators from Texas and Missouri. I am grateful for great Americans such as David Petraeus, and I am particularly grateful for the young men and women, Americans who volunteer day and night, who go to defend liberty, peace, and freedom around the world. I come to the floor now for just a few minutes to speak on the housing bill pending, coming back, and the stimulus bill coming to the floor, and a cloture vote that is going to take place at 2:15.

HOUSING CRISIS

Mr. ISAKSON. Mr. President, I come to the well specifically today to talk for a few minutes about the tax credit proposal that is included in the base bill as introduced by Senators DODD and SHELBY and approved by the Finance Committee, Senator GRASSLEY, and Senator BAUCUS. To that end I want to pay particular thanks to the staff of the Finance Committee for the tremendous work they did with respect to the housing tax credit amendment which is now part of the base bill.

I come here today, though, to correct some misinformation that has been appearing in the media particularly over the past weekend and in a couple of national publications and Washington newspapers with regard to the housing stimulus and tax credit being inappropriate or wrong. The presumptions of those who have written are absolutely inappropriate and wrong. Although they are attempting, I am sure, to contribute to the debate, they are in fact contributing to a tremendous misunderstanding about the reality of what the tax credits will do.

For the sake of discussion, the tax credit is a $7,000, $3,500-a-year tax credit that goes to any family who buys and occupies as their residence any home that has been foreclosed upon or is owned by a bank or lender, new or resale, and any resale owned by an owner occupant who is fending foreclosure.

There have been two comments made about what is wrong with this proposal that are exactly the opposite of what is really right about this proposal. No. 1, in one editorial it said it is rewarding people who did not pay their payments and punishing people who are making their payments. It is not rewarding anybody. If you are purchasing a foreclosed-upon house, the damage has already been done to the borrower. The family who didn't perform is not rewarded. In fact, they have already suffered their punishment. But everybody else in the neighborhood is suffering punishment because that vacant house sits there deteriorating and causing declining house values.

Secondly, it does not punish the homeowner who is in their house making their payments because the truth is, that home owner is hurt more when a foreclosure sits vacant and unsold than it is when that property is taken, bought by a homeowner, reestablished, the lawn is kept, the values are stabilized.

The fact is, we have an obligation at this critical time in our economy to do what we can to stimulate the market to solve our problems, not have a plethora of government solutions to problems. Stimulating the market to go back, absorb these houses, get them back in owner-occupied hands, get them out of REO inventory is precisely what we need to do.

Now, I do not come to this opinion as someone who has no experience; I come to it based on experience 33 years ago, in 1975. I was in the business. The United States had gone through a serious decline in housing. We had a problem. We had a 3-year supply of new houses standing unoccupied on the market. Buyers retreated because they did not know where the bottom was. The economy went down. Everything was in a mess.

Gerald Ford, a Republican President, and a Democratic Congress came to this very floor and introduced a $2,000-a-year tax credit to any family who went and bought one of those standing vacant new houses only—not any house, the standing vacant new houses that were there, the problem houses. They passed the $2,000 tax credit. The market immediately responded. Within the 1-year window of opportunity for that credit, two-thirds of the standing inventory was absorbed, home values stabilized and began to go up, and the economy returned to vitality.

So I ask those who are writing in criticism about a bill rewarding people

who did bad things and punishing people who did it right, they are exactly the opposite; the damage has already been done when the foreclosure has taken place, and the reward is to stabilize neighborhoods for those who are in their homes and paying.

I think the wisdom of the Finance Committee and the Banking Committee to incorporate this provision is an insurance policy that we in Congress can do good things to drive the market, to help solve problems. You hear all those problems about us making payments for people and doing things to take money from one American and give it to another in a time of trouble. That only postpones the inevitable. It does not solve the problem. But stimulating buyers back to the marketplace to absorb those houses that have been foreclosed upon or are pending foreclosure addresses specifically the housing crisis in this country, absorbs specifically the houses that are causing us problems, reestablishes values in our neighborhoods, and stabilizes the values of those people who are in their homes making their payments, doing what is right.

So with all due respect to those who have opined over the weekend, they are absolutely incorrect and wrong in terms of the applications of this credit. It will, in fact, be a boost to the economy, a boost to the housing market, and a stabilizing factor on home values and equities in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Will the Senator yield for a question?

Mr. ISAKSON. I will.

Ms. MIKULSKI. I have a question exactly about not only those headlines but what people have asked me over the weekend. I want the Senator to know, first of all, we value his extensive experience in the real estate field—he was a well-known realtor in his own community—and, of course, his ongoing method of civility in this body.

Here is my question: This is a $7,000 tax credit if you buy a foreclosed home in a neighborhood; is that correct?

Mr. ISAKSON. That is right, $3,500 a year for each of the first 2 years you occupy it as a resident.

Ms. MIKULSKI. Here is the question: There are two houses for sale. One is a foreclosed property and one is a regular homeowner ready to sell. The question I get from non-profits and people is: Is the tax credit going to depress by $7,000 the house that is not in foreclosure? In other words, that it acts as a damper on price, and if you are in good standing, you have a good mortgage but you are ready to sell for whatever reasons, you are putting your house on the market, and next to you is a foreclosed house and that is going to get a $7,000 tax break, they are saying: I am going to have to eat $7,000 to sell my house.

Can the Senator answer that question for me and for all who I think are puzzled about the possible unintended consequences of this tax break?

Mr. ISAKSON. The Senator's question is right on target. My answer to you is not an opinion, it is a statement of what actually happened in 1975. In 1975, there was no demand for housing because the plethora of houses that were on the market that had been foreclosed on that were built new were not being sold. Nobody was in the market. When the $2,000 tax credit was established and those houses began to be absorbed, the housing values stabilized. So there was not a disadvantage to the person who was trying to sell who was in the house, it was actually an advantage.

The disadvantage you have right now is nobody knows where the bottom is. Because foreclosures are taking place, the values are going down. Those values, because of the cost-to-replace method of appraising, which is used by all lenders, decline the value of appraisals of houses that are pending on the market. It is a domino effect that affects everybody. The tax credit, by absorbing those houses that have been foreclosed upon and are vacant and are bringing down values, undergirds the market and raises those values for everyone.

Ms. MIKULSKI. Stick with me.

Mr. ISAKSON. I am here.

Ms. MIKULSKI. Real-world situation. This house is foreclosed, which means it already is going on the market at a depressed value, OK? The consequence of a foreclosure is a melancholy event, not only for the person who is losing their home, but the community feels it could lose a neighborhood. I believe that is the gentleman's point, and it is also a great concern to me. But because the foreclosed house is already depressed, then a $7,000 tax credit comes in. The question is, for the non-foreclosed, I do not understand how the price of the non-foreclosed home is not dampened, and we, ourselves, are helping create a new bottom.

Mr. ISAKSON. Well, two or three points. The first one I made is still the valid point; that is, as those foreclosures are absorbed, values stabilize and go back up, and that supports the values that were there in the neighborhood for the people who are making their payments, not in foreclosure. That is No. 1.

Forget about the tax credit. You ride through any neighborhood where somebody is in a house that is in trouble and look at the sign. It will say ''Drastic Reduction.'' ''Reduced.'' ''Foreclosed Property.'' ''Fire Sale.'' ''Thirty Percent Discount.'' All you have to do is open any newspaper in any urban area in American, and you can read the classifieds and see that today. That is what is doing the terrible damage. That is because those numbers are growing. So if the incentive is to absorb those that have been foreclosed on, then you lessen that downward pressure, you underwrite the house values, and the neighborhoods begin to restore.

Remember this: The tax credit is only good for a year. It is only a finite period of time to drive people to the market in hopes that they will absorb those houses because if they do not, the only way they get absorbed is through deeper discounts because regulators are going to force those lenders to dump them. The deeper the discount, the more depressed values are, and the more difficult it is for anybody to sell their house at a reasonable value.

Ms. MIKULSKI. Well, first of all, I thank the Senator for explaining this. You can understand the origin of these questions. It is not only what I feel, but those working in our communities, those trying to sell homes, they all feel pretty much the same way. But I thank the Senator for answering that question, and we thank him for the expertise he brings to this debate.

Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The time for morning business is about to expire.

Ms. MIKULSKI. 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.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that morning business be extended for 10 additional minutes.

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

HOUSING

Ms. MIKULSKI. Mr. President, let me state that we are waiting for Senator DODD to come from the Foreign Relations Committee so that we can report the bill and continue moving on the housing bill.

I have an amendment I wish to offer. I know the Senator from Vermont has a modification. I know the Senator from California also has some things she wants to do on this bill. But while we are waiting for Senator DODD I wanted to say a few things about housing. I want to say a few things about this bill. I have an amendment I wish to offer, but I have a lot on my mind about this housing bill. First of all, I have very serious questions about the bill itself. The original bill that has been brought to the floor takes care of the sharks and the whales, but it does not take care of the little people, the minnows. The Maryland General Assembly did more in their 90 day session that just adjourned than this body has been able to accomplish all year.

When you look at that which will actually help ordinary people work their way out of the foreclosure mess, the legislation is quite Spartan. We lost the bankruptcy provision that would have allowed families to put the pieces back together. The original housing bill had $200 million going to the nonprofit agencies that are working every day with people in those communities to be able to work out their problems. Now, this bill is being held hostage by the other party for more tax cuts we do not need, bigger bailouts for those who do not need them, and it does not help the 8,000 people a day who face foreclosure. We need to improve this bill.

Now, I am so disappointed that Senator DURBIN's amendment to amend the Bankruptcy Code to allow workouts did not occur. I know Senator MURRAY has an amendment to add more money to the front-line groups working with families. I want to thank Senator MURRAY for offering this amendment and I will have a second-degree adding legal help for the already overburdened nonprofit counselors.

I have seen what this housing crisis means, not by reading the Wall Street Journal but by getting out there and talking to my own constituents, holding roundtables on this subject. What we see is that the subprime housing crisis is a code red emergency. Thousands in my State got caught up in schemes and scams. They were not Wall Street speculators we give a bailout to, they are Main Street Americans who need a workout plan.

My State was hit hard, so at these roundtables we talk to the people who were most affected, the people who actually are facing bankruptcy, to get their stories, get a picture book of what is going on, talk to the nonprofits. But we also talked to the brokers and the Realtors and others in their community. I listened and I learned.

So while everybody here wants to talk about the big macropicture, I want to talk about the macaroni-and-cheese issues. I am on the side of the little people. I talked to a police officer who works every day, putting himself in the line of fire. Because he got into a home equity scam and scheme, he is about to lose his home. I talked to a mother, a single mother who thought she was part of the American dream, and now she is part of the American nightmare.

If you listen to the nonprofits, housing people, like St. Ambrose Housing in my own State, they are trying every day to help people work this problem out. What is it that they need? They need a plan to be able to do a workout. That is why the bankruptcy amendment was a big help. It would have enabled people to responsibly work out their problems. But at the same time, those nonprofits are being overwhelmed by the sheer magnitude of the caseload.

When you look in my own State, there are thousands and thousands of bankruptcies. In 2006, there were 3,000 foreclosures in Maryland. But guess what. In 2007, there were 23,000—23,000 Marylanders are in the foreclosure line. The sheer magnitude of the problem these nonprofit organizations—many of whom are faith-based—have to come to grips with to help these families with advice and counseling shows that we are in great difficulty.

This is why I so support Senator MURRAY's amendment to add more financial resources to these nonprofits to bring on the staff. I salute Senator MURRAY because she brings expertise in housing. But where she is a real expert is on people and the suffering people have.

We believe in working with nonprofit organizations that are out there closest to the people to do this. Now, in listening to them, so many of my constituents were steamed and scammed. They faced predatory—predatory—lending procedures. Some people get mugged when they walk down a back alley. Here, they got mugged when they sat down to sign up for their mortgage or their home equity loan. They were mugged big time.

If you are mugged, you get a lawyer. But if you are in foreclosure, you cannot get one. Legal Services barely can help anybody because the means testing means that that for a family of four, if you have an income over $26,500, you cannot get a legal aid lawyer. Well, if you have that kind of income, you were unlikely to be own housing at least in many areas of the country.

But NeighborWorks can offer help. I will offer an amendment later on this morning that will add $37.5 million as a second-degree amendment—$37.5 million to the NeighborWorks effort.

This NeighborWorks will do three things.

First of all, they are going to hire more lawyers and more paralegals to help the counseling groups help people work out of these predatory schemes. Why paralegals? They will maximize the lawyers we already have. They will hire more lawyers, particularly those who are semiretired or those young lawyers eager to build their skills, and so on. NeighborWorks and the experienced lawyers will train them.

It will provide money to legal organizations to train more attorneys in foreclosure law. We have lawyers who want to come forth, but they need their training expenses taken care of.

There are paralegals who are looking to not only work for a law firm but to also work for these nonprofits.

Then for the lawyers in foreclosure law, this would allow them to train counselors in some of the basic foreclosure law.

My amendment, I will offer at a later time, is very simple and very straightforward, but wow is it needed. We need to give help to those who are trying to practice self-help to the people who are in foreclosure, to the nonprofits that are trying to help them, and to the lawyers who are trying to advise them.

Remember, if you were mugged in a back alley, you could have access to a lawyer. But if you were mugged when you sat down for a settlement on buying a home, you are going to be on your own. You know what. We cannot have that. I want to have people feel that we are on their side.

Again, we do not seek bailouts. We seek workouts. We want to be able to help those families be able to restore their financial credit, to be able to work out and stay in their home.

When you have foreclosure on a home, it is a terrible tragedy for the family. But it is also a terrible tragedy for the community. So let's all work together. Let's pass a housing bill that helps those who are in need, those who are losing their home.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold the suggestion of an absence of a quorum?

Ms. MIKULSKI. I withdraw my suggestion.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to comment about an amendment which I have to the housing bill. It is amendment No. 4392. It was discussed last week.

The essence of the amendment would provide authority to the bankruptcy court to deal with variable interest rate mortgages, where we find people have been surprised by the acceleration of obligation. It is illustrated by a mortgage where the monthly payments were $1,079 and then raised to $1,444—an increase which was not expected by the borrower. Another illustration of a variable interest rate mortgage is where the monthly payments were $1,400, which were raised to $1,900 a month.

This would give the bankruptcy courts authority to deal with these changes. Under these circumstances, the borrowers did not know how much the payment would be increased. Frequently, there is misrepresentation, and on some occasions there is even fraud.

This amendment was distinguished from the amendment offered by Senator DURBIN, which would have provided for bankruptcy courts to have authority to modify the principal. That was defeated largely because it would have created a problem for lending in the future when prospective lenders would not have confidence their contracts would be fulfilled.

I was looking for an opportunity to vote on this matter on Thursday afternoon but was called away in my capacity as ranking member on Judiciary because of the absence of any other Republican to preside at that time.

I have talked earlier today with the distinguished chairman of the committee with a request I have an opportunity to vote on this before cloture is imposed, before the cloture vote is taken. I note there are a number of

Senators who have amendments which they wish to offer, and it would be my hope and projection that these amendments would not be foreclosed. Frequently, on this side of the aisle, the point is raised that we will not agree to have cloture to cut off further amendments when our Members have not had an opportunity to present their amendments.

This is a very important bill. The bill is lopsided in favor of Wall Street over Main Street. We have seen the situation with the bailout of Bear Stearns. This bill contains provisions which will help the big guy, so to speak, with the credit for purchases of homes, with the tax credit for those who buy homes in foreclosure, and with the provisions carrying losses forward.

This bill, as noted by Senator DODD, does not adequately take care of the so-called little guy. The amendment which I wish to have voted upon would be a significant move in that direction. So I hope we will have an opportunity to vote on my amendment and to give other Senators an opportunity to present amendments to give better balance to this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to speak as in morning business. I might ask the Chair, is the Senate in morning business?

The ACTING PRESIDENT pro tempore. The time in morning business has expired, and the Senator can speak in morning business by unanimous consent.

Mr. BAUCUS. I might ask, Mr. President, if we are not in morning business, then what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. To make a unanimous consent request, that you can.

Mr. BAUCUS. The Chair is assuming my intention, which I will ignore at this moment.

Mr. President, I ask unanimous consent to speak as in morning business.

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

HOUSING

Mr. BAUCUS. Mr. President, a Chinese proverb asks: How can one beam alone support a house?

The same can be asked about the housing market. The housing market includes homeowners, home buyers, and homebuilders alike. To support the entire housing market, one does best to support each of its several parts.

That is why I worked with my colleague, Senator CHUCK GRASSLEY, and other members of the Finance Committee to craft the housing tax provisions in the pending substitute amendment. These provisions address the several parts of the housing market. Our legislation would help homeowners, home buyers, and homebuilders. In so doing, our legislation would provide sounder support for the market as a whole. In today's economy, many homeowners are having difficulty paying the mortgage. About 4 percent of first-mortgage debt is delinquent. Another 1 percent is in default.

Last year, nearly 1.5 million homeowners defaulted on their first mortgages. That is up from 900,000 in the year before and 800,000 in the year before that. Defaults and foreclosures have contributed to the decline in housing prices. They have destroyed more than $2.5 trillion in household net worth in the space of a year.

Our legislation would help homeowners with a property tax deduction available for people who do not itemize their tax deductions. This new deduction would alleviate some of the burden of local property taxes, at a time when homeowners are struggling to pay their mortgages.

This new property tax deduction would provide a standard deduction for up to $500 for single filers and $1,000 for joint filers. It would be available to the more than 28 million families who pay property taxes but who do not itemize their deductions. These are middle- and low-income households. These are some of the same families in the housing market who most need relief.

For home buyers, our legislation includes a home buyer credit and mortgage revenue bonds. The home buyer tax credit provides a $7,000 tax credit for the purchase of a home upon which foreclosure has been filed. The tax credit rightfully excludes second-home purchases and rental investments. It focuses on the principal residences of struggling families.

By targeting foreclosed properties, our provision would get families into vacant homes. By targeting homes that are near foreclosure, our credit may steer home buyers to those homes. That may make enough difference to help some families to get out of foreclosure and out of harsh eviction proceedings.

Our legislation also includes mortgage revenue bonds. We would provide an additional $10 billion of tax-exempt private activity bond authority. States could use these bonds to refinance subprime loans, to provide mortgages for first-time home buyers, and to provide multifamily rental housing.

This substantial increase for the States comes at a critical time. States are directly experiencing the effects of the economic downturn. With the financial crisis tightening up lending, this cash can provide much needed financing. That financing will once again help low- to middle-income households.

The subprime mortgage crisis and declining housing sales have forced many homebuilders to lose money. According to the most recent Labor Department report, construction and manufacturing are the hardest hit sectors of the economy. Construction shed 51,000 jobs so far this year, and manufacturing shed 48,000 jobs so far this year. Construction employment alone is down 182,000 jobs since November. It is down by 356,000 jobs over last year. Overall, the private sector has lost 296,000 jobs over the last 3 months. That is a loss of 97,000 jobs a month.

For homebuilders, our package would allow businesses to carry back losses to profitable tax years. That would help the homebuilders hit the hardest by the housing market crisis. The pending amendment would allow troubled businesses to carry back net operating losses for 4 years, for tax years 2008 and 2009. That would allow them to receive quick tax refunds.

This tax relief would slow losses. These businesses would then have a quick cash infusion to meet payroll and other current expense obligations. We hope this relief would encourage these businesses to rehire some of those workers who have lost their jobs. This provision benefits both employers and employees.

As well, the net operating loss provisions in the pending amendment would allow homebuilders and other distressed businesses to take the book benefit of a net operating loss before claiming the amount on their tax return. This would help distressed businesses to obtain additional financing.

Now, these provisions alone would clearly not solve the housing market woes facing this Nation, but by helping homeowners, home buyers and homebuilders, we would take a significant step in the right direction. No one piece of legislation can solve all of our problems but inaction most certainly will solve none of our problems. That is why we must act. We should bring debate to a close. We should invoke cloture this afternoon. We should pass this much needed tax relief.

Let's not rely on one beam alone to support an entire structure. Let's pass this help for home buyers, homebuilders, and homeowners, and let's provide this much needed support for the housing market.

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. BAUCUS. Mr. President, John F. Kennedy once said: ''Let us not seek the Republican answer or the Democratic answer, but the right answer.''

President Bush has said that he intends to submit the implementing legislation for the United States-Colombia Trade Promotion Agreement. He did so against the will of Congress, and he thus did not seek the right answer. He did not even bother with the Republican or the Democratic answer. The administration simply chose the easy answer. The administration's easy answer is also the wrong answer. It is the wrong answer for American workers. It is the wrong answer for the administration's relationship with Congress. It is the wrong answer for Colombian workers.

The Colombia Trade Promotion Agreement is a good trade agreement

that will level the playing field for America's exporters. It will open the new export market for American products, including Montana beef, wheat, and barley, and it will bolster a close ally in a troubled region.

Expanding trade and supporting Colombia are important priorities. That is why the administration should have handled this agreement the right way. Had the administration sought the right answer, it would have worked harder to support my top priority: American workers. Had the administration not rushed forward with the easy answer, we could have had trade adjustment assistance in place before considering this agreement. We need expanded and effective trade adjustment assistance for America's workers. That is clear. That means ensuring that America's service workers—not just its manufacturers and its farmers—receive the help they need.

Service workers make up 80 percent of our workforce. They have helped to build and support the knowledge-based economy that is the engine of America's growth. They work hard. They deserve our support in return.

Expanded and effective trade adjustment assistance must also cover workers whose jobs have been shipped offshore, not just as a result of trade agreements but others as well. It must raise the health care tax credit to make it affordable and accessible, and expanded and effective TAA—trade adjustment assistance—must double the training funds available to our workers.

Were the administration serious about this agreement, it would not have resorted to the easy procedural answers either. In high school civics class, they teach that the Constitution grants Congress the power to regulate foreign commerce. Congress entrusted this power temporarily—and, I might add, importantly, conditionally—to the administration under something called trade promotion authority; that is, Congress did not write a blank check. By submitting the agreement now and against Congress's will, the administration abuses the power Congress granted it. By forcing Congress to consider this agreement now, the administration offends the trust of Congress and violates the compact that is the essence of fast track; that is, trade promotion authority.

When Congress extended trade promotion authority—or, as people call it, fast track—they did so on the condition that the administration would consult with Congress about the text of proposed agreements before it sent them up. Congress set up an informal markup process to apply before the administration formally sent up the legislation. That informal procedure is very important. It was to be conducted, again, before the administration formally sent up its legislative language. The administration has now completely bypassed that process. Now Congress has no opportunity to affect the language of the proposed agreement. This administration has said: It is my way or the highway.

Procedural checks and balances are the cornerstone of the congressional-executive relationship. It is the cornerstone of trade promotion authority. Democratic and Republican administrations have both respected this cornerstone. But today, this administration shattered this cornerstone. By so doing, they further diminish our trust.

By sending up the implementing bill today; that is, before consultation in the right way, the administration has failed to deliver the right answer for Colombia's workers. Colombia's workers must know that they can safely pursue equality and justice in the workplace, free from the violence that has plagued Colombia in the past.

The Colombian Government has made great strides in this area. The enforceable labor provisions in the United States-Colombia trade agreement are a critical step to ensuring further progress. We must make sure the Colombian Government takes these obligations seriously. They must show that these obligations are not just paper promises.

The normal congressional fast-track process of hearings and formal markups—which the administration has short-circuited—is an important time for Congress to air concerns, exercise its leverage. It allows Congress to ensure that the Colombian Government is committed to prosecuting labor violence. These hearings are important to accomplish that objective. It gives us real leverage to seek commitments from the Colombian Government and the administration to create a work environment in Colombia grounded in law and backed by action. It also allows Congress the chance to help the Colombian Government, through funding provisions included in the implementing bill, to create an environment where those who seek a better life through employment can flourish. Short-circuiting the process and forcing a premature vote on a trade agreement does nothing to help Congress accomplish these goals.

The President's unprecedented handling of the United States-Colombia Free Trade Agreement raises extraordinary questions about how we can move this agreement forward. For America's workers, for the relationship between Congress and the President, for the Colombian people, Congress must now find answers. Finding the right answer has never been easy. By submitting this agreement as it did and when it did, the administration has sought the easy answer, but in the end, the administration has simply made it harder to find the right answer.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. FEINSTEIN. Mr. President, last week, I tried and failed to introduce an amendment which essentially would set minimum standards, minimum Federal standards for—I see the chairman of the committee has just come in, so if I might wait for a moment and see what he wishes to do. May I note the absence of a quorum for a moment, please.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business until the managers of the legislation wish to proceed.

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

MEMPHIS TIGERS

Mr. ALEXANDER. Mr. President, I thank the Senator from Montana especially.

There is sorrow in our Bluff City on the Mississippi River and across Tennessee today because the noble University of Memphis Tigers lost last night to Kansas in the finals of the NCAA National Championship basketball tournament. But there is also reason for great pride. The ebullient John Calapiari and his team gave Memphis a new source of pride and the sport a season to remember, winning more games than any college basketball team ever has. Years from now, fans will be talking about the magical Douglas-Roberts, the indomitable Dorsey, the ubiquitous Anderson, the reliable Dozier, the explosive Rose, and the super sub Taggart. They have given fans a great year. They have helped unify Tennessee's largest city. They should hold their heads high as we look toward next year.

HOUSING

Mr. ALEXANDER. Mr. President, yesterday I made a few remarks about an amendment Senator KYL and I have offered to an Ensign-Cantwell amendment, and today I wish to place in the

CONGRESSIONAL RECORD a couple of documents.

In May 2007, I requested that the Energy Information Administration conduct a study of Federal subsidies of electricity, including a comparison of subsidies for different fuel types. Last week, I received a 250-page study in response to my request.

I ask unanimous consent to have printed in the RECORD the following: a copy of my May 17, 2007, letter to the EIA Administrator, Guy Caruso; a copy of the April 2, 2008, cover letter from Mr. Caruso that arrived with the EIA's 250-page study; and finally, a table titled ''Federal Subsidies of Electric Power'' that is based on information that was included in the executive summary of EIA's study.

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

U.S. SENATE,
Washington, DC, May 17, 2007.

Hon. GUY CARUSO,
Administrator, U.S. Energy Information Administration, Washington, DC.

DEAR MR. CARUSO: I am writing to request that the Energy Information Administration (ETA) conduct an analysis of federal subsidies of the electricity industry, including a comparison of subsidies for the different fuel types (e.g., coal, natural gas, petroleum, nuclear, wind, solar, etc.). I am interested in learning—for each fuel type—both (1) the overall annual cost of those subsidies, and (2) the annual cost per unit electricity generated (e.g., cost per kilowatt-hour). My staff is familiar with the EIA report Federal Financial Interventions and Subsidies in Energy Markets 1999: Energy Transformation and End Use and understands that this new analysis will serve as an update of significant portions of this prior analysis with a focus on subsidies available to electricity and primary fuels used in electricity generation.

To expedite its completion, the analysis should be limited to subsidies provided by the federal government, those that are energy-specific, and those that provide a financial benefit with an identifiable federal budget impact. Broad policies or programs that are applicable throughout the economy need not be considered. The analysis should include the following types of subsidies: tax expenditures (such as deductions, credits, and loan guarantees); direct expenditures (such as direct grant programs and the Low Income Home Energy Assistance Program); federal research and development programs targeting electricity and its fuel inputs; and federal electricity programs (such as support for the Bonneville Power Administration).

The report should include an estimate on the size of each subsidy over a recent, representative year. Where there has been a significant change in the amount or scope of a particular subsidy since the 2000 report, it would be useful for the report to provide an explanation for the change. If a valid methodology can be developed, a forecast of subsidy impacts would be very informative as well. To be most helpful, I would appreciate it if the report could be completed by November 30, 2007.

Thank you for your assistance with this matter. If you have any questions, please contact Mr. Jack Wells of my staff.

Sincerely,

LAMAR ALEXANDER.

DEPARTMENT OF ENERGY,
Washington, DC, April 2, 2008.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: In response to your letter of May 17, 2007, I am providing the enclosed analysis of Federal subsidies and support for energy markets, with emphasis on the electricity industry. The analysis includes a comparison of per unit subsidies for the different fuel types used to generate electricity. I hope you will find this analysis to be of assistance.

Should you have any questions, please contact me, or your staff may contact Scott Sitzer, Director of the Office of Coal, Nuclear, Electric and Alternate Fuels.

Sincerely,

GUY F. CARUSO,
Administrator,
Energy Information Administration.

FEDERAL SUBSIDIES OF ELECTRIC POWER

	($/Megawatt-Hour)
Coal	0.44
Refined Coal	29.81
Natural Gas & Petroleum Liquids	0.25
Nuclear	1.59
Biomass (and biofuels)	0.89
Geothermal	0.92
Hydroelectric	0.67
Solar	24.34
Wind	23.37
Landfill Gas	1.37
Municipal Solid Waste	0.13
All Renewables (subtotal)	2.80
All Sources	1.65

Mr. ALEXANDER. Mr. President, I ask through the Chair whether there is more time or whether the Chair would like to reclaim the time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not managing this part of the bill. I think Senator DODD is talking to Senators. They are working out some provisions, so if he wants to proceed until they work it out.

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

Mrs. FEINSTEIN. Mr. President, perhaps I will proceed with my statement on morning business, and then, when we return to the bill, I wish to call up the amendment.

Is that agreeable to the Senator from Tennessee?

Mr. BAUCUS. Mr. President, I ask how much time the Senator from Tennessee would like to speak. If it is a short amount of time——

Mr. ALEXANDER. Mr. President, if it is agreeable with the other Senators, I ask unanimous consent for 4 minutes, to be followed by the Senator from California.

Mrs. FEINSTEIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Reserving the right to object, Mr. President.

Ms. MIKULSKI. Everybody is trying to extend morning business while we are waiting.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has requested unanimous consent to speak for up to 4 minutes as in morning business.

Mr. DODD. I have no objection.

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

IRAQ WAR UPDATE

Mr. ALEXANDER. Mr. President, today General Petraeus comes to the Senate. I suggest that we listen to the General. When he reported to the Senate last September, some Senators were unwilling to listen. One even said that she thought that in order to believe the reports from Iraq it required a willing suspension of disbelief.

Let us remember what has happened since then. I can remember last August visiting with General Petraeus in Baghdad. I handed him a paper that said: It is time for a new strategy in Iraq. I had been urging President Bush and the Senate to adopt the Iraq Study Group recommendations. In my view, what General Petraeus has done since that time has been to adopt the Iraq Study Group recommendations with some amendments.

We are acknowledging that it is time to shift the mission from combat to support, province by province. We are acknowledging that there will be a long-term presence of the United States in Iraq, but as General Petraeus said, it is steadily diminishing. We are acknowledging that this is an important step-up in diplomatic and political efforts.

As General Petraeus and Ambassador Crocker speak today, the questions we should ask are: What progress are we making down this new path to bring this war to a successful conclusion? Second, now that there is widespread agreement that there has been success since last summer with an American-led military surge, what are the prospects for an Iraqi-led political and diplomatic surge, letting the Iraqis invite their neighbors to embassies in Baghdad, reconciling their differences among themselves, and paying for more of their own bills?

So instead of suspending our disbelief, let's listen to the General and to Ambassador Crocker, acknowledge the progress they are making and make it easier for them to progress on the diplomatic and political fronts.

I thank the managers of the bill for their courtesy.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Pending:

Dodd/Shelby amendment No. 4387, in the nature of a substitute.

Sanders amendment No. 4401 (to amendment No. 4387), to establish a national consumer credit usury rate.

Cardin/Ensign amendment No. 4421 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

Ensign amendment No. 4419 (to amendment No. 4387), to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

Alexander amendment No. 4429 (to amendment No. 4419), to provide a longer extension of the renewable energy production tax credit and to encourage all emerging renewable sources of electricity.

Nelson (FL)/Coleman amendment No. 4423 (to amendment No. 4387), to provide for the penalty-free use of retirement funds to provide foreclosure recovery relief for individuals with mortgages on their principal residences.

Lincoln amendment No. 4382 (to amendment No. 4387), to provide an incentive to employers to offer group legal plans that provide a benefit for real estate and foreclosure review.

Lincoln (for Snowe) amendment No. 4433 (to amendment No. 4387), to modify the increase in volume cap for housing bonds in 2008.

Landrieu amendment No. 4404 (to amendment No. 4387), to amend the provisions relating to qualified mortgage bonds to include relief for persons in areas affected by Hurricane Katrina, Rita, and Wilma.

Sanders amendment No. 4384 (to amendment No. 4387), to provide an increase in specially adapted housing benefits for disabled veterans.

Murray amendment No. 4478 (to amendment No. 4387), to increase funding for housing counseling with an offset.

Mr. DODD. What is the pending amendment, Mr. President?

The ACTING PRESIDENT pro tempore. The Murray amendment.

Mr. DODD. The Senator from Maryland wishes to speak.

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

AMENDMENT NO. 4494 TO AMENDMENT NO. 4478

Ms. MIKULSKI. Mr. President, I call up amendment No. 4494.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 4494 to amendment No. 4478.

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

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

The amendment is as follows:

(Purpose: To make additional funds available to the Neighborhood Reinvestment Corporation to increase legal assistance available to homeowners at risk of foreclosure and assistance to community organizations working to preserve homeownership and prevent foreclosure, with an offset)

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,862,500,000 and the amount appropriated under section 401 of this Act shall be $237,500,00: Provided, That, of amounts appropriated under such section 401 $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term ''relevant experience'' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

Ms. MIKULSKI. Mr. President, I spoke earlier about the compelling need for this amendment. It would add money to NeighborWorks to be able to help them add more legal staff to help people workout a plan to stay in their homes. This amendment adds $37.5 million to the bill for the NeighborWorks Program to do three things: Help counseling groups hire more attorneys and paralegals to help with the foreclosure crisis, it would also provide money to legal organizations to train more attorneys and paralegals in foreclosure law, and also hire the people to train counselors and nonprofit groups in basic foreclosure law to help people do their workouts.

Many of my constituents and also constituents nationwide were victims of predatory lending practices, schemes, and scams. It is because of the complexity of dealing with these foreclosure increases that nonprofit counseling organizations need more legal help. That is why I am offering this amendment. It is to help those trying to have workouts to their foreclosure problems, while we are giving considerable bailouts to the people who caused the problem.

This is a second-degree amendment to the Murray amendment. I know it will be considered at the appropriate time.

I yield the floor.

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

AMENDMENT NO. 4401, AS MODIFIED

Mr. SANDERS. Mr. President, I seek recognition to modify Sanders-Durbin amendment No. 4401, and I send the modification to the desk.

The original amendment I offered would cap all interest rates on consumer loans using a similar formula that Senator D'Amato used when he offered an amendment to cap interest rates on credit cards in 1991.

Mr. President, I call for the regular order with respect to the amendment.

The ACTING PRESIDENT pro tempore. The amendment is standing.

Mr. SANDERS. Mr. President, that amendment passed on the floor by a vote of 74 to 19. The modification I have sent to the desk would only cap interest rates on mortgages insured by the Federal Housing Administration. If this amendment were in law today, interest rates for mortgages insured by the FHA could be no higher than 14 percent, which is 8 percentage points above what the IRS charges to income tax deadbeats.

The reason I am modifying this amendment is because if cloture is invoked on this legislation, capping interest rates on all consumer loans would not be germane. But capping interest rates on mortgages insured by the FHA would be germane to the underlying bill. In the future I will have more to say about this amendment. That is where we are.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To establish a maximum rate of interest for loans insured under title II of the National Housing Act, and for other purposes)

On page 6, between lines 13 and 14, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured under title II of the National Housing Act may not exceed by more than 8 percentage points the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986.

AMENDMENT NO. 4485

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up Sanders amendment No. 4485.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SHELBY. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

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

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. The Senator from Pennsylvania.

AMENDMENT NO. 4392

Mr. SPECTER. Mr. President, I have sought recognition to discuss with the chairman of the committee the status of the bill and the pendency of my amendment No. 4392. This is a very important amendment which would give relief to homeowners with variable rate mortgages where there is foreclosure action, where they suddenly find the monthly payments increased unexpectedly from as much as $1,400 to $1,900, which they cannot afford and then their house goes into foreclosure. The borrowers do not understand that, and frequently there is misrepresentation, fraud.

This amendment differs markedly from the Durbin amendment, which was defeated, which would have had a serious impact on the availability of lenders to put up money if there is undue interference with the contractual rights.

This amendment protects the homeowners. It does little harm to the fluidity of the availability to get loans.

We are moving toward a cloture vote at 2:30 p.m. By all indications, cloture is going to be invoked, although I intend to fight it, to talk about it in the caucus which will be held in a few minutes.

On the Republican side, we talked about denying cloture in order to give Members an opportunity to have their amendments heard and voted on, and I intend to press that issue. I was prepared to vote on this amendment last Thursday, when I was taken from the floor to go to a Judiciary Committee hearing because the expectation of another Republican covering it was not fulfilled. So I had to go over to the hearing as ranking member because we had a number of nominees in the Judiciary Committee hearing. Now I find we are moving to cloture, and there is no opportunity for a vote.

In my judgment, that is not the way this place ought to operate. I know the chairman of the committee is bound by leadership decisions, but I hope we can find a way to get a vote on this amendment. I know there are other Members who have amendments who want votes.

May I ask the chairman for a response?

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, let me say to my colleague from Pennsylvania, I appreciate the substance of the idea he has offered and, of course, the amendment by Senator DURBIN as well. I will not belabor my colleagues with the history of why it is that provision exists.

There were about 10 or 12 of us who strenuously objected to the bankruptcy reform bill. So I had problems with that bill across the board. I will not go into all that here. Let me try and frame this again.

The majority leader, back about a week or so ago, talked with the Republican leader about the possibility of us breaking this logjam that existed, where nothing could even be debated on the housing issue. So the idea was Senator SHELBY and myself were designated by our respective leaders to try to come up with a consensus package of ideas, one Republicans and Democrats, by and large, could support to come out with as a core, and from that other amendments would be offered and added along the way, and if there was consensus, we would try to add those.

It is a complicated process, but it was the only way we were going to move beyond the gridlock that was allowing no debate whatsoever.

I am in the position, obviously, of trying to accomplish what our leader is trying to achieve—and he should and I applaud him for it—of trying to get us moving on this issue. We are losing 8,000 people a day in foreclosure and the country and the economy is suffering terribly and we were in gridlock on this issue.

There are some very meritorious ideas. Those who have been in this position of managing legislation, of trying to get it through, know from time to time you are confronted with substantively agreeing with what a colleague is offering but find yourself in the position of where, to move the product along, you do not agree at that particular time to deal with the issue for a variety of reasons.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. DODD. Let me finish the thought. The idea is we are watching the legislation, quite candidly, because it is a tax bill, with which Senator GRASSLEY and Senator BAUCUS are dealing. All of a sudden, we found ourselves dealing with other issues. That is not to say this is one. This is one that could clearly relate to the subject matter. There are others dealing with energy policy and the like. It is one of the few vehicles that may move. So I understand the frustrations people may have about putting something on this bill.

The fact is, we could be here endlessly and fail to get a housing bill—albeit short of what I would like or others would like—to get us to a conference with the House to do something about this issue. We can stay the rest of this week or next week and debate a variety of amendments or try to get moving to get something accomplished.

That, I believe, is the motivation behind the majority leader, and I will let Senator SHELBY talk for the minority leader. That is the general thought. That is not to suggest these other ideas do not have merit or do not have value, including the idea promoted by the Senator from Pennsylvania. There is a reason why the leadership is responsible for trying to move product through here that may not include every idea everyone has that they would like to see added to legislation.

My hope is cloture will be invoked, that we can go forward, and there can be amendments in postcloture, and if they are germane and deal with the issues at hand, then we will try to accommodate them and, where we have consensus, add them and come to some closure and move forward.

This is not the end of the debate. This is not the end of ideas. We will have hearings this week in the committee. We have proposals we are going to bring up in our committee in markup in the next couple weeks, and we will be back on the floor with other ideas directly related to this subject matter. We are merely trying to move this subject along to achieve some of the results involved.

I admire what the Senator is trying to do. He and I have worked on a lot of issues over the years and certainly this idea. As my colleague from Alabama knows, when Senator DURBIN's amendment was offered, I told my colleagues this is one area where I am going to be supportive of that effort to deal with primary residences.

I agree with what my colleague wants to achieve, but there are other considerations we are trying to accomplish with this legislation.

I will be happy to respond to a question.

Mr. SPECTER. Mr. President, the problem with the argument by the chairman is that looking to the future, the reality is that nothing will happen. It is a long way from the representation, which I know the chairman makes in very good faith, to have a bill come out of committee and come back to the floor, in light of what has happened on the calendar. It is just that the chances are so small, it cannot remotely be relied upon.

When the chairman makes the comment about postcloture germaneness, the Senate rules on what is germane are so arcane as to be un-understandable, just un-understandable. Here we have a housing bill. What could be more material to a housing bill when foreclosures are happening across the country as we speak? The Senator from Connecticut comments about the high rate of foreclosures, and this is an amendment which seeks to stop the foreclosures, and it seeks to stop the foreclosures where the lender has provided an instrument, which is a variable rate mortgage, that the borrower does not understand; it has not been explained; there are probably misrepresentations in many cases and probably fraud in many cases. That is why this amendment opens up the court to make a determination of that.

It does not impede upon the fluidity of the market and the availability of capital, such as the Durbin amendment did, which changed the principal sum.

The legislation which is coming out of the Congress and what is happening on the administration is very heavily tilted to Wall Street and not to Main Street. Those are the expressions. It is the little guy who is not being taken care of.

I have admired what the Senator from Connecticut has had to say about that. This bill is imbalanced—a bailout of Bear Stearns but you cannot protect the borrower who has a variable rate mortgage which he did not understand, where the rates have ballooned and he is being foreclosed. That is not fair, and that is not right.

This bill is not balanced. It has a loss carried forward, which I think is a good provision, but that does not help the little guy. It has a tax credit for somebody who buys a house where the mortgage is in foreclosure, but that does not keep the homeowner in the house. I don't think the Senate ought to move ahead. This is not half a loaf, this is a crumb. This bill is a crumb.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I have been notified that at least one Member, on the side of my good friend from Pennsylvania, will object to any process going forward. So maybe he can spend some time in his conference lunch to convince some of his colleagues to be more supportive of some of these ideas.

This is not a crumb, let me say to my colleague from Pennsylvania. The idea we are modernizing the FHA is critically important. The fact we have money in here for disclosure, we have resources for counseling, the fact we are getting resources back to the States, $4 billion to assist them as they try to deal with the problems in their local communities, the fact we are providing some tax support for people to move into foreclosed property so we don't add to the supply is critically important as well. These are some very solid ideas.

There are some provisions in the bill, I will be the first to admit, frankly, had I written this all by myself without having to deal with other people who care about some of these issues, I would not have included.

This is far more than a crumb in terms of trying to deal with this issue. More needs to be done, but the suggestion somehow that the community development block grants, counseling, disclosure, and modernization of the FHA and raising loan limits and the like are insignificant is to fail to understand what is in this bill.

More can be done, I do not disagree. But the suggestion that what we have done falls into that category is a vast exaggeration in terms of what we have been trying to accomplish, and more will be done with this issue as well.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, metaphors are meant to be extreme. We cannot quantify a crumb as opposed to a loaf of bread. But no one would say this is half a loaf. The criticism of this bill has largely come from the chairman of the committee who has said it does not go far enough.

Mr. DODD. Agreed.

Mr. SPECTER. When we have foreclosures across the country on variable rate mortgages and no action is being taken to deal with them—let me ask the Senator from Connecticut: If we consider the action which has been taken by the Fed on Bear Stearns and otherwise and we consider what this legislation is, isn't it significantly out of balance between Main Street and Wall Street?

Mr. DODD. Mr. President, I say to my colleague from Pennsylvania, what was done in the Bear Stearns-JPMorgan Chase issue, I would argue alternatives may have been available. In the final analysis, what was done that Sunday night to allow the merger of Bear Stearns with JPMorgan Chase—and this is the conclusion, I think, unanimously of our committee, having had a hearing on it—was probably the right decision, given the alternative of bankruptcy of Bear Stearns and what could have happened on that Monday had the action not been taken by the Fed, the Treasury, and the New York Fed. That is one separate issue. It is a legitimate point to say, shouldn't we do something where we can help out communities and individuals and to get this economy moving in the right direction.

I made that case for a year now, not just in the wake of Bear Stearns. We had our first meetings on this matter in March of last year trying to get something done. I am not going to take a backseat to anyone who discovered this issue in the last couple days and how much they care about it. I have been at it for 13 months, trying to get things moving in this area.

We are doing some things here. My colleagues know very well what objections there have been to doing anything in this area: Let the market take care of it; the problem has been contained; no further problems. Quite the contrary. We are now down to the business of doing something about it, and I regret we are not accommodating everyone on every idea they have the moment they want it considered.

We are doing our best, Senator SHELBY and I and members of the committee, to come out with something. Four weeks ago, we couldn't do what we are doing now. We couldn't even debate the issue, I say to my colleague from Pennsylvania.

I am suggesting to the Senator from Pennsylvania this bill does a lot more than provide crumbs. It goes to the heart of very significant issues that need to be dealt with. There are other matters that need to be dealt with.

As my colleague knows, I agree with him about what bankruptcy courts can do with primary residences. I also understand the history of the seventies, why that provision was included, but I believe the times have changed, and under this fact situation, we ought to allow a bankruptcy judge to be able to modify that agreement to allow that individual to stay in their home.

I thought Senator DURBIN was right with his idea. The Senator from Pennsylvania has a more modest idea in this area and may attract a few more votes than the 36 we got with Senator DURBIN's amendment. So I am willing to support that, but the idea of trying to come to some closure is also important so we can move on, get with the House, resolve some of these matters, and come back. That is what this chairman is trying to accomplish. That is what we were doing last week when we were directed to do so by the leaders of our respective parties.

Mr. SPECTER. Mr. President, a final word. I don't disagree with what the chairman has had to say about what was done with Bear Stearns. I think we are all opposed—I certainly am opposed—to bailouts when highly sophisticated Wall Street operators are looking for big profits and their judgment is bad and they lose money. They ought not come to the taxpayers for a bailout. I do recognize the situation with Bear Stearns could have had a domino effect, which could have been devastating. So I don't disagree with that action.

I am not going to retreat from my crumb metaphor, but let the record show that on the question to the chairman as to whether there was not substantial imbalance between what has happened with the Fed and what is happening with proposals in the Congress, substantial imbalance between Wall Street and the Main Street, the chairman did not deny that, did not deal with it.

Let me close with a question, if the chairman would give favorable consideration to my amendment when he reconvenes the Banking Committee and take up this issue in the future.

Mr. DODD. Mr. President, we will be happy to consider it. It is a matter

under the proper jurisdiction of the Judiciary Committee, of which the Senator is a member, and it is not in the jurisdiction of the Banking Committee. That is one of the other issues we face. If he is unable, as a leading member of that committee, as a former chairman of that committee, to have that adopted by his committee and come forward, we certainly would consider it.

I point out we only had 36 votes for the Durbin amendment. I regret that. We only had 12 of us who opposed the bankruptcy reform bill for 6 years around here. Those matters we widely endorsed and supported, including the efforts, as my colleagues may recall, that I tried to do with credit card companies that are gouging the public on a daily basis. So I will take a back seat to no one in my determination to get far better reforms out of the bankruptcy proceedings in the country, and we will certainly do our best. But I want to be realistic with my colleague as well. Unfortunately, the Senator from Pennsylvania and I don't represent a majority in this body when it comes to that issue. The realities are that we only have about half of us who seem to agree with the two of us on this matter.

Mr. SPECTER. Mr. President, if the Judiciary Committee did report out the Durbin amendment favorably, and my amendment on a second degree was defeated along party lines, it is true there is primary jurisdiction in the Judiciary Committee. But when this matter comes up before the Banking, Housing and Urban Development Committee, these ideas could be incorporated, and I would urge my colleague to do just that.

Mr. DODD. I thank my colleague. I know there have been a number of other amendments, Mr. President, and I have just been informed that objection will be expressed on every amendment, I guess, that is being offered by a Member of the other side on this matter. So I would inform my colleagues where we stand procedurally.

We are going to have our caucus luncheons where, I am sure, this will be the subject of some discussion as we try to move forward, but, again, I thank Senator REID, the majority leader. He has a thankless job when it comes to these issues, and he asked Senator SHELBY and I to try to do our best to come up with a consensus package. Granted, now the subject matter has become of great interest to everyone, and it should, and we have tried to do just that, to put together a consensus package—not an easy thing to accomplish in this body, but we tried to do that. Again, we will try to move forward with other ideas that we can incorporate through our committee and others.

Mr. President, the Senator from Arkansas wants to be heard on this matter as well, and I thank her for her patience.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, do I need to ask unanimous consent for more time?

I ask unanimous consent to extend the time for an additional 5 minutes.

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

Mrs. LINCOLN. Mr. President, I apologize to my colleagues. I know I am taking up time now when folks are ready to leave and do other things and then come back, but I do feel strongly about this amendment and I just wanted to voice my concerns.

This is an amendment that Senator SMITH and I are offering, along with Senator SNOWE and many others—Senators KERRY, STABENOW, LEVIN, SCHUMER, KENNEDY. It is a good amendment, and it will encourage our employers to provide group legal service benefits with an emphasis on real estate counseling for their employees. This is something which group legal service plans—which have been around since the 1970s—were intended to do and exactly what the Center for Responsible Lending said should be one of our top priorities in this effort in dealing with the housing crisis. We should be encouraging and incentivizing preventive legal services.

What the center had cited increasing are those incentives for mortgage counseling legal services. It is a key policy recommendation for dealing with what we find ourselves in now—the crisis situation we are in. Borrowers need affordable and available legal review of mortgages, mortgage-related documents, and financing and loan modifications. These are complex transactions and sometimes, oftentimes, folks in States such as Arkansas and Montana have nowhere else to go. Legal services provide them that kind of proactive involvement in making sure they are making the right decisions.

We should be giving the average American homeowner access to that legal advice so he or she can feel confident in the mortgages they are getting into, so that when, if, unfortunately, God forbid, things do go wrong, they can receive advice about their rights and responsibilities and what they are dealing with in foreclosure, what options are available to them in dealing with these crises.

This is a good addition to this bill. It is positive. It is all of what we have been talking about that we need. It is consumer friendly. It is something we have used in this country. Unfortunately, section 120 of the Internal Revenue Code has lapsed. That section of the code was intended to provide the tax incentives so that our employers could set up and offer group legal service plans. Since it has lapsed, virtually no new group legal benefit plans have been created, and many employers are dropping those that do exist.

So I would encourage us all to look at what we are trying to accomplish in this bill; not to just throw things overboard because somebody else didn't get what they wanted, but that we look at what we are trying to do for the American people. We should encourage these plans that provide our working Americans with access to legal advice. They review those mortgage documents, they assist those individuals in working with the lender to modify those loans, creating forbearance agreements and assistance in the restructuring of loans, and it provides that much needed counseling in foreclosure litigation when it is needed.

I thank Chairman DODD and the ranking member, Senator SHELBY, for their patience because I know they see all of us in these frantic modes of wanting to improve the bill and wanting to provide something that we know has been beneficial to the people we represent, and we know it can be beneficial again, and this is the appropriate place to put it.

So I just encourage that working through legal services, particularly in rural States such as mine, it is one of those places where people have to go. They do have the confidence of going to their neighbor, their country lawyer, and being able to get those services. They may not have a big, huge housing agency they can go to for the kinds of counsel they need, and these are good services that have proven themselves in years passed. Yet we find that employers cannot afford to provide them because we have lost that section in the Internal Revenue Code.

So I do thank all my colleagues who have cosponsored this amendment. We have worked on this for quite some time. I say a big thanks also to the groups that have endorsed our amendment—the American Bar Association, the American Prepaid Legal Services Institute, the International Union, UAW, AFSCME, and the laborers. So many different groups realize hard-working Americans who get caught in these circumstances need this kind of assistance.

I thank the Chair for his indulgence, and certainly my colleagues, the chairman, and the ranking member for trying to work with us. And I guess, Mr. President, and Mr. Chairman, my only option is to ask for a unanimous consent; is that correct? Is there something we can work through? Can I ask unanimous consent for regular order with respect to my amendment?

The ACTING PRESIDENT pro tempore. The amendment is not in regular order.

Mrs. LINCOLN. Mr. President, I ask my colleagues to take every consideration as they move forward in putting together this bill; that if there is any possible way we can work through making sure these individuals who really have nowhere else to go will be able to have the types of services they are used to having in years passed, and providing the incentives the employers need in order to be able to provide those services because they are clearly not providing them now. It is not something small businesses can do.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I will ask for 2 additional minutes, if I can, to respond to my colleague from Arkansas.

First of all, I agree with her totally about the value. Over the many years I have been a long-time supporter of these legal services offices and the job they do on behalf of people all across the country, particularly in rural America, and the difference they make. So I am in complete agreement with her about the value of this approach.

I would inform her that the regular order would be asking consent, after cloture has been invoked, to bring up the matter she wants to bring up. It is a tax matter and one that would require the consent of the chairman of the Finance Committee and the ranking member. So it is a matter where we are leaving it up to that jurisdiction to respond. So I want to be careful. I don't know how Senator BAUCUS feels about that. I don't want to put words in his mouth at all. I suspect he has the same sort of reaction as I do, and it is a positive one.

I am grateful for my colleague's understanding the situation we are in, trying to accommodate as many ideas as we can and to move from here to the next stage and deal with other aspects of the legislation. We couldn't have gotten here without the majority leader insisting, and really with the minority leader, to come together and allow us to bring up this package. So there are a lot of very good ideas and ones I applaud and welcome, but in the interest of trying to move forward, we are not going to be able to accommodate all of them.

I am not suggesting that will happen in this case, but I again appreciate her recognition that what we are trying to accomplish and deal with here is difficult. It is serious. As she points out, we have a lot of people suffering every single day—I have been making that case for 12 months—and we haven't been able to have a debate about this subject until last week. So to the extent that we have gotten that far along, that is some achievement.

I hope now that we are in the debate we can do some valuable and worthwhile works that will make a difference, and her suggestion contributes to that. So my hope is we will be able to accommodate this in the package as well.

Mrs. LINCOLN. I thank the chairman for his comments, and I certainly want to express this is a time-appropriate solution to the problems that exist, and I hope we will give every consideration to it.

I thank the Chair.

RECESS

There being no objection, the Senate, at 12:42 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mrs. FEINSTEIN. 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.

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

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

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2007—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4387 to H.R. 3221.

Christopher J. Dodd, Harry Reid, Mark L. Pryor, Max Baucus, Charles E. Schumer, Patty Murray, Claire McCaskill, Patrick J. Leahy, Daniel K. Akaka, Ken Salazar, Sherrod Brown, Bryon L. Dorgan, Evan Bayh, Edward M. Kennedy, Jon Tester, John F. Kerry, Bill Nelson.

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

The question is, Is it the sense of the Senate that debate on amendment No. 4387, offered by the Senator from Connecticut, Mr. DODD, to H.R. 3221, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mrs. DOLE).

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

The yeas and nays resulted—yeas 92, nays 6, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—92

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

NAYS—6

Bunning	DeMint	Kyl
Coburn	Inhofe	Specter

NOT VOTING—2

Allard	Dole

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition?

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

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

Mr. GREGG. I ask unanimous consent to set aside the pending amendment so I may offer an amendment.

Mrs. LINCOLN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I am most surprised to hear my colleagues on the other side object to my request to call up an amendment, to have it called up and be heard. I thought the Senate was here to do business. I think it is reasonable as part of doing that business that we should address the largest item in this bill that involves passing a cost on to our children, which is the net operating loss proposal.

Now, the way this net operating loss works is that homebuilders—that is who it is directed toward, although anybody can take advantage of it; I do not think it is limited to the homebuilders who built all of those homes and made these massive amounts of money by offering people subprime mortgages which they then took the proceeds from over the last 4 or 5 years, which subprime mortgages have now caused this Nation to go through a massive contraction and which have created one of the largest bubbles in the history of Government, in the history of commerce. Those folks, having made a huge amount of money—I mean massive amounts of money, and, in fact, in the last quarter, they were the largest earning sector in our economy—those folks are now asking that they get an additional $20 billion bailout, $20 billion bailout by allowing them, now that they are losing money, to go back and take a tax deduction of their losses against the gains which they had in prior years.

This is as if you said to someone in business, say somebody running a

small grocery store: OK, if you make money for 4 years, make a lot of money, and then you find you cannot compete or you have made some business error in your judgment and you lose money for a couple of years, we, the Government, are going to come in and give you insurance so you never lose money. You are able to go back during the years when you made money to recover the taxes you paid and use it today to give you profits.

My goodness, I think Adam Smith would be rolling over in his grave to hear this concept of economics. This is Komisar economics where nobody can lose, except for the taxpayer in the next generation who has to pay this bill. Remember, this $20 billion is going to be paid by somebody because it is being spent around here in the operation of the Government. And who is going to pay it? Well, it is obviously not going to be the homebuilder, the large corporations which ran up these huge profits. They are actually going to take that money in, take it in as income. No, that is going to be paid for by John and Mary Smith, John and Mary Smith working for a living today, or their children because it will go on the Federal debt—$20 billion on the Federal debt as a result of this little piece of chicanery.

It is unbelievable that we would claim this was a stimulus to begin with. In fact, if we are in an economic slowdown and if that economic slowdown is tied to the housing industry, none of these revenues will benefit that economic slowdown because they do not come in this year. They will be claimed this year, and they will be reimbursed next year. I think the estimate is that almost all of these recovery costs, recovery of taxes owed and paid as a result of getting this extra loss carryback, will occur in the next budget year, 2009. So, as a practical matter, it is not going to help in the next 6 months, which is when all of the major economists who have discussed this issue say we need some stimulus in the economy. No, it is not. It is simply a bonus payment from one group of people, the American taxpayers and their children, hard-working Americans, to another group of people, the speculative housing industry that ran up these huge expansions in the housing inventory over the last 3 years and then sold them in the subprime market in a way which many people have said in many instances were not appropriate, that they took advantage of the borrowers and then took those proceeds in as income, paid taxes on them, and now they want their taxes back because they are suddenly losing money.

Well, if you made money for 3 or 4 years—and a lot of money—you should not have a bonus given to you during the years when you are not making money simply because you happen to be one sector of this economy called the housing industry. In fact, just the opposite should happen, quite honestly. The market should be allowed to work here relative to the large housing manufacturers.

There is some legitimacy for doing something about homeowners who got hit with a subprime mortgage which is resetting at a rate that is astronomical on them today and they are willing to pay and could pay for and maintain their home if they had a reasonable mortgage rate. There is some reason for arguing those folks might and should get some support, or at least some assistance so they can stay in their homes, they can continue to pay their mortgages.

But there is no practical commercial argument which justifies taking tax dollars from working Americans and paying them to homebuilders because homebuilders suddenly start to lose money—after they had great years. It is not like this has been a distressed industry over a long period of time. This is an industry which has always been cyclical.

This cycle was a creation of their excess, nothing else. They were greedy. They built a lot of homes the market did not need. They sold them to people who could not afford them. They sold them with instruments which were totally inappropriately structured: the subprime mortgages. Then they took all that profit, and they used it. But, unfortunately, they had to pay taxes on that profit. So now they want their taxes back, and they want the American people to subsidize them on it.

Well, under no color of an open market, of a capitalist system—of even a marginally capitalist system; I do not think even France would accept this as a concept—should somebody who made a huge amount of money, created a speculative bubble, benefit from the taxpayers when that bubble bursts.

Yes, the people who were harmed inappropriately, the folks who bought those subprimes and did not understand the nature of them and maybe were misled relative to the nature of them, they justifiably could have some support, as long as they are the primary owners of that home and it was not bought for speculation and they are able to support a reasonable mortgage rate. Maybe there is some way to adjust that.

But this bill does not do that in this area. This net loss carry-back is simply a gift—pure and simply a gift—to one segment of our industrial community which participated in a very lucrative few years and now is having a hard time, created the problem which we now confront, and now wants to be given a gift. Unfortunately, this gift has to be paid for, as I said before.

We are going to run, this year, it looks like, a deficit somewhere of around $400 billion to $420 billion. That is the deficit we are going to run. That is up from a deficit which was under $200 billion last year. That is a huge increase in our deficit.

Now, who pays a deficit? Who pays for a deficit? Well, our children pay for it. All this goes on to our children's backs. They are the ones who pay the cost of paying off the debt, which is borrowed in order to finance a deficit.

So why would we want to say to them: OK, future Americans—young people coming through school today, going to college, thinking about starting a family, thinking about maybe having children and sending their kids to college—why would we want to say to them: We are going to stick you with a $20 billion bill so we can take care of the large housing manufacturers in this country who basically created a major disruption in our economy by putting on the market a massive inventory of homes we did not need and then using practices which were at the margin to draw people into buying those homes through subprime mortgage lending?

Why would we say that to them? How can we possibly, as a government, justify doing that to the next generation? But that is what we are going to do with this bill. We are putting $20 billion on their backs. Where is the money going? It goes into the pocket, primarily—at least that is the game plan; it is not specifically written so—it will be taken advantage of solely by manufacturers of homes. And I suspect there are going to be some other industries which will suffer losses in this economy that may take advantage of it. But it was written primarily to take advantage of the homebuilder industry, which is obviously an honorable industry, but it is also an industry which goes through cycles.

In this cycle, there is no reason we should be stepping up with this special gift to that part of our economy when we do not have any money to make the gift with, when we have to borrow the money to pay for the gift.

So that is why I have offered this amendment—or tried to offer this amendment. Now, it seems to me if everybody is so comfortable with this legislation and this idea of a net loss carry-back being extended and expanded, they should be willing to vote on this amendment. Is there no courage on the other side of the aisle? Are the sponsors of this concept afraid to vote and stand up for this bill with this proposal? It appears so.

I am not offering an alternative. I am just saying let's have an up-or-down vote on whether we should give a $20 billion gift to one segment of our commercial society at the expense of the next generation that has to pay the debt for this bill. I am just saying, stand up and be counted, so to say, as to whether you are for or against this amendment.

So, again, I will renew my request. I ask unanimous consent that the pending amendment be set aside and that my amendment relating to net loss carry forward, which strikes the provisions of the net loss carry forward, be called up.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mr. GREGG. Well, I guess that makes the point. It is too bad. I would hope people would ask why. Why can't we have a vote? What is the fear out there? Are we so concerned about this segment of our industry that we are not willing to vote up or down on whether this type of a $20 billion event should occur? I hope not. It seems to me it is reasonable that the Congress should vote on that. The Senate should vote on that.

Mr. President, $20 billion is a lot of money. Do you know $20 billion would run the State of New Hampshire for 5 years? This is a lot of money. This is big-time dollars. Twenty billion dollars is going to cost our children a lot because it compounds with interest. You just do not borrow it. You borrow it and have to pay interest on it. Of course, the interest gets paid to the Chinese or the Indians or the Saudis because they are the ones who probably buy the debt.

So not only do we end up with a $20 billion bill we pass on to our kids, but we end up with our kids having to pay interest to the Saudis or the Chinese to support that debt. Also, that one segment of our society which participated in the robustness and the excitement of large economic expansion, and maybe inflated that expansion rather dramatically, does not have to bear the burden of their excesses.

Well, as I said, Adam Smith would be a little stunned to find this is the way the market has worked and the Government of the United States—which is allegedly the Government of a capitalist system—functions. So I will probably renew this request later on because it does seem to me, since this is by far the single biggest spending item in this bill, or tax item in this bill, it should have an up-or-down vote and an open debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, just a couple comments about the points made by the Senator from New Hampshire.

No. 1, it is not a $20 billion bill. That is not accurate at all. It is, first of all, about $6 billion. It is over 10 years. So it is much less than what the Senator makes it sound like it is.

Second, we all know the housing problems that occurred in this country—the subprime mortgage problems, as well as other mortgages in distress and home buyers in distress. The figure I saw was that about 10 percent of American homes are underwater, meaning the value of the homes for 10 percent of Americans is much less than the mortgage on their homes.

This is a very complicated problem. It requires a complicated solution. Senator DODD is to be commended for the Banking Committee's provisions in this housing bill. We in the Finance Committee wrote the tax provisions in this bill, and they are designed to help lots of different areas, lots of different people, in lots of different ways.

One is the mortgage revenue bond provisions, which helps States finance new mortgages for people, homeowners. Another is the tax credit for distressed homes. That helps people. That helps home buyers. That is in this legislation.

Another is to help give a little break to people who do not itemize their income tax returns but have property taxes so they can get a break on their property taxes. So we provide in this bill that if you have property taxes, you get at least a $500 deduction against your income taxes if you are single, $1,000 if you are married, irrespective of whether you itemize or use the standard deduction. That helps people.

There is a business provision in here to give a break to homebuilders. Why? Because homebuilders are going out of business. This is not a typical homebuilders' housing cycle we are in now. This is atypical.

A lot of areas in our country are very distressed. A lot of homebuilders are distressed, laying off a lot of people. The number of construction jobs is down—in the hundreds of thousands. For homebuilders' jobs, it is of a similar magnitude. These are people with hammers and nails going out building houses who no longer are building any houses, and they are laid off.

So this bill—basically, in that one provision with respect to homebuilders—kind of evens things out a little bit so homebuilders do not have to lay quite so many people off and they can still keep building some homes, which helps prevent a further deterioration of the value of the homes in a certain area. This is nowhere close to solving the problem, but it helps a little bit. That is why this is in this legislation.

So we have several provisions we in the Finance Committee passed out to help individuals. This one helps businesses in the business of homebuilding and homebuilders employ people, and those are the people who have lost their jobs.

So we are trying to help that sector a little bit so those people who build homes—some of them—can get back to work and not be laid off and also so some homes that might otherwise not be built might now be built to help alleviate the problem.

Homebuilders are not the cause of the problem. The problem, frankly, is worldwide where cash was slushing around, which helped create this situation where lenders were very easily lending money. The terms were very easy. People were enticed into buying homes. Mortgage brokers, for example, were very aggressive in encouraging people to buy homes with no downpayments and whatnot.

But homebuilders—they are not the problem. They are building the homes. Now, they are feeling the pain, as a lot of other Americans are, and I believe—and I think the Finance Committee believes—this is one of several provisions which will help address the housing crisis a little bit. That is why I think it should be in this bill, and I very much hope the Senate approves the bill if not today, by tomorrow.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for the utmost urgency of recognizing the University of Kansas basketball team's accomplishments last night.

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

RECOGNIZING THE UNIVERSITY OF KANSAS BASKETBALL TEAM

Mr. BROWNBACK. Mr. President, I am delighted my colleagues granted me this special privilege to speak as in morning business on something so important. This is a bit personal if you are a Kansan. The sport of basketball was invented in Kansas by James Naismith in 1891, and last night it was perfected by the University of Kansas basketball team.

I don't know how many people got to watch it. What a fabulous game. I was able to be there, which was a great delight. It went into an overtime game with less than 3 seconds to play and a three-point shot by Mario Chalmers sent it into overtime. It was a classic of college basketball. The whole place was in pandemonium. There were great teams on both sides—Memphis and KU—playing this game. At the end of the day, Kansas came out with a victory. It was a fantastic night.

I congratulate the NCAA on the Final Four and the tournament. I think they do a spectacular job of bringing people together and having a great venue. This game was in San Antonio last night, a fantastic celebration of amateur athletics. These players are phenomenal in all they can do. It is certainly a great day to be a Kansan, a great day to be a Jayhawk.

My law school degree is from the University of Kansas. It is a great basketball school, with four national championships, one added last night. They have a great tradition of basketball at the school. I think we have one of the best mascots in the country, the jayhawk, which most people would recognize, being at the University of Kansas, but not knowing what it is. It has a civil war legacy in the fight over slavery, where Kansas was the State that started the fight on slavery, being settled by abolitionists. One of the

things the proslavery forces were calling Kansas was jayhawkers, in a derisive way, but that then became a symbol much for the State and for the University of Kansas. I like the heritage of that symbol as well.

Twenty years ago was the last time we won a basketball championship. That one was Danny Manning and ''the miracles.'' He was a guy who went on to play very well at the professional level. Danny Manning is now coach at the University of Kansas. I can't name anybody else on that team, but he was one who carried them forward.

Last night was a great team effort by a balanced team. I recognize as well coach Bill Self. This was his first Final Four, and he wins it. Along the way, he beat a rival school in basketball for Kansas. In North Carolina, there has been a long connection between North Carolina and Kansas. Dean Smith, a long-time coach at North Carolina, was from Kansas. Roy Williams, a long-time coach at Kansas, was from North Carolina. There were a number of people in Kansas, in my State, who were not particularly forgiving of Roy Williams going back to North Carolina even though he had given us a number of good years. I think on Saturday there was a lot of forgiveness. This was the first match between Kansas and North Carolina since he had left Kansas, and we were fortunate enough to be successful in that game. It was a great tournament overall.

As a wise sportsman famously said: ''It's never over until it's over,'' especially if Mario Chalmers has one more shot to take. Sometimes big games are disappointments, but last night was certainly not the case, as the Nation was treated to a classic in college basketball. From James Naismith, as I mentioned, who invented the game in 1891, to the Kansas Jayhawks of 2008 that perfected the game, our school has had a great history and a great legacy of basketball. Through players like Wilt Chamberlain and Danny Manning, KU now has 13 Final Four appearances and 3 national championships. It is fantastic what they have been able to accomplish.

Again, congratulations to the University of Kansas men's basketball team for a great season, for a thrilling championship game, for writing another amazing chapter in the storied history of Jayhawk basketball. And what goes along with that rich tradition is a number of different chants, but the one that has the most lasting memory with Jayhawkers is ''Rock Chalk, Jayhawk,'' which we don't get to say on the Senate floor very often. Congratulations to a fabulous team and a fabulous effort.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise to speak about a housing matter. I have two amendments, but I am only speaking about them today, I will not be calling them up. I did want to speak very briefly and very generally about both of them.

There are two very important matters that come before us as parts of our debate on housing. The first involves appraisals. We know that one of the biggest concerns a lot of people have in attacking the problem of subprime mortgages and the aftermath of a lot of bad loans was that faulty and sometimes fraudulent appraisals were part of that. The first amendment I will speak of today deals with the question of how do we get a second independent appraisal for properties that are so-called flipped properties.

When you have a property that may go into foreclosure and then it is sold later, sometimes we have instances where property is sold at a grossly inflated price that does not reflect the true value, and then down the road another purchaser, a homeowner, would buy it, and then you have extraordinary inflation, often fraudulent inflation of the cost of a property. Our office has worked closely with Senator MARTINEZ on this as well. What this amendment does is to make it very clear that, in those instances where you have a house flipped within 180 days of the date of purchase, there will, in fact, be a second independent appraisal done.

Some of the work on this in the other body has been done by Representative PAUL KANJORSKI. He has worked on these issues for years. I commend him for his work in Congress on these and other matters that pertain to housing and to the financial questions that arise with regard to affordable housing.

First of all, we want to make sure, in those instances that a second independent appraisal is done, it would have to be by a qualified appraiser. That would mean the appraiser has to be certified in the State or somehow licensed in the State. And second, that the appraisal is performed in conformity with uniform standards of professional appraisal practice to make sure it is done the right way. We want to make sure consumers are given a copy of that appraisal, that it is done thoroughly, and that a statement is made by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor and that the consumers may choose to have a separate appraisal conducted at their own expense.

There will be heavy penalties imposed for those who violate this. It is one way to deal with one of the various problems we encounter when it comes to the difficulties so many families are confronting right now. The worst thing that can happen to a homeowner who saves money and borrows money to fulfill a dream of owning a home is to be presented with a situation where they buy a home that has been grossly and fraudulently inflated beyond its value and they don't find out about that until those who perpetrated the fraud are far away and have already made their money. This will hold people in the market accountable, as they should be held accountable.

We will have more time to talk about it later.

I want to make another point about a separate amendment. In the city of Philadelphia, as in many of our major urban areas, housing is a terribly difficult challenge for so many people. In the city of Philadelphia, we have more than 80,000—as HUD, Housing and Urban Development, officials would call them, clients—more than 80,000 clients in the city of Philadelphia who rely on HUD and the housing authority there to provide affordable housing in that city.

A dispute has arisen about a number of things. We don't have to go into the reasons for those disputes, but because of that dispute, now there is an agreement that was worked out between HUD and the housing authority called the Moving to Work Agreement which has allowed people not just to have the benefit of an agreement that provides them with the opportunity to live in housing that is safe and affordable, but also this agreement has allowed the Philadelphia Housing Authority to use the leverage of this agreement to borrow money and to finance other housing priorities in the city of Philadelphia.

Because of that, because of the importance of that agreement, we want to make sure the agreement stays in place at least for a year. That is what the amendment Senator SPECTER and I have been working on does. That is the reason for it, to give a 1-year extension so that the Moving to Work Agreement in the city of Philadelphia, with the U.S. Housing and Urban Development agency, stays in place for 1 year so we can continue to work out an arrangement between the housing authority and HUD.

Unfortunately, we have not been successful in working for many months on this. But I think it is critically important not to allow a bureaucratic fight between a housing authority and a Federal agency to interfere with important services that are provided to Philadelphians who benefit from this; some more than 80,000 Philadelphians.

Those are the two amendments I wish to speak about. We will have time later as we proceed to deal with them more directly. I wished to make sure we make both thorough and accurate and independent appraisals a priority as well as to make sure that when we are dealing with a local housing authority, we do not let a dispute prevent Philadelphians from getting the benefit of the services provided in this case by the Moving to Work Agreement.

I yield the floor, and 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that I be allowed to proceed as in morning business.

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

COLOMBIA FREE TRADE AGREEMENT

Mr. MCCONNELL. Mr. President, today the administration sought to strengthen America's ties with an already close ally by moving forward with the Colombia Free Trade Agreement. Now it is up to Congress to pass this very important piece of legislation.

The Colombia Free Trade Agreement is more than an act of friendship between allies. It would strengthen our security and strengthen our economy. It would send a strong and unmistakable signal to our other allies in Latin America that the United States stands with those who support strong markets and free societies, especially in the face of threats.

Colombia's support for free markets and Democratic reform under President Uribe has made it an even stronger ally of the United States in recent years, a very sharp contrast to its next-door neighbor, Venezuela. We cannot allow election-year politics in the United States to make a resurgent Colombia more vulnerable to its anti-America neighbor.

America got a closeup of Venezuela's dictator at the U.N., when he likened an American President to the devil and predicted America's demise. His anti-Americanism has not softened since that speech, nor has the threat Hugo Chavez poses to regional stability. Chavez is a corrosive influence in South America. He embraces state sponsors of terrorism such as Iran, for example, and he is aggressively courting like-minded leaders of other Latin American countries in order to draw a line in the sand between himself and his allies and America and its allies.

Now, most Latin American leaders such as President Uribe know allying themselves with Chavez is harmful in the long run. Unfortunately, Uribe's government has been severely tested by Chavez and his allies. Ecuador supports, for example, terrorist proxies in Colombia. Chavez has made it quite clear he supports Ecuador's efforts when he recently sent troops to the Colombian border.

Colombia has made tremendous progress. Not long ago, it appeared on the verge of collapse. Entire regions of the country were essentially ungoverned. Yet President Uribe, to his great credit, has pulled the country back from the brink.

The Colombia Free Trade Agreement is an important acknowledgment of the strides Colombia has made. And its passage would send a strong signal America is committed to Colombia's continued success and the success of our other allies in the region.

Now, as important, the Colombia Free Trade Agreement would strengthen the U.S. economy, our economy, at a time when Americans are searching for some economic good news. Some seem to think our economy can somehow grow without the trading partners. These people who are arguing that nonsense also say we are best served if we trade only with ourselves. How absurd is that? In fact, the opposite is true. America needs trading partners to buy the goods we are making in our country. This is especially true when there is an imbalance in market access. The imbalance between the United States and Colombia is startling indeed.

Today, more than 90 percent of Colombian exports to the United States enter our country duty free. So they are getting 90 percent of their imports into our country duty free, even as American exporters face steep barriers to selling American-made goods to Colombia.

Democrats and Republicans agree it was important for Colombian exporters to enjoy the benefits of increased access to our markets. Why would we not want to give American products made by American workers the same opportunity we are giving Colombians already in our market?

The current situation is totally unfair. Virtually all U.S. farm goods are slammed with tariffs on their way down to Colombia, while virtually all Colombian farm goods coming here enter the United States without any tariffs at all.

The beneficiary of this arrangement is abundantly clear, and it is not U.S. workers or the economy they support. We hear a lot of rhetoric about the need for fair trade. Permitting equal access to Colombian markets is the very essence of fair trade. That is what this free-trade agreement would do.

Looking at my own State, for example, more than one-sixth of all manufacturing jobs in my State rely on exports. Kentucky exports about $15 billion in manufacturing goods every single year, including $67 million in exports to Colombia last year—a figure that is all but certain to go up after this free-trade agreement is ratified.

In these economic times, we should be expanding overseas markets for American-made products and American-grown goods. Now, some have argued labor conditions in Colombia are reason not to support the Colombian Free Trade Agreement. That is a total red herring. How does maintaining high tariffs on goods of the United States shipped to Colombia reduce violence against union jobs down there?

How does rejecting an ally that has helped reduce homicides against union members by 79 percent improve trade union safety? What nonsense these arguments are. I mean even the Washington Post, no bastion of conservatism, has called the issue completely bogus.

Today the L.A. Times, again not a bastion of conservatism, said the same thing, noting pressure from human rights groups and labor organizations has prompted Colombia to already do what the Democrats in Congress have urged, which is to improve the country's dismal labor record.

If Senators truly wish to help Colombia's union members, they need to vote for this agreement, reward Colombia for its improvements in this area, and encourage Colombia to draw even closer to the United States.

I would close by noting this free-trade agreement comes nearly a year, a year after an agreement was struck between the U.S. Trade Representative, the House Democratic leadership, and the House Ways and Means Committee on a plan to move forward with all the free-trade agreements this Congress.

The deal stated: In return for USTR negotiating unprecedented new labor and environmental standards, House Democrats would proceed with free-trade agreements for Peru, Panama, Korea, and Colombia. The USTR did its part. Yet the Democratic Congress has not lived up to its end of the bargain. So far only the Peru agreement has been passed.

We should reject an isolationism that limits economic growth and stunts job creation here at home. We should support this important Latin American ally. The time is long past for Congress to do what it promised and move forward on America's trade agenda.

Congress must reaffirm its commitment to an invigorated Colombia and, in the process, help our own economy at a difficult economic moment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUNNING. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the Sanders amendment.

Mr. BUNNING. Mr. President, I ask unanimous consent that the amendment be set aside so I may speak on the bill itself for 15 minutes.

The PRESIDING OFFICER. The Senator may speak on the bill without setting aside the amendment.

Mr. BUNNING. I thank the Chair.

Mr. President, this is an unusually bad bill, and I have opposed it from the very start. The course it has followed almost guarantees that it will be filled

with the worst kind of gimmickry, and it is. The Senate may be the most deliberative body in the world, but this bill is anything but the product of deliberation. It is a jumble of disjointed ideas, unlikely to solve the crisis at hand, and it is unpopular. It turns out that the American people do not like the idea of bailing out banks and their neighbors who gambled on home prices. The voters understand what is going on in Washington better than we do.

What is more, several of the complicated tax provisions in this bill never benefited from a full review by the Senate Finance Committee. Normally, this is a critical part of the Senate's deliberation.

One example of a provision that could use more review is the new deduction for State property taxes. While it may be well intended, this new provision will complicate life for millions of American homeowners who will have to calculate their taxes twice to find out which method results in a lower tax. This complicates tax filings, and any Senator who has said the Tax Code is too complicated should be ashamed to vote for this provision.

Because the Senate has not had any serious review of this provision, colleagues also may not know that this provision also allocates more of the Nation's tax burdens to residents of States that impose an income tax, such as Kentucky.

The State with the highest income taxes faces the biggest relative tax increase, and this is illustrated in the chart that supporters of this provision hastily distributed to us. For example, the chart shows that 59 percent of Texan homeowners but only 23 percent of Maryland residents will benefit.

The chairman of the Senate Finance Committee, on which I serve, is not even managing this bill, even though tax provisions account for about two-thirds of its cost. That is kind of hard to explain to the average Senator on the Finance Committee.

Another provision that deserves far more scrutiny is the $4 billion in community development block grants that will be allocated to the States and local governments to buy foreclosed properties. To begin with, this current program is very poorly managed. The Wall Street Journal called it among the worst run programs in Washington, and there is a lot of competition for that title. The White House called the program ineffective just 2 months ago, and when the HUD inspector general testified before Congress in 2006, he explained that his agency had recently indicted 159 individuals and recovered $120 million of misappropriated funds. GAO also has criticized the targeting of grant recipients, which is a polite way of saying that the money is going to those with political connections and influence in local governments. Adding money to this program is risky at best.

Let's have no illusions. This extraordinarily unwise grant of taxpayers' money is really just a bailout for banks in disguise. It goes to States, but the ultimate beneficiary will be banks that made risky loans.

Instead of selling foreclosed properties on the open market, these banks will have the luxury of selling to local officials with whom they may already have a relationship. These officials will be buying properties not with their own funds but with OPM—OPM stands for ''other people's money''—and in this case, the OPM comes from you and me, the American taxpayers, and the millions of unborn Americans whom we are saddling with even more debt.

Another provision that could benefit from more thoughtful deliberation is the $100 million spending on counseling. Yes, counseling is a good idea before a homeowner signs a loan they can't afford. But afterward, the real problem is financial. It is too late for counseling.

We also don't know all that much about the nonprofit groups that will get the money. Are some of these groups funded mostly by credit card companies? Are they? If so, will they have a clear conflict of interest? Maybe they will actually advise people to abandon their home, to foreclose, in order to pay credit card debt. That would make the foreclosure situation worse, not better. One thing is certain: no amount of counseling is going to put money that they do not have into homeowners' pockets.

Now, I have an amendment that I have tried to get a vote on that would do so—put money into homeowners' pockets—and that is why I think it is appropriate to redirect these public funds toward helping homeowners with the cost of refinancing. If we are going to give away $4.1 billion—I will say it one more time—if we are going to give away $4.1 billion in this bill, let's give it back to the taxpayers and do so in a way that encourages homeowners to restructure their mortgages and keep them out of bankruptcy and foreclosure. My amendment would do this. It would use the $4 billion in funding this bill uses to bail out banks and give it back to taxpayers while simplifying the Tax Code as well.

The Joint Committee on Taxation says that this amendment would be revenue-neutral over 10 years. It is entirely paid for within the four corners of this legislation.

This change in the tax law that my amendment contains is strongly supported by the Mortgage Bankers Association because it would get to the heart of the housing crisis. Let me try to explain.

Often, when people are searching for a home, they are more concerned about qualifying for financing than getting the best possible terms on that loan. Millions of homeowners have taken out an adjustable rate mortgage that has a low interest rate for a short period of time, often 2 or 3 years. These loans adjust to a much higher rate after the initial period. The assumption of many homeowners has been that they can refinance later in a conventional fixed mortgage loan for 30 years. But the Tax Code creates an obstacle to this.

According to Bank of America research, published in the Wall Street Journal, more than $510 billion worth of adjustable mortgages, including prime and subprime loans, will reach the end of their fixed rate period before December of this year. For the holders of these loans, the options are stark: Refinance or default. It is unlikely that many of them can long afford the high interest rates on these mortgages after the fixed rate period expires.

Unfortunately, our tax law has this exactly backward. It encourages homeowners to spend lavishly on first-time financing, but it exacts a penalty when homeowners find they are living beyond their means and need to refinance. My amendment would have changed all this. It would allow homeowners to currently deduct the mortgage interest points that lenders typically charge in connection with a home mortgage refinance. For example, under my amendment, if a homeowner has a $200,000 adjustable rate mortgage and refinances into a 30-year fixed mortgage, paying 1 percent in points, the homeowner would have a $2,000 tax deduction for home mortgage interest paid. That is under my amendment. Under present law, the homeowner would only be allowed to deduct $66. There is no good reason to allow the deduction for home purchase mortgages and to deny it for those who need it to refinance.

My amendment would remove a significant financial obstacle to refinancing that would allow struggling borrowers to keep their homes. It would help Americans to get out of first mortgages that they have entered into without being able to shop for the best possible mortgage. Unlike some of the other provisions in this bill, it truly would help prevent foreclosures for many who are about to have their homes foreclosed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

IRAQ

Mr. DORGAN. Mr. President, today has been a fairly significant day here in the Congress. General Petraeus and Ambassador Crocker have flown back to the United States from the country of Iraq, and they have reported to both the Armed Services Committee and also the Foreign Affairs Committee. I have not had a chance to listen to their testimony—I don't serve on either of those committees—but I know the news will carry the testimony, and I

am sure I will see portions of it and will certainly read their testimony tomorrow morning, but I wanted to make this point.

While General Petraeus and Ambassador Crocker have come here today and I am sure have talked about the progress that results from the surge—although there has been a substantial amount of violence, and tragically, I believe 11 U.S. soldiers have lost their lives in Iraq just in the last few days—I think there is no question that the extra soldiers, the additional 30,000 or 40,000 soldiers they took to Baghdad and to the streets of Iraq, dampened down the violence some. Yet there is so much discussion about Iraq and so little discussion about something else that matters a great deal to our lives.

This is the 2,400th day since 9/11, and 2,400 days later, Osama bin Laden is still at large, the same Osama bin Laden who boasted the day after 9/11—a day when thousands of innocent Americans were killed—Osama bin Laden boasted about having engineered the murders of these Americans. Two thousand four hundred days later, he is not only at large, but he is reconstituting the leadership and the al-Qaida force, including building training camps to train additional terrorists.

Now, Mr. President, are some moments in history where I just remember where I was. I remember where I was as a very young boy when John F. Kennedy died. I remember the day. I remember the day astronauts walked on the moon. And I remember 9/11 very clearly. And it occurred to me on 9/11 that surely our country bring those who were responsible to account. When thousands of Americans were murdered and al-Qaida and its leader, Osama bin Laden, boasted about having engineered that murder, it occurred to me that Osama bin Laden is not long for this world, or at least Osama bin Laden will certainly be brought to justice and get his due rewards for murdering so many Americans. Yet, 2,400 days later, that has not happened. Now, one might ask the question: Why? And does it have to do with the detour into Iraq?

I want to point out that in July of last year, the last time a National Intelligence Estimate was given to us by all of the combined intelligence services in our Government, here is what they said:

Al-Qaida is and will remain the most serious terrorist threat to the homeland.

Let me read that again. That is the assessment of our National Intelligence Estimate in our country, the official assessment.

Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess the group has protected or regenerated key elements of its homeland attack capability, including a safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Al-Qaida is the most serious threat to us, No. 1. No. 2, it has regrouped and regenerated key elements of its attack capability. No. 3, it is in a safe haven in Pakistan.

Now, who would have guessed that 2,400 days after our country was attacked, an attack that Osama bin Laden boasted about having engineered, that there would be 1 square inch of ground on this planet that would be called a safe haven for someone who murdered over 3,000 Americans? Who would have believed that to be the case? Not me. Almost certainly I would have thought he would have been brought to justice.

Here is an October 3 story from last year by Griff Witte of the Washington Post. It quotes top military officials in Pakistan talking about al-Qaida.

''They've had a chance to regroup and reorganize,'' said a Western military official in Pakistan. ''They're well equipped. They're clearly getting training from somewhere. And they're using more advanced tactics.''

This is from CIA Director Hayden, a week ago, on ''Meet the Press'':

It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

Now, I have flown over that Afghan-Pakistan area. I have been in an airplane at 20,000 feet and looked down. I understand there is no boundary. You don't know where Afghan ends and Pakistan begins. I understand it is a tough area, tribally controlled areas. But what I don't understand is how, 2,400 days later, we are told by our top intelligence officials that the greatest threat to our homeland here in America is al-Qaida and its leadership—the greatest threat to our homeland is al-Qaida and its leadership—and they are in a safe haven, quote-unquote. There shouldn't be 1 acre of ground on this planet that is safe for those who murdered Americans on 9/11.

So what happened? What has caused this to happen? Well, this country took a detour. President Bush told the American people and Secretary of State Colin Powell in a presentation to the world and the United Nations told us about the alleged threat posed by the country of Iraq. He made the case for a military attack against the country of Iraq. They made the case that Saddam Hussein was a bad guy. They got no argument about that. Saddam Hussein was in many ways a brutal dictator. There were football-field-size graves that were unearthed in Iraq with thousands of people who had been murdered by Saddam Hussein. So there is no argument about Saddam Hussein.

The fact is, there are a number of bad leaders in this world. That doesn't mean we go invade their country.

After 9/11 the case was made that Iraq was a threat to the United States of America. They said Iraq was trying to get yellowcake from Niger and build a nuclear capabilities; Iraq was buying aluminum tubes for the purpose of reconstituting its nuclear capabilities; Iraq has mobile chemical weapons laboratories to produce weapons of mass destruction, which threatened this country.

That is all pretty ominous. Colin Powell, at the request of President Bush, showed all the evidence to the world. Then, of course, in the years since discovered that evidence was false. The yellowcake from Niger was from a forged document. Yet it purported to tell the world that Saddam Hussein was trying to reconstitute his nuclear capability by buying yellowcake from Niger—a forged document. No one has ever described to us where that forgery came from.

The aluminum tubes, Condoleezza Rice, Stephen Hadley, and others sat idly by while in their offices they received reports from other parts of our Government saying those aluminum tubes were not for a reconstitution of nuclear capability. That information was withheld from Congress and the American people.

Mobile chemical weapons laboratories? That came from a man named Curveball; a man named Curveball. Curveball was an informant who was being held by the Germans. Curveball used to be a taxicab driver in Baghdad, largely considered a drunk and a fabricator by the German authorities. This country, this administration, this President, and this Secretary of State used Curveball as an example and a source—a single source, mind you—to describe mobile chemical weapons laboratories that existed in Iraq and therefore threatened this country.

It turns out it was not true. It turns out that thin thread, one person held by German authorities—again, considered to be a drunk and a fabricator, a former taxicab driver from Baghdad—was cited as a source, just an unidentified source to the entire world, to support the contention that what Saddam Hussein was doing in Iraq threatened this country.

So the President, Condoleezza Rice, Colin Powell, Stephen Hadley, and especially, of course, the neocons—Vice President CHENEY, Douglas Feith—all of them. They all got what they wanted. This country went into a detour, and the detour was right into the middle of Iraq. It was going to be a very simple operation, last only a very short amount of time. The fact is, we have been there now fighting in Iraq longer than the Second World War lasted, and we have reports today by the top general in Iraq, General Petraeus, a U.S. general, and by the U.S. Ambassador, Ambassador Crocker—both good Americans—who come to us to describe progress, progress in Iraq.

I don't know how progress is being measured. I hope we have a lot of progress. I hope we have enough progress so we can begin withdrawing American troops from Iraq.

But the fact is, Saddam Hussein is dead. He was executed. The Iraqi people had the ability to write a new constitution and then vote for it. They had the ability to vote for a new government, which they have. And they had the ability to receive two-thirds of a trillion dollars from the American taxpayers, which we have spent in Iraq

and a smaller amount in Afghanistan. We have spent $16 billion of that training military and police capability for able-bodied Iraqis. Four hundred thousand able-bodied Iraqis have been trained for military and police work.

The question remains now, in my judgment, if 400,000 Iraqis who have been trained by using $16 billion of our money, and been trained by our people, if they don't have the will to provide the security in the country of Iraq that is their country, not ours, then we can't stay there 2 years or 4 years or 20 years or 100 years, as some have suggested. We must begin to bring troops home and say to the Iraqis: This is your country, not ours. This is your responsibility, not ours. You have a new government. We spent the money to train able-bodied Iraqis. Now you have to have the will to take back your country.

My point about Iraq, however, is that we will not only have been detoured in terms of two-thirds of a trillion dollars-plus, we have been detoured here and bogged down in a long-term civil strife in Iraq that has been deadly for this country and deadly for the Iraqis at a time in which the greatest threat to America and greatest continuing threat to our homeland comes from al-Qaida. Don't take that from me. Take that from the top military experts in our Government.

If that in fact is the top threat to our homeland, why, 2,400 days after 9/11, is Osama bin Laden in a safe haven? Why is there a safe haven anywhere on Earth for Osama bin Laden? That ought to be the question that is asked today. That ought to be the question that is answered for the American people.

I think all of us understand that the terrorist threat exists. It remains, and likely will remain for some time, but we didn't eliminate the terrorist threat and didn't address the terrorist threat by sending soldiers to Iraq. The purpose of sending soldiers to Iraq was to respond to what we now know to have been largely untrue, the threat that Iraq represented a threat to our country. But we do know now, as a result of our National Intelligence Estimate, that Osama bin Laden is a threat to our country. We knew that on 9/11. We knew that on the day he killed 3,000-plus innocent Americans. Everybody knows that. You don't need some intoxicated former taxicab driver from Baghdad to tell us that. We know Osama bin Laden is a threat. We now know that 6 years after he engineered the 9/11 attack that our intelligence estimate says he or his al-Qaida organization is the most serious terrorist threat to our homeland.

Were there any hearings today on Capitol Hill asking questions of the people who are supposed to be doing this, What kind of progress are you making? Are you really going after him? Is this job No. 1? Or is all the spotlight on the same spot, that is Iraq, while Osama bin Laden over here in northern Pakistan is rebuilding training camps, recruiting new terrorists, and reconstituting his al-Qaida leadership to once again remain the most serious threat to this country's homeland?

My only point is there is nothing Republican or Democrat or conservative or liberal about any of this. This is all about common sense. What is the greatest threat to this country? The National Intelligence Estimate says it is the al-Qaida leadership. So what are we doing about that? Is there any progress?

Were there any hearings today asking whether there is progress? Were there any hearings asking whether we are bringing Osama bin Laden to justice, calling in officials who ought to be working on this? It seems to me, after 2,400 days the American people have a right to expect some answers.

Again, I think it is good that we have hearings today. We will no doubt read about the hearings, the testimony of General Petraeus who, by all accounts, is a wonderful American soldier. I met Ambassador Crocker when he was Ambassador in Afghanistan. He is a good American diplomat. We will no doubt hear a lot of discussion about what they said today.

All the talk today is about Iraq. That is a very important subject. But I assume what will not be discussed today is anything about the most serious terrorist threat to our homeland, and that is the person and the leadership and the organization that engineered the attack that murdered thousands of innocent Americans on 9/11. I hope those hearings are held soon. I hope this administration gives us a report from time to time on what we can expect.

Will there be another 2,400 days? Another national intelligence report telling us that the person who engineered the 9/11 attack is in a safe or secure—by the way, that word has been used as well—safe haven or secure haven? There ought not be anyplace safe or secure on this Earth for those who engineered the 9/11 attack, but it certainly has been safe and secure for 2,400 days.

My hope is we will not be on the floor of this Senate talking about another 2,400 days. We should be focusing on bringing to justice those who perpetrated the 9/11 attack. That goal, in my judgment, has taken a back seat to the detour that took us to Iraq all these many years, and I hope that will change soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, in just another couple of minutes, there is an amendment I believe has been filed to the underlying housing bill. I want to make a comment on it. It is an amendment that would extend the renewable energy tax credits. It is a very important amendment. I wish we would extend the renewable energy tax credits for a lengthy period of time. I am not sure if that amendment will be considered germane. If it is, we need to pass it. But I want to make this point.

This country has a history now going back to 1992 with respect to renewable energy for wind energy through the production tax credit and things we put in place to encourage renewable energy. We have a history of kind of a pathetic and anemic response to all this.

Let me describe what we did with oil. Once we decided we wanted to encourage people to look for oil and gas, we were at it. In 1916, Congress put in place deep, aggressive tax credits and incentives for people to go drill for oil and gas. So for almost 100 years our country's policies have been for going out to drill for oil and gas. God bless you, we are going to give you some big tax breaks. We want you to do that. That has been America's policy: find more oil and gas.

In 1992, the Congress put in place a provision that said: Now we want to encourage renewable energy. With oil we put in place permanent, robust tax incentives that have lasted almost a century. What did we do with renewables? When it came to renewable energy, it was kind of a pathetic, lackluster response. It was temporary and short term. We would extend it a little bit here and then we let it expire. We have extended it five times, and let it expire three times. What a pathetic response.

What this country has an obligation to do with respect to wind and solar energy and the basic renewables is to say to this country and developers: Look, here is where America is headed. For the next decade, here is where we are going, and you can count on it because this is America's policy. We ought to do that.

We are doing 1 year, 2 years, or 3 years at a time, but the production tax credit ought to be extended for 10 years. We should say here is where we are headed, and you can count on it. We are not going to want to be 2 years, 5 years, or 10 years from now 70 percent dependent on the Saudis and Kuwaitis and Iraqis and Venezuelans for our oil. That makes no sense. Yet the only way we are going to get out of this box is to say we are going to begin providing renewable energy in a very aggressive way. But we don't do that with the incentives we put in place. We just start and stop, stutter-start, stop, and every time we stop for a year, the whole investment cycle blows off. It goes to zero. So you have all kinds of projects on the shelf that sit there and never get deployed.

In solar, for example, we are way behind in solar because you can't do solar and put a tax incentive in for 1 year. You can't do that. It takes a number of years to get a solar project up and running. You can, if you get a short-term

wind turbine up perhaps. You can have a shorter time line on that. But even with that, it seems to me that for wind or solar or any number of these renewable technologies, this country has a responsibility to get serious about becoming less dependent on Saudi Arabia and Kuwait and Iraq and all those countries.

The Lord did something really interesting: He put oil over there under the soil and put all the demand over here, with the blessings of a country that expanded and produced a great economy. You know we put little straws in this Earth every day and we suck oil out. We suck 84 to 85 million barrels of oil a day out of this Earth, and we use one-fourth of it here in the United States, 21 million barrels a day, and 60 percent of it comes from off our shores. If you don't think that is a dangerous dependency, then there is something wrong. I think that is dangerous and we have to fix it. How do you fix it? You make a commitment to renewable energy. My colleague from the State of Washington was on the floor, Senator CANTWELL, who has dedicated a lot of her time and effort to this subject, and I commend her for it.

You know, you have to focus around here on so many things. Senator CANTWELL has focused substantially on these issues. I wished to work with her. I want whatever she is proposing to succeed. We are working together in the Energy Committee. I am also the chairman of the Water and Energy Appropriations Subcommittee.

We need to do a lot. But, most importantly, we need to get this Congress on the side of policy that this country can be proud to say: We are going to make a commitment for the next decade, here is where we are headed in America. We are in support of renewable energy. You can count on us because we are going to put policies in place that will tell you we are in support of it.

We cannot keep doing what we have been doing. It is unfair, unfair to this country. So my hope is that when we consider this amendment, that we can approve it. But my hope is we will go much further this year. The minimum we should do on the production tax credit is a 5-year commitment—minimum.

I have a bill that says we ought to provide the PTC for 10 years. You know, it is one thing to talk about these things, it is another thing to be serious and enact public policies that demonstrate to the country and the world you are serious. We have not done that on renewable energy. It is time, long past time we do it. I hope perhaps we will support with the first step tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for such time as I might consume but probably in the neighborhood of 8 or 9 minutes for anybody else who might be wanting to speak.

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

COLOMBIA FREE TRADE AGREEMENT

Mr. GRASSLEY. Today, President Bush submitted the Colombia Trade Promotion Trade Agreement Implementing Act to Congress. This bill, as the title implies, would implement our pending trade agreement with Colombia, which the administration and Colombia signed in November 2006.

This is an important agreement that deserves our support. Some of the economic reasons for supporting this trade agreement are that the economic rationale is obvious. In my view, the economic rationale is undeniable. That is because Colombia is a beneficiary of two of our unilateral trade preference programs: The Andean Trade Preference Act, and the Generalized System of Preferences.

Now, all this means is Colombia already gets duty-free access to U.S. markets for the vast majority of its goods. Now, meanwhile, less than 3 percent of our exports to Colombia, and not a single U.S. agricultural export, receives duty-free treatment from Colombia. Our exporters face Colombian tariffs as high as 35 percent for non-agricultural goods and even much higher tariffs for agricultural goods.

The Colombian trade agreement would thus eliminate this disparity or, as we like to say so often, level the playing field for American exporters, thus giving American workers the same access to Colombian markets that their workers get to the U.S. markets; in other words, being fair, leveling the playing field.

Now, the U.S. International Trade Commission has found that leveling the playing field will increase our exports to Colombia by $1.1 billion per year. That is as a result of eliminating the duty on goods. That means real benefits for American farmers, for American manufacturers, for American service suppliers.

One of the chief benefits is it will help keep good-paying jobs in the United States. So I would ask my colleagues and the American people to think about this whole proposition about the Colombian Free Trade Agreement this way: Either we maintain the status quo or we create new opportunities for American exporters.

At its heart, that is what this debate is all about. Last year, exports accounted for more than 40 percent of our total economic growth. We should be doing everything we can do to grow our exports even further. That is what we did last December when the Senate voted by this wide margin of 77 to 18 in favor of a free-trade agreement with Peru.

The Colombian trade agreement is very much like this Peru agreement, and the Colombian market is bigger than the Peru agreement. If it makes sense to approve the Peru agreement, it makes even more sense to approve the agreement with the country of Colombia.

Economic considerations are not the only reason to support the Colombian agreement. I say this because too often we measure trade entirely in economic terms. But there are a lot of ways to measure trade other than in dollars and cents. Because in this instance and in so many instances, trade agreements are about an important national security priority.

There is one very specific reason for doing this with Colombia. Because as my Senate colleagues know, Colombia is a strong Democratic ally in a very dangerous neighborhood. For many years, it has been under assault from the FARC, a group of narcoterrorists fighting to overthrow the democratically elected Government in Colombia. It is increasingly under pressure, as Colombia is, from Venezuela's President Hugo Chavez. You have seen a lot of this in the news in the last month.

President Chavez of Venezuela is using oil wealth to divide Latin America. He is trying to lure allies to his Socialist vision and, most importantly, to promote his anti-U.S. agenda. He is fiercely opposed in this process to anything that Colombia's President Uribe does in cooperating with the United States or even having a friendship with the United States.

There have been troubling reports that President Chavez may be working with the FARC. Last month, he tried to create a diplomatic crisis over a border incident that did not even involve Venezuela. He took the side of the FARC against the Colombian Government. At a challenging time such as this, the United States has a responsibility to provide strong, principled leadership. Our agreeing to the Colombian Free Trade Agreement is one way of showing strong, principled leadership in support of a friend in South America.

We must stand by our allies. We must help to promote economic stability, security and, most importantly, the rule of law, whether it is in trade or nontrade areas. President Uribe has made it clear that one of the most important steps we can take in this regard is then to help him, through our implementation of the Colombian Trade Agreement that levels the playing field for America, for America's manufacturers, service providers, so we can get our products into Colombia on the same basis as Colombian farmers or manufacturers or whatever have been able to get their products into this country without duty.

Our leaders in Latin America are watching us in this process. They see our approach to Colombia as a proxy for the overall attitude toward Latin America. If Congress rejects this trade

agreement, or if we were to refuse to vote on it, our allies in Latin America might well conclude that the word of the United States is no good. That will not help Latin America, and it surely is not good for our country.

I know some of my colleagues have concerns about this agreement. One of those concerns is the issue of violence by Colombia or within Colombia against labor leaders. Anti-union violence has been a serious problem in Colombia for years.

If the Colombian Government were ignoring this issue, that might be reason to oppose this agreement. But Colombia and President Uribe are not ignoring the issue. To the contrary, Colombia has made massive strides in its fight against anti-union violence. Moreover, I have yet to hear a convincing reason why voting down the Colombian agreement or refusing to vote on it will help to reduce violence against labor leaders.

If we want to help Colombia reduce violence, and if we want to assist in the demobilization process, we should be doing what we can to enhance economic growth and create new opportunities for a legitimate economy. One way we can advance that objective is to vote to implement the Colombian trade agreement.

Now, the one other concern I have heard is the administration should have waited to submit the agreement until it reached a procedural agreement with the congressional leadership. The fact is, we have been waiting for Congress to take up this issue for over 10 months. On May 10 of last year, there was a great, grand deal made about our bipartisan compromise on trade that would pave the way for the continuation of pending trade agreements, including the Colombian agreement, including Peru, which has been passed, and including Panama, which still is on the agenda.

Now, since May 10 of last year, there has been no action on Colombia. This inaction violates the compact between the legislative and executive branches of our Federal Government on trade. The administration negotiated the Colombian trade agreement under the Bipartisan Trade Promotion Authorization of 2002.

Under the trade promotion authority procedures, the administration has an obligation to consult with Congress during the course of the negotiation and to conclude an agreement that meets the negotiation objectives specified in that statute, the Bipartisan Trade Promotion Authority Act of 2002.

Now, the administration has done all those things required by that act. The administration even went further by reopening the agreement to implement the enhanced labor and environmental provisions that were demanded by the new Democratic majority after the elections of 2006, which was their right to do.

These agreements then on labor and the environment were part of the May 10 bipartisan trade deal. Colombia has agreed to accept those provisions. But the trade promotion authority places a firm responsibility on Congress as well, the responsibility to process a trade agreement for an up-or-down vote once it has been concluded.

Congress has had over 10 months to engage the administration and commence that process. In that time, we have not even had a hearing on the Colombian trade agreement. So the time for that process ran out.

Now, this is the position the administration is in. In order to preserve sufficient time under the trade promotion authority to assure a final vote this year, the President has now submitted the agreement and implementing legislation to this Congress. But that does not mean Congress must vote tomorrow.

Today's action by the President starts the 90-day legislative clock in the House and Senate under that Bipartisan Trade Promotion Authority Agreement of 2002.

So there remains plenty of time to work together on a bipartisan basis to reach consensus. For example, I am engaging in intense discussion with the chairman of the Finance Committee, Senator BAUCUS of Montana, on a consensus bill to reauthorize our trade adjustment assistance programs. We will certainly continue that effort. Trade adjustment assistance is the top priority of Senator BAUCUS on the trade agenda this year. I have agreed to work with him to advance his priority that I also have an interest in advancing. But my priority is implementation of the Colombian trade agreement. I expect to see a vote on that as well. I think Congress can address both priorities. I think Congress can meet both responsibilities. I think Congress can accomplish them in a bipartisan way.

It is time to stop playing politics with our Nation's vital economic and foreign policy interests. It is time to level the playing field between the United States and Colombia on free trade. That level playing field is going to benefit the United States. It is not going to benefit Colombia much more, although it will benefit them some. American workers deserve a fair opportunity to sell our products and services abroad. Colombia deserves recognition for the tremendous progress it has made over the past few years. It is time for Congress to demonstrate leadership and to meet our responsibility in the economic and foreign policy areas.

The United States-Colombia trade promotion agreement deserves an up-or-down vote this year. This debate will continue. I hope that before the end it becomes more of a dialog than a debate because I think dialog is what foreign trade is all about.

This issue is too important. The stakes are too high. We must find a way forward, and we need to find it together. I think we will.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I thought I might take a couple of minutes toward the close of the day and share with my colleagues where we stand on the matter of the housing proposal we have been on since the middle of last week. I wish to again thank Majority Leader REID. Without his leadership, we would not be here. We would not be in a position to actually do some things that are critically important to work our way out of this mess our country is in when it comes to the foreclosure crisis, the problems Americans are facing, not to mention the contagion effects that are moving this issue beyond housing into other aspects of our economy. It was Majority Leader REID who reached out to the Republican leader, suggesting we try to get together, Democrats and Republicans, on a compromise proposal to move to and then deal with other issues where we could, where there was some consensus, to then be able to meet with the other body to see if we couldn't resolve outstanding questions dealing with the issue of housing and foreclosure.

As I have said over and over for the last week since Senator SHELBY and I spent that 24 hours we were given—not a great deal of time, considering the number of issues involved in this question—to come back with a package that represented Democrats' and Republicans' common points on this question, there were a lot of issues Democrats wanted, that I wanted, there were issues Republicans wanted that the other side was not willing to agree to, and that was the charge we were to avoid, to come back with a package on matters we could agree on, which is not always easy in a Senate that is divided 51 to 49, where the margins are narrow and the differences are significant. But nonetheless, we did that.

This package includes positive provisions. One, we are going to get an FHA modernization bill. That has been kicking around for a long time. We took those loan limits from, I think it is $362,000 up to $550,000. There were some 19 States that would have been excluded from the FHA program or at least parts of States that would have been excluded, such as California, my own State of Connecticut, candidly, Massachusetts, New Jersey, many States, New York. There are pockets in these States where even the average cost of a home is higher. So the loan limits went up. FHA modernization does other good as well, an important point.

The issue of counseling, last year we appropriated $42 million nationwide for counseling services to deal with the housing crisis—hardly enough to deal

with the demands people had on counseling. Senator BOND and I offered an amendment last year and got $180 million for counseling services which we thought contributed, and it did, to assisting groups across the country, nonprofits to work with those facing foreclosure or in highly distressed mortgages to work out those differences.

I would have liked to have added $200 million more to the counseling program. That is a proposal Senator MURRAY, who cares deeply about this issue, Senator SCHUMER, who cares about the issue, and others wanted to bring up. When we sat down to negotiate that issue, there was little or no appetite for any additional money in the counseling area. So we compromised between the 200 and zero and came up with $100 million. I would have liked more. But again, we were directed and asked by the leadership to try to develop a set of consensus ideas. Again, there may be other amendments—there was on this—to add additional funds to it.

We provided money for community development block grants to assist communities that have a lot of distressed properties or foreclosed properties. I have made the case over and over what this can do to a community and neighborhood. When you have a single foreclosed property, the value of every other home in that neighborhood or the surrounding area can decline in value immediately. What you don't need is more supply out there. Right now we are overloaded with supply. It is one of the reasons why the market is not doing as much in correcting this problem, because of the oversupply of housing. So when we do what we can to clean up housing, to get it back on the market and hopefully get people into that housing, it not only benefits the people who get to purchase a home, but it also does a lot to increase the value of the surrounding homes, not to mention, of course, stabilizing a declining property tax base, which supports police, fire, social services, all the other issues that are adversely affected when you have a foreclosed property or properties in your neighborhood or community. So that was a major achievement in this bill.

I would have liked some additional funds for community development block grants. It is a very good program. It works very well. To target these resources into that area is something we can applaud in this legislation.

We also have offered some tax credits for people who move into foreclosed properties. It is a 2-year deal. It involves about $3,500 a year in tax credits. The idea is to get this property back on the tax rolls, to get people into the property so, again, you stabilize neighborhoods before you end up with further declining values and erosion in these areas, blight, all the other problems that happen.

How big a problem can that be? Let me tell you how big that can be. I have one community in my State that I have talked about where there are 6,000 foreclosures in a city of 100,000 people. Let me tell you what that looks like in a city. Imagine if you end up with 6,000 boarded-up properties in a city of 100,000 people or less. Obviously, the value of every other home in that city is going to be adversely affected. So while people said: I don't think you ought to be providing a tax credit to get owner-occupied people into these homes, well, you can make a case for that, but I think we all benefit if we can get someone into that property, clean it up. That is taxes coming into the community. The value of surrounding homes I think are benefited from it. So again, I think that is a good provision. It was offered here. It has to be foreclosed property. You have to live in the house for a period of time. It doesn't invite speculation or involve new properties. It is foreclosed properties.

We also had a number of provisions to deal with veterans. Again, I thank Senator JOHN KERRY, Senator DAN AKAKA of Hawaii, Senator COLEMAN, among others, Senator SANDERS of Vermont. All had ideas on how we could assist our men and women in uniform who are facing not only the difficulty of being in the military service today, potentially serving in Afghanistan and Iraq, but also facing potential foreclosures. We have done a lot in this bill to make sure they are not going to be adversely affected.

It may not seem like much or a lot of people, but the fact that we could do something to help mayors and local governments with foreclosed properties, as well as providing some way for people to get into these homes, is a positive step, not to mention the FHA modernization, the mortgage revenue bonds, $1.6 billion, not exactly a small amount of money, designed specifically to get people into fixed rate affordable mortgages that they can work out. That is going to be a tremendous asset to people.

There are some related matters we probably have to deal with in the Tax Code so it could be even more potent, but it is a major accomplishment in this bill that is something we can applaud again and celebrate as being very helpful. In fact, this is the $10 billion in mortgage revenue bond authority included in this proposal.

There are other provisions in the bill. Frankly, there are some that go too far. I am the first to admit it. But I was asked to try to put something together. In doing so, I wished to have a provision in here that I cared deeply about and that is the home preservation idea, where we could forestall the ability of people. In the ultimate situation, where you provide money to mayors to clean up, why not stop foreclosure in the first place. I have talked about it since January. There is, I think, sort of a growing constituency that understands this and has offered some ideas on how to be supportive. But I couldn't get my own idea in this bill as the negotiator. I tried to convince my good friend from Alabama and others this was a provision I thought we ought to have in this bill.

He has some very legitimate questions about it. A good set of hearings probably will accomplish it. This Thursday, we are going to have a hearing on this idea and other ideas in the Banking Committee and a hearing the following week as well because we would like to have a couple hearings on it. My hope is that at the conclusion, we can have a markup and, along with some other provisions the Presiding Officer is aware of, as a member of the committee, we can bring back as a package, hopefully, in a bipartisan way, that we can move through this Chamber that will contribute some answers to this economic crisis that has as its center the foreclosure crisis.

My own provision is not part of this package as much as I wanted it and argued for it. But I couldn't get it included at all. So there are things I would have liked to have had in this bill that are not here.

There are some things in this bill that I think go too far. I will be the first to admit it. But I have learned over the years that if you wait for the perfect, you don't get much. In this body with 100 Members, with very different views on a lot of these matters, you do your best. Particularly when you are divided 51 to 49, it is hard to develop that kind of consensus. But that is what it is, and that is how you get legislation passed. You begin to have to move on it. That is why I am urging my colleagues and I am grateful for the vote on cloture. I don't like to cut off debate for anyone on matters where certain amendments may not then survive a postcloture motion. But we need to come to some closure on this.

I would say to the Presiding Officer as well that there are about 15 or 20 amendments that are going to be worked out, I think, that various people have offered in addition to what is in the core provisions here that we are working hard on, the adjoining staff, to try to accommodate where we can. So in addition to the core provisions, there are other ideas that have come forward that we hope to have included in this final product that we can produce, hopefully, by tomorrow.

But we are pretty much done with the debate. We have debated this a lot. People know or can find out whether their amendments are germane or survive postcloture or would avoid an objection being filed against them. If that is the case and they want to come over and let Senator SHELBY and me talk about them and listen to people's ideas, it is still possible some additional ideas can be included.

I have been told there are some people who are just going to object to anything that comes up. I would wish that would not be the case, but that is a right Members have. They have the

right to object to anything because it takes unanimous consent to bring up these matters. If you do not get the consent, it does not come up. So I know the Democratic leader, working with the Republican leader, is trying to convince those Members who have blanket objections to anything to remove those objections and to allow some of these ideas to come up to be considered as part of this package.

We then have to go through the process of meeting with the other body. Congressman BARNEY FRANK, the chairman of the Financial Services Committee of the House, is working on a similar package or related package. I am never going to get there to work out some differences, some of the different ideas that may become a part of this legislation, if I do not leave here. We cannot solve this problem by talking to ourselves. We are going to have to sit down and talk with people who have different points of view on this if we are going to come up with some common answers.

So that is sort of the status of play here at 6:30 this evening. There is no reason why we need to exhaust 30 hours. There is a lot of other work to be done in this body on other matters. This is not the only issue that is before this Congress.

So my hope would be that tomorrow morning, for those who have additional ideas who want to come over, for those who are waiting to see if we can get some answers, that we do that. I am prepared to spend the time to try to work things out where we can and to say to those where we cannot work it out: I am sorry, I cannot accommodate every Member who has an idea on this bill. Beyond that, we need to come to closure and move on. My hope would be we would not have to wait until 9 p.m. tomorrow night to arrive at that point.

I am more than happy to yield back time under the 30 hours, as I am confident Senator SHELBY would be, but we do not want to do that without giving our colleagues an opportunity to be heard on these matters.

So I will urge colleagues in the morning, if they would come over and bring their ideas or at least if they have amendments to bring them up. We can vote on some of these. Some may carry, some may not, but allow us to move forward and have a final vote on this package and then go back to work in the committee to bring out these additional ideas we have been talking about, as well as to get to a conference with the other body to try to resolve what is in this bill and what they will offer themselves.

With that, Mr. President, I ask unanimous consent to add Senators KOHL and CARPER as cosponsors to amendment No. 4489, as submitted by Senator MCCASKILL.

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

Mr. MARTINEZ. Mr. President, I would like to commend the hard work of Chairman DODD and Ranking Member SHELBY for putting together a bipartisan package of housing provisions.

If we have learned anything from the current economic situation, it is the need for improved oversight of the lending industry. There is a need to restore investor and consumer confidence in the housing market. Although this bill goes a long way to helping families and communities deal with issues related to foreclosure, there's still a critical component missing—regulatory reform of government-sponsored enterprises.

I would like to take a moment to remind my colleagues what precipitated the need for Congress to consider GSE regulatory reform.

In May 2006, OFHEO published a special report detailing egregious management and accounting scandals that highlighted a corporate culture of greed and corruption. I would like to read a few excerpts from the summary of that report:

Fannie Mae senior management promoted an image of the Enterprise as one of the lowest-risk financial institutions in the world and as ''best in class'' in terms of risk management, financial reporting, internal control, and corporate governance. The findings in the report show that risks at Fannie Mae were greatly understated and that the image was false.

During the period covered by the report—1998 to mid-2004—Fannie Mae reported extremely smooth profit growth and hit announced targets for earnings per share precisely each quarter. Those achievements were illusions deliberately and systematically created by the Enterprise's senior management with the aid of inappropriate accounting and improper earnings management. A large number of Fannie Mae's accounting policies and practices did not comply with Generally Accepted Accounting Principles, GAAP.

The Enterprise also had serious problems of internal control, financial reporting, and corporate governance. Those errors resulted in Fannie Mae overstating reported income and capital by a currently estimated $10.6 billion. By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders.

Earnings management made a significant contribution to the compensation of Fannie Mae chairman and CEO Franklin Raines, which totaled over $90 million from 1998 through 2003. Of that total, over $52 million was directly tied to achieving earnings per share targets. Fannie Mae consistently took a significant amount of interest rate risk and, when interest rates fell in 2002, incurred billions of dollars in economic losses.

The Enterprise also had huge operational and reputational risk exposures.

Fannie Mae's Board of Directors contributed to those problems by failing to be sufficiently informed and to act independently of its chairman, Franklin Raines, and other senior executives; by failing to exercise the requisite oversight over the Enterprise's operations; and by failing to discover or ensure the correction of a wide variety of unsafe and unsound practices.

The board's failures continued in the wake of revelations of accounting problems and improper earnings management at Freddie Mac and other high profile firms, the initiation of OFHEO's special examination and credible allegations of improper earnings management made by an employee of the Enterprise's Office of the Controller.

Senior management did not make investments in accounting systems, computer systems, other infrastructure, and staffing needed to support a sound internal control system, proper accounting and GAAP-consistent financial reporting. Those failures came at a time when Fannie Mae faced many operational challenges related to its rapid growth and changing accounting and legal requirements. Fannie Mae senior management sought to interfere with OFHEO's special examination by directing the Enterprise's lobbyist to use their ties to Congressional staff to generate a congressional request for the inspector general of the Department of Housing and Urban development, HUD, to investigate OFHEO's conduct of that examination; and insert into an appropriations bill language that would reduce the agency's appropriations until the Director of OFHEO was replaced.

While I will concede that the Enterprises have made great strides in cleaning up their acts, Congress must enact regulatory reform to ensure that such deliberate and egregious practices can never happen again. This legislation achieves that objective and it is high time we take action to pass it.

If we really want to assist our fragile markets, we cannot forego the opportunity to include meaningful and comprehensive GSE reform in this housing package. I have spent the past five years advocating for GSE reform, first as Secretary of HUD and now here in the Senate. There has been a great deal of talk about reforming GSEs, but we haven't closed the deal.

The junior Senator from Delaware and I are offering this amendment because we believe the housing legislation before us represents the best opportunity for Congress to pass GSE reform.

There has been a great deal of uncertainty lately in the housing market, and as one of the most reliable resources for homeowners, we cannot afford to let the future of GSEs like Fannie Mae and Freddie Mac to remain equally as uncertain.

The combined obligations of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks exceed $6 trillion. The Fed's bailout of Bear Sterns last month would look like a drop in the bucket compared to what would happen

if one of these institutions were to fail. This is a risk we simply can't afford to take without giving the U.S. taxpayer every opportunity to ensure safety and soundness—a world-class regulator gives us that.

Last year, the House passed a bipartisan GSE reform bill, and our amendment mirrors that legislation. This amendment is broadly supported by those within the financial sector as well as the Treasury Department and OFHEO. It contains the essential components necessary for overhauling GSE oversight and for providing stability and strength to our housing finance system.

And given Congress's recent action raising conforming loan limits and OFHEO's decision to lower Fannie and Freddie's capital requirements, GSE reform is more critical than ever. We passed an economic stimulus package that increased the maximum size of a mortgage that Fannie and Freddie can purchase this year to almost $730,000 in high-cost areas, and recently OFHEO lowered their capital surplus requirements from 30 to 20 percent.

While I agree that these were necessary steps given the current market conditions, I am very concerned about the additional risk Fannie and Freddie will assume given these changes.

I am committed to ensuring the long-term sustainability of the GSEs and regulatory reform is critical to that effort. In terms of current regulation, OFHEO has done a great job with the tools at its disposal, but the problem is the regulator needs greater powers—like those of other Federal banking regulators. We need a world-class regulator to ensure the GSEs continue to operate in a safe and sound manner and that they remain focused on their affordable housing mission.

One of the most important elements of this proposal is the creation of a new regulator that is both politically independent and funded outside of the appropriations process. In order for this regulator to be credible, they cannot be subject to the annual budget machinations of a committee or the political influence inherent in Washington.

Part of its broad responsibility would be to ensure a more coherent regulatory framework, better enforcement, and a more consistent and aggressive effort on affordable housing. The regulator would have the ability to monitor the agency's portfolios—and direct the enterprises to acquire or sell any asset in order to maintain risk consistent with their missions. The regulator would also have the ability to set both minimum and risk-based capital levels for the GSEs—in other words, the amount of capital an enterprise would be required to hold would be directly related to the amount of risk they have undertaken.

The regulator would posses enhanced enforcement powers and be able to provide prompt corrective action, including the authority to set and enforce prudential management and internal control standards. It would also have the ability to put a GSE into receivership, and exercise a role in the authority over safety, soundness and mission. Finally, it would have a say in new product review and approval.

I know many of my colleagues have concerns that this legislation does not go far enough in its regulation of the enterprises or that the inclusion of an affordable housing fund is nothing more than a ''political slush fund.'' Funds would be allocated to and distributed by the states, rather than the GSEs, under a formula to be developed by HUD.

The most important component of reform legislation is the establishment of a stronger, more credible regulator—which is greatly needed. Homeowners are frustrated and consumers are worried about what lies ahead for our housing market.

We have an opportunity to inject some much-needed confidence into a sagging portion of our economy, and I believe it would be irresponsible to further delay addressing this important issue. Ensuring the soundness of Fannie and Freddie will give market participants the confidence they need to continue investing in mortgage products. That confidence is critical for the proper functioning of our financial markets. In the same bipartisan spirit that helped us come to an agreement on the housing bill, I would urge my colleagues to follow the same course of action in passing this necessary bill.

Ms. SNOWE. Mr. President, I am not only deeply concerned that increasing foreclosures threaten the dream of home ownership, but it is also critical to understand that the housing crisis that the Senate is currently grappling with affects every corner of this country, including both small and large States.

Therefore, I have introduced an amendment that would ensure that States with low populations receive their fair share of the increase in mortgage revenue bond allocations provided for within the Dodd-Shelby substitute amendment.

Under current law, there is a small State floor that sets a minimum level of allocations of mortgage revenue bonds that any one State will receive. These bonds provide State housing finance agencies, like the Maine Housing Authority, that provided $134.4 million of loans to first-time homebuyers in 2006, a financing source for low-cost loans to first-time homebuyers.

It is imperative that we understand the magnitude of mortgage difficulties facing our Nation. By 2009, more than a trillion dollars of mortgages originated during the subprime lending boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime ARMs are already in foreclosure. This exceptionally high number is expected to skyrocket over the next year once the next wave of ARM loans reset and borrowers' mortgage payments increase by 30 to 50 percent. In December, the Center for Responsible Lending predicted that 2.2 million families with subprime loans will lose their homes to foreclosure.

High foreclosure rates harm communities, create blighted areas, and stunt local and national economic potential. Consequently, it is in the best interest of all of the parties involved in the subprime crisis that Congress act to preserve home ownership, and minimize foreclosures.

Appropriately, the housing stimulus legislation currently before the Senate extends for 2008 the availability of these low-cost mortgages to refinancings in addition to first-time homebuyers. This proposal, based from legislation, S. 2517, introduced by Senator SMITH, and of which, I have joined as a cosponsor, will help provide a low-cost refinancing alternative to those struggling to meet their payment obligations as their subprime loans begin to reset. It only makes sense to offer such an alternative to foreclosures.

Additionally, the proposal increases the authorization level of the tax-exempt mortgage revenue bonds by $10 billion for 2008. But, however, the proposal failed to apply the floor provided for under the current authorization levels to the increase for this year. My amendment addresses this inequity by providing an additional $930 million of authorization that ensures that more populous States will receive no less than what they are receiving under the Dodd-Shelby compromise while at the same time increases the allocation for smaller States to levels that they should receive if the floor were applied to the $10 billion authorization increase. So no State will be worse off by my amendment while making sure that smaller States are treated fairly.

According to the Mortgage Bankers Association, Maine, with a population of only 1.3 million, has a foreclosure rate of 2.4 percent while the national average is 2 percent. As you can see, Maine's foreclosure rate is well above the national average and goes to show that homeowners are struggling in small States as well as large States, and my amendment simply addresses the current housing crisis in a way that is fair to all States, both large and small.

Mr. President, I am committed to this issue, and urge my colleagues to join me in supporting this critical amendment that is a matter of equity and fairness.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

IRAQ

Ms. MIKULSKI. Mr. President, I opposed going to war in Iraq. I opposed the escalation of American troop levels. And I still do.

When the Bush administration proposed the escalation of U.S. forces in Iraq, the President said it would enable the Iraqi government to achieve political reconciliation. Our troops have done their part. Yet as we ask our troops to do more, the Iraqi government does less.

While we were fighting the surge, the Iraqi parliament was on vacation. While our troops were wounded, dying, and away from their families, Prime Minister al-Maliki was running up a budget surplus.

The Iraqi government has failed to make their country safer or more stable; they have failed to hold provisional elections, reform their oil laws or disarm the militias. This is a failure in leadership. The battle of Basra was a disaster. We know that many members of the Iraqi military fought bravely and steadfastly. But we also know that more than 1,000 deserted or refused to fight. Once again, American troops had to step forward to salvage the operation.

Our troops have performed bravely and effectively. Yet a great American military cannot be a substitute for a weak Iraqi government. It is time to come home. We must bring our troops home, swiftly and safely.

THE MATTHEW SHEPARD ACT OF 2007

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

In the early morning of July 15, 2007, Miranda Greer, an openly lesbian woman, was brutally attacked in a Jackson, TN, bar. Greer had been dancing when a man approached her and, using a homophobic slur, asked her to leave. The man had apparently mistaken Greer for a gay male. When she clarified that she was a lesbian, the man punched her in the face. He then used the bottom of a beer bottle to jab her left eye, and broke it over the back of her head. Greer ended up with a blind spot in her left eye after the attack. Police have issued a warrant for the arrest of Tyler Mansfield, who was identified as a suspect according to the Jackson Police Department.

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

CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT

Mrs. CLINTON. Mr. President, on February 29, 2008, the Cameron Gulbransen Kids and Cars Safety Act was signed into law, marking a historic moment for children, families and safety advocates across the country.

Nearly every other day in the United States, a child dies in a nontraffic vehicle accident. This legislation will ensure that cars in the United States are properly equipped with safety technology to prevent unintentional harm to children, promising safer cars, and safer children in New York and across the country.

I am honored to have championed the Cameron Gulbransen Kids and Cars Safety Act in the Senate, named in remembrance of a 2-year-old Long Island boy who was killed when he wandered behind the SUV his father was backing into their driveway. With this legislation we honor his memory, and the memory of all children taken from us by these tragic and preventable auto accidents.

I have met many parents, sisters, and brothers who have lost a loved one to a nontraffic-related incident. Their presence in this fight represents a true testament of courage. I would also like to thank the advocacy community—KIDS AND CARS, Consumer's Union and the Advocates for Highway and Auto Safety—for their unwavering support throughout this push for passage. Together, these families and advocates played a critical role in raising awareness of this issue throughout Congress and across the country. Thanks to their tireless work, countless tragedies will be prevented in the future.

I would also like to thank all my colleagues on both sides of the aisle who joined me in supporting this important measure, especially Chairman JOHN DINGELL who was instrumental in helping this bill achieve passage in the House. Together we have shown that by working hard and finding common ground, we can produce legislation that will make a real difference in the lives of Americans.

As safety advocates and families gather in our Nation's Capitol to celebrate this seminal moment, I add to the chorus of thanks and praise for this long-awaited victory.

ADDITIONAL STATEMENTS

FAMILY SERVICE ASSOCIATION OF REDLANDS

● Mrs. BOXER. Mr. President, today I want to recognize the Family Service Association of Redlands as it celebrates 110 years of service and support to the communities of southern California.

As a nonprofit community service organization located in Redlands, CA, the Family Service Association has been a hallmark institution of assistance and guidance to all who have sought its support. Founded as the Associated Charities of Redlands by community leader A.K. Smiley in February of 1898, this organization has a long history of care and concern for the needs of its local communities. After spending its first few years using funds from local contributors to assist the less fortunate, the organization opened a wood yard in 1909 to provide employment for those out of work. Later, contributors would donate buildings that enabled the organization to expand and establish the first community hospital, enabling more and more community needs to be met.

Today, the Family Service Association of Redlands provides a variety of services and programs to benefit needy populations of inland southern California. Their Home Again program has made a significant effort to address the growing issues of poverty and homelessness, through providing homeless families with permanent housing, employment, and family stability. Their Family Support program has made a similar dramatic effort at bringing fundamental goods and services to families in need; these include clothing distribution, rental and mortgage assistance, utility bill assistance, motel vouchers, emergency medical assistance, dental and vision screening programs, educational and training programs, case management services, and many others.

As the Family Service Association of Redlands celebrates 110 years of service and support to the communities of inland southern California, I am pleased to ask my colleagues to join me in recognizing their more than a century of accomplishments.●

TRIBUTE TO JACK AND JAN MCGOWAN

● Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by ordinary Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate two inspiring ''natural resource heroes'' in my State of Oregon, Jack and Jan McGowan.

Jack and Jan McGowan have served as the executive director and associate director respectively of an organization called SOLV, which stands for Stop Oregon Litter and Vandalism. Jack and

Jan's 18-year career with SOLV has seen many changes to the organization. Founded in 1969 by Oregon Governor Tom McCall, SOLV has focused on bringing together government agencies, businesses and Oregon citizens to work together on programs and projects that were meant to enhance the livability of our State. When Jack and Jan assumed leadership of SOLV in 1990, they worked out of their home and operated a very small organization of volunteers. Today, SOLV is the largest volunteer non-profit agency in the Northwest and has provided inspiration to similar organizations around the country and the world.

Oregonians pride themselves in doing their part to protect and conserve the State's treasures and natural resources. The first beach cleanup in the United States was held in Oregon in 1984. Since then, annual beach cleanups now occur all along the west and east coasts of our country and in over 100 countries around the world. Just last month, SOLV organized Oregon's 24th annual spring beach cleanup. All 362 miles of Oregon's coastline were canvassed by almost 4,000 volunteers who accumulated over 110,000 pounds of trash.

As a young Boy Scout, I was taught that one's duty was to respect and protect the world around you. I believe that we have a responsibility to encourage efforts in conserving our natural resources by responsibly using them, not abusing them. Jack and Jan McGowan have made major contributions to a proud Oregon pioneering spirit of innovation and conservation. What they have given back to their community is invaluable, for they have taught us that everyone doing their small part can achieve huge successes. I wish Jack and Jan well as they pursue future endeavors in their retirement.●

RECOGNIZING BLACK HILLS STATE UNIVERSITY

● Mr. THUNE. Mr. President, today I recognize Black Hills State University as they celebrate their 125th anniversary.

Throughout the past 125 years, Black Hills State University, BHSU, has served the State of South Dakota by providing a quality educational experience. BHSU's commitment to education began in 1883 when the school was founded as the Dakota Territorial Normal School. With only 40 students and a 2-year budget of $2,000, BHSU began its journey in becoming a premier educational institution in South Dakota.

The school underwent a name change in 1941 and became the Black Hills Teacher's College. In the early 1940s, the rise of World War II resulted in a nationwide decline in university enrollment. In response, BHSU chipped in and hosted the training operations for Air Corp Cadets for the Manpower Commission to assist the war effort. After the war, the school rebounded and enrollment increased rapidly with the help of the G.I. Bill of Rights and BHSU's addition of graduate courses to its university catalogue.

Black Hills State University received its present name in 1964, and since, has continued to thrive in the South Dakota educational community. Now with three different colleges, an excellent academic environment, and many athletic opportunities, I am confident that BHSU will continue to serve the Spearfish community and the State of South Dakota for the next 125 years.

It gives me great pleasure to rise with the students, faculty, and alumni of Black Hills State University on this milestone anniversary and wish them continued success in the years to come.●

HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On April 7, 2008, a group of 95 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capitol city this trip:

Durelle L. Allen, Sr.; Elmer R. Allison; Daniel Angelle, Jr.; Aline M. Arceneaux; Louis Armes; Charles Barber; Billy J. Barrett, Sr.; Charles Barber; Harry P. Becnel; Nicholas D. Bernard; James H. Booksh, Jr.; James L. Boulet; Valentin D. Breaux, Jr.; Warren J. Breaux, Sr.; John W. Broussard; Don L. Broussard; Emery Broussard; Tony Collette; Elmer Corkern; Jack H. Crouchet; Frank J. Culotta, Sr.

Frank Deerman; Joseph I. DeVille; James G. DeVille; Julian A. Didier; Irving A. Domingue; Carl Dougherty; Charles H. Driggers; Russell J. Duet; Stanley T. Duhon; Donald K. Dutt; Robert M. Fleming; Ernest E. Fontaine; Lucius J. Forsyth, Jr.; Thomas R. Fournet; Paul U. Gary; Buren J. Gautreau; Hewitt B. Gomez; Gerald M. Gossen; Milton L. Guilbeau.

Donald C. Harmon; Didier J. Hebert, Jr.; Joseph W. Hebert; Adlar Hebert; James M. Jennings, Jr.; Joseph Kenner; Ruth M. Kilgore; Robert S. King, Jr.; William A. Koch, Jr.; John E. Landry; Wilfred R. LeBlanc; Walter A. Leonard; Grady A. Lewis; Robert H. Little; Thomas W. Logan; Jack P. Martin; Frank M. Mathews; Remie McGee, Jr.; Ray J. Melancon; John M. Menard; A.G. Moulder.

William G. Neef; Richard D. Nunez; Peter C. Piccione, Sr.; Charles D. Pierce; Ulysses J. Prevost; Wilfred Racca; Antoine W. Richard; Javis J. Robert; Forrest Sadler; Leroy Salsman, Jr.; Shirley L. Savoy; Lannie Scarborough; William P. Scott; Emmet G. Sellers; William R. Shelton; Robert D. Snyder; Hubert Sonnier; Albin H. Steiner; C. W. Sunday; Robert Sutter; Edward Swearingen.

Vernon O. Tekell; Joseph Thibodeaux; Andrew Thibodeaux; Wilbur P. Thousand; Emery F. Toups; Prudhome J. Trahan; Frances C. Trahan; Walton Trahan; William O. Walker; Camile E. Weber, Sr.; Charles Webre, Jr.; Richard M. Whaley; Walter C. White; Frank S. Williams.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (the ''Agreement''). The Agreement represents an historic development in our relations with Colombia, which has shown its commitment to advancing democracy, protecting human rights, and promoting economic opportunity. Colombia's importance as a steadfast strategic partner of the United States was recognized by President Clinton's support for an appropriation in 2000 to provide funding for Plan Colombia, and my Administration has continued to stand with Colombia as it confronts violence, terror, and drug traffickers.

This Agreement will increase opportunity for the people of Colombia through sustained economic growth and is therefore vital to ensuring that Colombia continues on its trajectory of positive change. Under the leadership of President Alvaro Uribe, Colombia has made a remarkable turnaround since 1999 when it was on the verge of being a failed state. This progress is in part explained by Colombia's success in demobilizing tens of thousands of paramilitary fighters. The Colombian government reports that since 2002, kidnappings, terrorist attacks, and murders are all down substantially, as is violence against union members.

The Government of Colombia, with the assistance of the United States, is continuing its efforts to further reduce the level of violence in Colombia and to ensure that those responsible for violence are quickly brought to justice. To speed prosecutions of those responsible for violent crimes, the Prosecutor General's Office plans to hire this year 72 new prosecutors and more than 110 investigators into the Human Rights Unit. These additions are part of the increase of more than 2,100 staff that will be added to the Prosecutor General's Office in 2008 and 2009. To support these additional personnel and their activities, Colombia has steadily increased the budget for the Prosecutor General's Office, including by more than $40 million this year, bringing the total outlay for that office to nearly $600 million.

In negotiating this Agreement, my Administration was guided by the objectives set out by the Congress in the Trade Act of 2002. My Administration has complied fully with the letter and spirit of Trade Promotion Authority—from preparation for the negotiations, to consultations with the Congress throughout the talks, to the content of the Agreement itself. In addition, my Administration has conducted several hundred further consultations, led congressional trips to Colombia, and last year renegotiated key labor, environmental, investment, and intellectual property rights provisions in the Agreement at the behest of the Congress. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and higher levels of environmental protection in Colombia. The result is an Agreement that all of us can be proud of and that will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

Under the Agreement, tariffs on over 80 percent of U.S. industrial and consumer goods exported to Colombia will be eliminated immediately, with tariffs on the remaining goods eliminated within 10 years. The Agreement will allow 52 percent of U.S. agricultural exports, by value, to enter Colombia duty-free immediately, with the remaining agricultural tariffs phased out over time. This will help to level the playing field, as 91 percent of U.S. imports from Colombia already enjoy duty-free access to our market under U.S. trade preference programs.

My Administration looks forward to continuing to work with the Congress on a bipartisan path forward to secure approval of this legislation that builds on the positive spirit of the May 10, 2007, agreement on trade between the Administration and the House and Senate leadership, and the strong bipartisan support demonstrated by both Houses of Congress in overwhelmingly approving the United States-Peru Trade Promotion Agreement last year. The United States-Colombia Trade Promotion Agreement represents an historic step forward in U.S. relations with a key friend and ally in Latin America. Congressional approval of legislation to implement the Agreement is in our national interest, and I urge the Congress to act favorably on this legislation as quickly as possible.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 7, 2008*.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Removal of Regulated Areas in Texas'' (Docket No. APHIS–2007–0157) received on April 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5682. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ending December 31, 2007; to the Committee on Armed Services.

EC–5683. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–5684. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations Regulations (including 6 regulations beginning with USCG–2007–0070)'' (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5685. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations Regulations (including 4 regulations beginning with USCG–2008–0151)'' (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5686. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Waters Surrounding U.S. Forces Vessel SBX–1, HI'' (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5687. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Manbirtee Key, Port of Manatee, FL'' (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5688. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations Regulations: Atlantic Intracoastal Waterway (AIWW), Sunset Beach, NC'' (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5689. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations Regulations (including 5 regulations beginning with USCG–2008–0046)'' (RIN1625–AA09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5690. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone Regulations (including 4 regulations beginning with USCG–2008–0080)'' (RIN1625–AA00) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5691. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Cape Fear River, Wilmington, North Carolina'' (RIN1625–AA87) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5692. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''2008 Rates for Pilotage on the Great Lakes'' (RIN1625–AB23) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5693. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations Yarmouth, Maine, Casco Bay'' (RIN1625–AA01) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5694. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Sector Anchorage Western Alaska Marine Inspection and Captain of the Port Zones; Technical Amendment'' (RIN1625–ZA15) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5695. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area Regulations (including 2 regulations beginning with USCG–2008–0045)'' (RIN1625–AA11) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5696. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries'' (RIN1625–AB09) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5697. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 2 regulations beginning with USCG–2007–0076)'' (RIN1625–AA08) received on April 7, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5698. A communication from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, transmitting, pursuant to law, a report relative to the Corporation's Grant and Legislative Request for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–5699. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Health, United States, 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–5700. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Section 45K Inflation Adjustment Factor'' (Notice 2008–44) received on April 1, 2008; to the Committee on Finance.

EC–5701. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Standards for Recognition of Tax–Exempt Status'' ((RIN1545–BE37)(TD 9390)) received on April 1, 2008; to the Committee on Finance.

EC–5702. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 7623 (Whistleblower Regulations)'' ((RIN1545–BG74)(TD 9389)) received on April 1, 2008; to the Committee on Finance.

EC–5703. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Advance Pricing Agreements'' (Announcement 2008–27) received on April 1, 2008; to the Committee on Finance.

EC–5704. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–328, ''Special Election Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5705. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–327, ''Producer Licensing Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5706. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–323, ''Clean Cars Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5707. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–331, ''Fire Hydrant Inspection, Repair, and Maintenance Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5708. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–337, ''Local Rent Supplement Program Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5709. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–336, ''Supplemental Appropriations Clarification Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5710. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–335, ''Conversion Fee Clarification Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5711. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–334, ''Inclusionary Zoning Implementation Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5712. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–333, ''Extension of Time to Dispose of the Old Congress Heights School Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5713. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–332, ''Department of Transportation Establishment Temporary Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5714. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–330, ''Fire-Standard-Compliant Cigarettes Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5715. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–324, ''Accrued Sick and Safe Leave Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5716. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–325, ''College Savings Program Increased Tax Benefit Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5717. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–326, ''Omnibus Executive Service System, Policy and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008'' received on April 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

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

POM–295. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to strengthen mortgage fraud laws; to the Committee on Banking, Housing, and Urban Affairs.

POM–296. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to include venture capital firms that are developing alternative and renewable energy sources in the Florida Opportunity Fund; to the Committee on Energy and Natural Resources.

POM–297. A resolution adopted by the Board of Commissioners of Ferry County of the State of Washington relative to federal lands in the County; to the Committee on Energy and Natural Resources.

POM–298. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to designate a portion of State Road 934 as ''Rev. Dr. CP. Preston, Jr. Street''; to the Committee on Environment and Public Works.

POM–299. A petition from a nongovernmental entity relative to Iranian Kurdish refugees currently residing in a camp between the Jordan and Iraq border; to the Committee on Foreign Relations.

POM–300. A resolution transmitted by a private citizen relative to the Uintah Treaty; to the Committee on Indian Affairs.

POM–301. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact legislation to change the computation of the State Federal Medical Assistance Percentage; to the Committee on Finance.

HOUSE RESOLUTION NO. 243

Whereas, the Federal Medicaid Assistance Percentage (FMAP) determines the distribution of federal matching funds for medical assistance programs, including Medicaid. The United States Department of Health and Human Services calculates the FMAP annually for each state. The formula for calculating the FMAP is determined by a state's per capita income as calculated by the United States Department of Commerce. In 2003, the state lost about $160 million in federal Medicaid funds when General Motors made a one-time $16 billion payment to its underfunded pension plan. This one-time payment was included and skewed the calculation of the state's per capita income; and

Whereas, recent contract negotiations between three domestic automakers and the UAW will generate large one-time payments beginning in 2010 to a Volunteer Employee Benefits Association (VEBA) trust fund to be administered by the union. These payments will be similar in character to the payment made by General Motors for underfunded pension liabilities that skewed the FMAP calculation of state per capita income in 2003; and

Whereas, State and local governments are encouraged to prefund their retiree health benefits as a result of the Governmental Accounting Standards Board (GASB) 45 reporting requirement. These payments will be similar in character to the General Motors one-time payment for underfunded pension liabilities that skewed the FMAP calculation of state per capita income; and

Whereas, the combined contributions of the automobile companies will result in over $60 billion that will overstate the state's personal income by billions of dollars. The prefunding of public employee retirement by state and local governments will result in an exponential increase in this overstatement. This would place the state at risk of a decline in its FMAP for the three years that these contributions affect personal income calculations; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to change the computing of state Federal Medical Assistance Percentage by disregarding employer contributions toward retiree health care in calculating Medicaid; and be it further

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

POM–302. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to eliminate provisions of law which reduce social security benefits for those receiving benefits from government retirement systems; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor social security benefit, and the Windfall Elimination Provision (WEP), reducing the earned social security benefit for persons who also receive federal, state, or local retirement; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, and local government employment might receive a public pension in addition to the same social security benefit as a worker who had worked only in employment covered by social security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving federal, state, or local government retirement benefits who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor social security benefit by two-thirds of the amount of the federal, state, or local government retirement benefit received by the spouse or survivor, in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in covered employment and paying into the social security system; and

Whereas, the WEP reduces the earned social security benefit using an averaged indexed monthly earnings formula and may reduce social security benefits for such persons by as much as one-half of the uncovered public retirement benefits earned; and

Whereas, because of these calculation characteristics, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and WEP social security benefit reductions and to consider eliminating them. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1858, A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes (Rept. No. 110–280).

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

S. 2162. A bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes (Rept. No. 110–281).

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. BAUCUS (for himself and Mr. TESTER):

S. 2828. A bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. LEAHY, Mr. SPECTER, Mr. BIDEN, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. OBAMA, Mr. MCCAIN, Mr. DURBIN, Mr. SUNUNU, Mr. CARDIN, Mr. SMITH, Mr. HAGEL, Mr. COLEMAN, and Mr. BOND):

S. 2829. A bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. MCCONNELL) (by request):

S. 2830. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(c) of Public Law 107–210.

By Mr. DORGAN (for himself and Mr. INOUYE):

S. 2831. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. STEVENS):

S. Res. 505. A resolution commending the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I Basketball Championship; considered and agreed to.

By Mr. NELSON of Nebraska:

S. Res. 506. A resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. DODD, and Ms. COLLINS):

S. Con. Res. 74. A concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 582

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 630

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 630, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 2170

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

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2674

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2674, a bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes.

S. 2749

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2749, a bill to ensure that the highest priority for HIV/AIDS-related funding is saving lives most immediately and urgently threatened by HIV–AIDS, including babies at risk of being infected at birth.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2821

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2822

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2822, a bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas.

S. RES. 504

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 504, a resolution condemning the violence in Tibet and calling for restraint by the Government of the People's Republic of China and the people of Tibet.

AMENDMENT NO. 4384

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4384 proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4427

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 4427 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4437

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4437 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4441

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4441 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4442

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4442 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4464

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4472

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 4472 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to

provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4481

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4481 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

AMENDMENT NO. 4484

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 4484 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 4484 intended to be proposed to H.R. 3221, supra.

AMENDMENT NO. 4489

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 4489 intended to be proposed to H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. MCCONNELL) (by request):

S. 2830. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(c) of Public Law 107–210.

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

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

S. 2830

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Colombia Trade Promotion Agreement Implementation Act''.

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

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Colombia entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Colombia for their mutual benefit;

(3) to establish free trade between the United States and Colombia through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Colombia Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3–C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Colombia Trade Promotion Agreement entered into on November 22, 2006, with the Government of Colombia, as amended on June 28, 2007, by the United States and Colombia, and submitted to Congress on April 8, 2008; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on April 8, 2008.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Colombia has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Colombia providing for the entry into force, on or after January 1, 2009, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States; or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except

in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2008 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 140 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex

2.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in years 1 through 4, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in years 5 through 7, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in years 8 through 9, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Colombia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Colombia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Colombia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Colombia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3–A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3–A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Colombia, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AV.—The term ''AV'' means the adjusted value of the good.

(ii) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AV.—The term ''AV'' means the adjusted value of the good.

(ii) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Colombia.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Colombia or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Colombia or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Colombia, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of Colombia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Colombia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3–A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Colombia, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Colombia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3–A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Colombia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Colombia or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Colombia or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3–A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the recognized consensus or substantial authoritative support in the territory of Colombia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF COLOMBIA, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Colombia, the United States, or both'' means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Colombia, the United States, or both.

(B) Live animals born and raised in the territory of Colombia, the United States, or both.

(C) Goods obtained in the territory of Colombia, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Colombia, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Colombia, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Colombia or the United States by—

(i) a vessel that is registered or recorded with Colombia and flying the flag of Colombia; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Colombia and flies the flag of Colombia; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Colombia or a person of Colombia from the seabed or subsoil outside the territorial waters of Colombia, if Colombia has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Colombia or the United States or a person of Colombia or the United States and not processed in the territory of a country other than Colombia or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Colombia, the United States, or both; or

(ii) used goods collected in the territory of Colombia, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Colombia, the United States, or both, from used goods, and used in the territory of Colombia, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Colombia, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms ''nonoriginating good'' and ''nonoriginating material'' mean a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during

its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that is applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Colombia or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Colombia or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term ''total cost''—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Colombia, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term ''product costs'' means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term ''period costs'' means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term ''other costs'' means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN COLOMBIA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3-B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''interested entity'' means the Government of Colombia, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States and to add that fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Colombia or the United States; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3-B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3-B of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Colombia or the United States.

(iv) A proclamation under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (18), the following:

''(19) No fee may be charged under subsection (a)(9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2013.

(c) REFUND.—Any fee described in paragraph (19) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) (as added by subsection (a)) that is paid on or after the date that the United States-Colombia Trade Promotion Agreement enters into force and before October 1, 2013, shall be refunded with interest if application for such refund is made on or after October 1, 2013, and before July 1, 2014.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph:

''(11) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States- Colombia Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

(2) by adding at the end the following new subsection:

''(j) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CTPA certification of origin (as defined in section 508(i)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a CTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(j) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Colombia Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act for which''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following new subsection:

''(i) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) CTPA CERTIFICATION OF ORIGIN.—The term 'CTPA certification of origin' means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO COLOMBIA.—Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (j), as so redesignated by striking ''(f), (g), or (h)'' and inserting ''(f), (g), (h), or (i)''.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Colombia to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Colombia is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Colombia,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if

the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

(f) VERIFICATIONS IN THE UNITED STATES.—If the government of a country that is a party to a free trade agreement with the United States makes a request for a verification pursuant to that agreement, the Secretary may request a verification of the production of any textile or apparel good in order to assist that government in determining—

(1) whether a claim of origin under the agreement for a textile or apparel good is accurate; or

(2) whether an exporter, producer, or other enterprise located in the United States involved in the movement of textile or apparel goods from the United States to the territory of the requesting government is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COLOMBIAN ARTICLE.—The term ''Colombian article'' means an article that qualifies as an originating good under section 203(b).

(2) COLOMBIAN TEXTILE OR APPAREL ARTICLE.—The term ''Colombian textile or apparel article'' means a textile or apparel good (as defined in section 3(4)) that is a Colombian article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Colombian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Colombian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Colombian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Colombian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Colombia Trade Promotion Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF COLOMBIA.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative

determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of Colombia that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF COLOMBIA.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action goods of Colombia with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (vi);

(2) by striking the period at the end of clause (vii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(viii) a party to the United States-Colombia Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

TITLE V—OFFSETS

SEC. 501. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) shall be applied by extending by 155 days the date in effect on the date of the enactment of this Act after which fees may not be charged under paragraphs (9) and (10) of subsection (a) of such section 13031.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) shall be applied by extending by 155 days the date in effect on the date of the enactment of this Act after which fees may not be charged under paragraphs (1) through (8) of subsection (a) of such section 13031.

SEC. 502. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) CORPORATE ESTIMATED TAX DUE IN 2012.—The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (Public Law 109–222; 26 U.S.C. 6655 note) in effect on the date of the enactment of this Act is increased by 1 percentage point.

(b) CORPORATE ESTIMATED TAX DUE IN 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (Public Law 109–222; 26 U.S.C. 6655 note) in effect on the date of the enactment of this Act is increased by 2 percentage points.

By Mr. DORGAN (for himself and Mr. INOUYE):

S. 2831. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing the Federal Trade Commission Reauthorization Act of 2008. I am joined by Senator INOUYE. We seek with this reauthorization to give the Federal Trade Commission, FTC, what it needs to protect consumers from unfair or deceptive practices and unfair methods of competition.

The agency has a very important mission, but needs more resources and authority. The number of FTC employees has been greatly reduced from its pre-1980 high of 1,746, and the agency currently has approximately 1,102 employees. We need to make sure that they have the manpower and the technology to protect consumers.

I'd like to take a second to highlight one of the areas where the FTC needs authority most. The subprime loan market was an orgy of greed from a large number of lenders who knowingly put borrowers in mortgage loans that they could not afford—while at the same time loading up these loans with provisions that trigger large fees and penalties.

The mortgage brokers ran ads from coast to coast—you have seen them: ''Do you have bad credit? Do you have trouble getting a loan? Have you been missing payments on your home loan? Have you filed for bankruptcy? It doesn't matter. Come to us; we will give you a loan.''

Many borrowers were brought in by teaser rates, interest-only payments, no payments for 12 months, etc. Loans had quick resets to higher and unaffordable interest rates. Loans had prepayment penalties. Marketed loan payment amounts did not include escrowed amounts, taxes, insurance, and other financial obligations. These unfair and deceitful advertisements are still on Web sites for lenders across the country today. The FTC needs the authority to stop this practice and resources to investigate and go after the bad actors.

Let me tell you a bit about what the bill does. The bill provides for a 7-year reauthorization starting in 2009. We set the fiscal year 2009 funding at $264 million and increase it by 10 percent per year. In addition, we give them an additional $20 million to be used by the commission to improve technology in support of its competition and consumer protection missions.

We give the FTC independent litigating authority so they won't have to refer their cases to the Department of Justice. We also give the FTC the authority to give preference in the hiring process to administrative law judges who have experience in their issues.

We provide the FTC the authority to commence a civil action to recover civil penalties in a district court for any violation of the FTC Act.

We extend their jurisdiction to allow them to go after nonprofit entities as well, so bad actors cannot hide behind nonprofit status, and we allow them to go after those aiding and abetting an FTC violation.

We also give them the authority, by majority vote of the full commission, to waive their current rulemaking requirements for any rule involving a consumer protection matter.

We require the FTC to conduct a rulemaking under the Administrative Procedures Act, APA, which is faster than their current Magnuson-Moss authority, in the area of subprime loans. The commission has sent 200 warning letters to mortgage advertisers and is conducting several investigations of mortgage advertisers and subprime lenders. In addition, the FTC has brought 21 cases in the last decade. But they haven't had the opportunity to review the bad practices and create a rule preventing their reoccurrence. We give them authority to create a rule preventing unfair or deceptive behavior by lenders and allow the State attorneys general to enforce the rule.

Finally, we repeal the common carrier exemption as the FTC has long been requesting. There are too many problems in the telecommunications world that need to be addressed by the FTC—consumers should not be left unprotected. We also make sure that the State Do Not Call laws are not preempted by Federal regulations.

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. 2831

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Trade Commission Reauthorization Act of 2008''.

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

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

''(1) $264,000,000 for fiscal year 2009;

''(2) $290,400,000 for fiscal year 2010;

''(3) $319,400,000 for fiscal year 2011;

''(4) $351,400,000 for fiscal year 2012;

''(5) $386,500,000 for fiscal year 2013;

''(6) $425,200,000 for fiscal year 2014; and

''(7) $467,700,000 for fiscal year 2015.

''(b) LITIGATION AND INTERNET COMMERCE TECHNOLOGY.—There are authorized to be appropriated to the Commission $20,000,000 for each of fiscal years 2009 through 2015 to be

used by the Commission to improve technology in support of the Commission's competition and consumer protection missions.

''(c) INTERNATIONAL TECHNICAL ASSISTANCE.—From amounts appropriated pursuant to subsection (a), the Commission may spend up to $10,000,000 for each of fiscal years 2009 through 2015 to continue and enhance its provision of international technical assistance with respect to foreign consumer protection and competition regimes.''.

SEC. 3. INDEPENDENT LITIGATION AUTHORITY.

Section 16(a) of the Federal Trade Commission Act (15 U.S.C. 56(a)) is amended—

(1) by striking paragraph (1) and inserting ''(1) The Commission may commence, defend, or intervene in, and supervise the litigation of any civil action involving this Act (including an action to collect a civil penalty) and any appeal of such action in its own name by any of its attorneys designated by it for such purpose. The Commission shall notify the Attorney General of any such action and may consult with the Attorney General with respect to any such action or request the Attorney General on behalf of the Commission to commence, defend, or intervene in any such action.'';

(2) by striking subparagraph (A) of paragraph (3) and inserting ''(A) The Commission may represent itself through any of its attorneys designated by it for such purpose before the Supreme Court in any civil action in which the Commission represented itself pursuant to paragraph (1) or (2) or may request the Attorney General to represent the Commission before the Supreme Court in any such action.''; and

(3) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

SEC. 4. SPECIALIZED ADMINISTRATIVE LAW JUDGES.

(a) IN GENERAL.—In appointing administrative law judges under section 3105 of title 5, United States Code, to conduct hearings and render initial decisions in formal adjudicative matters before it, the Federal Trade Commission may give preference to administrative law judges who have experience with antitrust or trade regulation litigation and who are familiar with the kinds of economic analysis associated with such litigation.

(b) DETAILS.—If the Commission asks the Office of Personnel Management to assign an administrative law judge under section 3344 of title 5, United States Code, to conduct a hearing or render an initial decision in a formal adjudicative matter before it, the Commission may request the assignment of an administrative law judge who has experience with antitrust or trade regulation litigation and is familiar with the kinds of economic analysis associated with such litigation and the Office of Personnel Management shall comply with the request to the maximum extent feasible.

SEC. 5. CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL TRADE COMMISSION ACT.

Section 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(A)) is amended—

(1) by inserting ''this Act, or'' after ''violates'' the first place it appears; and

(2) by inserting ''a violation of this Act or such act is'' after ''such act is''.

SEC. 6. APPLICATION OF FEDERAL TRADE COMMISSION ACT TO TAX-EXEMPT ORGANIZATIONS.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking ''members.'' in the second full paragraph and inserting ''members, and includes an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.''.

SEC. 7. AIDING AND ABETTING A VIOLATION.

Section 10 of the Federal Trade Commission Act (15 U.S.C. 50) is amended by adding at the end thereof the following:

''It is unlawful for any person to aid or abet another in violating any provision of this Act or any other Act enforceable by the Commission.''.

SEC. 8. PERMISSIVE ADMINISTRATIVE PROCEDURE FOR CONSUMER PROTECTION RULES.

(a) IN GENERAL.—Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) is amended by adding at the end thereof the following:

''(k) ALTERNATIVE RULEMAKING PROCEDURE.—The Commission may, by majority vote of the full Commission, dispense with the requirements of other provisions of this section and of section 22 of this Act with respect to rulemaking involving a consumer protection matter (as determined by the Commission). If the Commission dispenses with such requirements with respect to such a rulemaking, it shall conduct such rulemaking in accordance with section 553 of title 5, United States Code, and in such case the provisions for judicial review of rules promulgated under section 553 of title 5 shall apply.''.

SEC. 9. RULEMAKING PROCEDURE FOR SUBPRIME LENDING MORTGAGES AND NONTRADITIONAL MORTGAGE LOANS.

Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), as amended by section 8, is further amended by adding at the end thereof the following:

''(l) SPECIAL RULE FOR CERTAIN MORTGAGE-RELATED RULEMAKINGS.—Notwithstanding any other provision of this section, section 22 of this Act, or any other provision of law, the Commission shall conduct rulemaking proceedings with respect to subprime mortgage lending and nontraditional mortgage loans in accordance with section 553 of title 5, United States Code, and the provisions for judicial review of rules promulgated under section 553 of title 5 shall apply.''.

SEC. 10. HARMONIZING FTC RULES WITH BANKING AGENCY RULEMAKING.

(a) IN GENERAL.—The second sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(1) by striking ''The Board of Governors of the Federal Reserve System (with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))'' and inserting ''Each Federal banking agency (with respect to the depository institutions each such agency supervises)''; and

(2) by inserting ''in consultation with the Commission'' after ''shall prescribe regulations''.

(b) FTC CONCURRENT RULEMAKING.—Section 18(f)(1) of such Act is further amended by inserting after the second sentence the following: ''Such regulations shall be prescribed jointly by such agencies to the extent practicable. Notwithstanding any other provision of this section, whenever such agencies commence such a rulemaking proceeding, the Commission, with respect to the entities within its jurisdiction under this Act, may commence a rulemaking proceeding and prescribe regulations in accordance with section 553 of title 5, United States Code. If the Commission commences such a rulemaking proceeding, the Commission, the Federal banking agencies, and the National Credit Union Administration Board shall consult and coordinate with each other so that the regulations prescribed by each such agency are consistent with and comparable to the regulations prescribed by each other such agency to the extent practicable.''.

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the status of regulations of the Federal banking agencies and the National Credit Union Administration regarding unfair and deceptive acts or practices by the depository institutions.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''banks or savings and loan institutions described in paragraph (3), each agency specified in paragraph (2) or (3) of this subsection shall establish'' and inserting ''depository institutions and Federal credit unions, the Federal banking agencies and the National Credit Union Administration Board shall each establish''; and

(B) by striking ''banks or savings and loan institutions described in paragraph (3), subject to its jurisdiction'' before the period and inserting ''depository institutions or Federal credit unions subject to the jurisdiction of such agency or Board'';

(2) in the sixth sentence of paragraph (1) (as amended by subsection (b))—

(A) by striking ''each such Board'' and inserting ''each such banking agency and the National Credit Union Administration Board'';

(B) by striking ''banks or savings and loan institutions described in paragraph (3)'' each place such term appears and inserting ''depository institutions subject to the jurisdiction of such agency'';

(C) by striking ''(A) any such Board'' and inserting ''(A) any such Federal banking agency or the National Credit Union Administration Board''; and

(D) by striking ''with respect to banks, savings and loan institutions'' and inserting ''with respect to depository institutions'';

(3) by adding at the end of paragraph (1) the following new sentence: ''For purposes of this subsection, the terms 'Federal banking agency' and 'depository institution' have the same meaning as in section 3 of the Federal Deposit Insurance Act.'';

(4) in paragraph (2)(C), by inserting ''than'' after ''(other'';

(5) in paragraph (3), by inserting ''by the Director of the Office of Thrift Supervision'' before the period at the end;

(6) in paragraph (4), by inserting ''by the National Credit Union Administration'' before the period at the end; and

(7) in paragraph (6), by striking ''the Board of Governors of the Federal Reserve System'' and inserting ''any Federal banking agency or the National Credit Union Administration Board''.

SEC. 11. ENFORCEMENT BY STATE ATTORNEYS GENERAL

(a) IN GENERAL.—Except as provided in subsection (f), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of the Federal Trade Commission Act or any other Act enforced by the Federal Trade Commission to obtain penalties and relief provided under such Acts whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of a subprime mortgage lending rule or a nontraditional mortgage loan rule promulgated by the Federal Trade Commission.

(b) NOTICE.—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) INTERVENTION BY FTC.—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;

(2) remove the action to the appropriate United States district court; and

(3) file petitions for appeal of a decision in such civil action.

(d) SAVINGS CLAUSE.—Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. 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) VENUE; SERVICE OF PROCESS; JOINDER.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the lender or a related party operates or 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 lender or related party to 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) PREEMPTIVE ACTION BY FTC.—Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any rule described under (a), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(g) AWARD OF COSTS AND FEES.—If the attorney general of a State prevails in any civil action under subsection (a), the State can recover reasonable costs and attorney fees from the lender or related party.

SEC. 12. HARMONIZATION OF NATIONAL DO-NOT-CALL REGISTRY AND EFFECT ON STATE LAWS.

(a) AMENDMENT OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 5 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end thereof the following:

''(d) STATE LAWS NOT PREEMPTED.—Nothing in this Act or the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) preempts any State law that imposes more restrictive requirements on intrastate or interstate telemarketing to telephone numbers on a do-notWithin 2 years of the completion of the Federal Trade Commission study entitled ″Self Regulation in the Alcohol Industry″-call registry maintained by that State.''.

(b) CONFORMING AMENDMENT.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting ''interstate or'' after ''restrictive''.

SEC. 13. FTC STUDY OF ALCOHOLIC BEVERAGE MARKETING PRACTICES.

Within 2 years after the Federal Trade Commission completes its study entitled Self-Regulation in the Alcohol Industry and every 2 years thereafter, the Commission shall transmit a report to the Congress on advertising and marketing practices for alcoholic beverages, together with such recommendations, including legislative recommendations, as the Commission deems appropriate. In preparing the report, the Commission shall consider information contained in reports by the Secretary of Health and Human services under section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b), and shall include, to the extent feasible, data on measured and unmeasured media by brand and type of beverage, and data on expenditures for slotting and discounting.

SEC. 14. COMMON CARRIER EXCEPTION.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking the paragraph containing the definition of the term ''Acts to regulate commerce'' and inserting the following:

'' 'Acts to regulate commerce' means subtitle IV of title 49, United States Code, and all Acts amendatory thereof and supplementary thereto.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—COMMENDING THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. STEVENS) submitted the following resolution; Which was considered and agreed to:

S. RES. 505

Whereas, on April 7th, 2008, the University of Kansas men's basketball team won its third NCAA Division I Basketball Championship and fifth national title with its 75-68 overtime win over the University of Memphis—on the twentieth anniversary of the historic win by the team lead by Danny Manning known as ''Danny and the Miracles'';

Whereas, with this win the Jayhawks achieved a school record for all-time season wins, posting a 37–3 win-loss record during their run for the title, and finished the season with a thirteen-game winning streak, securing the Big XII Conference Championship title after starting the season with a twenty-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas, Head Coach Bill Self improved his all-time record at Kansas to 142–32 and 12–4 in the tournament assisted by a miraculous last-minute three-point shot by guard Mario Chalmers;

Whereas, Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the all-tournament team along with guards Brandon Rush and Darrell Arthur;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Kansas Jayhawks reached their goal of capturing a national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its third NCAA Division I Basketball Championship and fifth national championship;

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Kansas for appropriate display;

(B) the Chancellor of the University of Kansas, Robert Hemenway;

(C) the Athletic Director of the University of Kansas, Lew Perkins;

(D) the Head Coach of the University of Kansas men's basketball team, Bill Self.

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE THAT FUNDING PROVIDED BY THE UNITED STATES TO THE GOVERNMENT OF IRAQ IN THE FUTURE FOR RECONSTRUCTION AND TRAINING FOR SECURITY FORCES BE PROVIDED AS A LOAN TO THE GOVERNMENT OF IRAQ

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 506

Whereas the United States has been engaged in Iraq for more than 5 years at a great cost to the United States in both lives and resources;

Whereas March 19, 2008, marked the fifth anniversary of the engagement of the United States in Iraq;

Whereas the United States Government has spent $600,000,000,000 to fight the war in Iraq and that expenditure has contributed greatly to the Nation's debt;

Whereas taxpayers in the United States have provided $45,000,000,000 in funding for reconstruction to the country and the Government of Iraq;

Whereas world oil prices have reached more than $100 a barrel;

Whereas consumers in the United States are paying record gas prices of approximately $3.29 a gallon;

Whereas, when the war began, Deputy Secretary of Defense Paul Wolfowitz said, ''We're dealing with a country that can really finance its own reconstruction, and relatively soon.'';

Whereas, due to high oil prices and expanded oil production, it has been predicted that the Government of Iraq is likely to experience an enormous revenue windfall;

Whereas, in January 2008, the Government Accountability Office issued a report stating that, according to Iraq's official expenditure reports, the Government of Iraq had spent only 4.4 percent of its $10,100,000,000 investment budget as of August 2007;

Whereas Iraq has not made satisfactory progress toward achieving the political benchmarks established by Congress; and

Whereas the Government of Iraq needs to invest in the future of Iraq by paying a larger share of the costs of reconstruction: Now, therefore, be it

Resolved, That it is the sense of the Senate that any funding provided by the United States to the Government of Iraq for reconstruction and training for security forces after the date on which the Senate agrees to this resolution be provided as a loan to the Government of Iraq.

SENATE CONCURRENT RESOLUTION 74—HONORING THE PRIME MINISTER OF IRELAND, BERTIE AHERN, FOR HIS SERVICE TO THE PEOPLE OF IRELAND AND TO THE WORLD AND WELCOMING THE PRIME MINISTER TO THE UNITED STATES

Mr. KENNEDY (for himself, Mr. DODD, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 74

Whereas the Members of the Senate and the House of Representatives are saddened that the Prime Minister of Ireland, Bertie Ahern, has announced that he will resign on May 6, 2008;

Whereas Prime Minister Ahern has served the people of Ireland with distinction for many years and has been an extraordinary friend to the United States throughout his years in office;

Whereas, during his extensive period of public service, Prime Minister Ahern has made significant contributions to an unprecedented era of peace, prosperity, and progress in Ireland;

Whereas Prime Minister Ahern entered politics in 1977 and has been elected 10 times in the past 31 years by the people of Dublin Central;

Whereas Prime Minister Ahern was elected leader of Fianna Fáil in 1994 and became Prime Minister in 1997;

Whereas Prime Minister Ahern is the second-longest-serving Taoiseach, or Prime Minister, in the history of Ireland, and the second-longest-serving leader of Fianna Fáil;

Whereas Prime Minister Ahern is the first Taoiseach since 1944 to be elected on 3 successive occasions;

Whereas Prime Minister Ahern has been fully committed to strengthening the economy of Ireland and, under his leadership, Ireland became more prosperous than at any time in the history of the country and became world-renowned as the ''Celtic Tiger'';

Whereas the people of Ireland have benefitted from a significantly improved quality of life during Prime Minister Ahern's service as Taoiseach;

Whereas Prime Minister Ahern promised years ago that one of his highest priorities was to end the decades-long cycle of hatred and violence in Northern Ireland;

Whereas Prime Minister Ahern kept that promise and worked assiduously to achieve the peace that Northern Ireland enjoys today;

Whereas the former Prime Minister of the United Kingdom, Tony Blair, described Prime Minister Ahern as a ''remarkable leader'' and stated that Prime Minister Ahern ''will always be remembered for his crucial role in bringing about peace in Northern Ireland, [and] for transforming relations between Britain and the Irish Republic''; and

Whereas Prime Minister Ahern will address a joint session of Congress on April 30, 2008: Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) the Prime Minister of Ireland, Bertie Ahern, has been a strong and effective leader for the people of Ireland and a good friend to the United States;

(B) the skillful leadership of Prime Minister Ahern was indispensable in finally achieving a successful resolution of the longstanding conflict in Northern Ireland; and

(C) the legacy of Prime Minister Ahern is clear and his contribution to peace is enormous;

(2) Congress thanks Prime Minister Ahern on behalf of the people of the United States, wishes him well, and hopes his unique talents will be of service in resolving conflicts elsewhere in the years ahead in our divided world; and

(3) the Members of the Senate and the House of Representatives look forward to paying fitting and fond tribute to Prime Minister Ahern when he addresses a joint session of Congress on April 30, 2008.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4495. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4425 submitted by Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) and intended to be proposed to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4496. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4497. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4498. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4395 submitted by Mr. BUNNING and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4499. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4500. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4448 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4501. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4502. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4503. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4504. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4505. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4507. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr . SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4508. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4509. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4429 submitted by Mr. ALEXANDER (for himself and Mr. KYL) to the amendment SA 4419 proposed by Mr. ENSIGN to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4510. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4511. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4423 proposed by Mr. NELSON of Florida (for himself and Mr. COLEMAN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4512. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4433 submitted by Mrs. LINCOLN (for Ms. SNOWE) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4513. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4514. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4384 proposed by Mr. SANDERS to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4515. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr . SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr.

SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4516. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4421 proposed by Mr. CARDIN (for himself and Mr. ENSIGN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4517. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4401 submitted by Mr. SANDERS (for himself and Mr. DURBIN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4494. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,862,500,000 and the amount appropriated under section 401 of this Act shall be $237,500,00: Provided, That, of amounts appropriated under such section 401 $37,500,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to (1) make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys trained and capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure who have legal issues that cannot be handled by counselors already employed by such intermediaries, and (2) support NRC partnerships with State and local legal organizations and organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code with demonstrated relevant legal experience in home foreclosure law, as such experience is determined by the Chief Executive Officer of NRC: Provided further, That for the purpose of the prior proviso the term ''relevant experience'' means experience representing homeowners in negotiations and or legal proceedings aimed at preventing or mitigating foreclosure or providing legal research and technical legal expertise to community based organizations whose goal is to reduce, prevent, or mitigate foreclosure: Provided further, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance.

SA 4495. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4425 submitted by Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) and intended to be proposed to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. NEW RESTAURANT PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Clause (i) of section 168(k)(2)(A) of the Internal Revenue Code of 1986 (relating to qualified property) is amended by striking ''or'' at the end of subclause (III), by inserting ''or'' at the end of subclause (IV), and by adding at the end the following new subclause:

''(V) which is new restaurant property,''.

(b) QUALIFIED NEW RESTAURANT PROPERTY.—Subsection (k) of section 168 of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) QUALIFIED NEW RESTAURANT PROPERTY.—For purposes of this subsection, the term 'qualified new restaurant property' means any section 1250 property which is a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 4496. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF MOVING TO WORK DEMONSTRATION AGREEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall extend the effective period of the Moving to Work Demonstration Agreement entered into between the Philadelphia Housing Authority and the Department of Housing and Urban Development on or about February 28, 2002, pursuant to section 204 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the heading ''Public Housing/Moving to Work Demonstration'' (Public Law 104-134, 110 Stat. 1321-281) for the 45-day period beginning on April 1, 2008.

(b) COMPLIANCE REVIEW.—If the Philadelphia Housing Authority submits certifications by an independent expert verifying that at least 5 percent of its public housing units are in compliance with section 504 of the Rehabilitation Act of 1973, and such certifications are satisfactory to the Secretary, the Secretary shall further extend the Moving to Work Demonstration Agreement for an additional 1 year period.

(c) TERMS AND CONDITIONS.—Any extension of the Moving to Work Demonstration Agreement under this section shall be under the same terms and conditions as were applicable to the original agreement.

(d) LIMITATION ON ACTIONS OF THE SECRETARY.—The Secretary may not terminate or take any adverse action with respect to an agreement described in subsection (a) or any extension thereto—

(1) unless there has been an express finding, on the record, after opportunity for a hearing, of a failure by the Housing Authority to comply with the terms of the agreement or otherwise applicable provisions of law; and

(2) before the expiration of the 30-day period beginning on the date on which the Secretary has filed with the appropriate committees of Congress a full written report of the circumstances and the grounds for such action.

SA 4497. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike titles III and IV and insert the following:

TITLE III—TIMING OF THE HOME MORTGAGE DEDUCTION

SEC. 301. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) IN GENERAL.—Paragraph (2) of section 461(g) of the Internal Revenue Code of 1986 (relating to prepaid interest) is amended—

(1) by striking ''This subsection'' and inserting the following:

''(A) IN GENERAL.—This subsection'', and

(2) by adding at the end the following new subparagraph:

''(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

''(i) IN GENERAL.—This subsection shall not apply to points paid—

''(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

''(II) before January 1, 2011.

''(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

''(I) the amount of the refinanced indebtedness, plus

''(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

''(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.''.

(b) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) of such Code is amended by striking ''EXCEPTION'' and inserting ''EXCEPTIONS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2007.

SA 4498. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4395 submitted by Mr. BUNNING and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. _____. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 461(g) of the Internal Revenue Code of 1986 (relating to prepaid interest) is amended—

(A) by striking ''This subsection'' and inserting the following:

''(A) IN GENERAL.—This subsection'', and

(B) by adding at the end the following new subparagraph:

''(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

''(i) IN GENERAL.—This subsection shall not apply to points paid—

''(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

''(II) before January 1, 2011.

''(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

''(I) the amount of the refinanced indebtedness, plus

''(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

''(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.''.

(2) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) of such Code is amended by striking ''EXCEPTION'' and inserting ''EXCEPTIONS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid in taxable years beginning after December 31, 2007.

(b) OFFSET.—There is hereby rescinded 100 percent of budget authority provided for the appropriations in titles III and IV.

SA 4499. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR REFINANCING SUBPRIME LOANS AND CERTAIN RESIDENCES AFFECTED BY THE 2005 HURRICANES.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR CERTAIN REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

''(i) is a mortgage on a residence and which was originally financed by the mortgagor through a qualified subprime loan, or

''(ii) is a mortgage on a residence—

''(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

''(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

''(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) USE OF ADDITIONAL VOLUME CAP FOR PURCHASES OF CERTAIN HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Subparagraph (B) of section 146(d)(5) of the Internal Revenue Code of 1986, as added by subsection (d), is amended by striking clause (ii) and inserting the following:

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) an issuance described in clause (iii).

''(iii) CERTAIN QUALIFIED MORTGAGE ISSUES.—A issuance is describe in this clause if such issuance is a qualified mortgage issue, determined—

''(I) by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i), and

''(II) in the case of a qualified residence, without regard to section 143(d).

''(iv) QUALIFIED RESIDENCE.—For purposes of clause (iii), the term 'qualified residence' means any residence—

''(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

''(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

''(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.''.

(c) EMERGENCY DESIGNATION RELATED TO SUBSECTIONS (a) AND (b).—For purposes of Senate enforcement, all provisions of subsections (a) and (b) are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(d) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

SA 4500. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4448 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 4387 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy

infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, beginning on line 16, strike through page 3, line 21, and insert the following:

''(ii) a residence that is damaged as a result of Hurricane Katrina, or Hurricane Rita, and that has been sold or transferred to the State of Louisiana or an agency or political subdivision thereof as a result of such damage.

''(B) SINGLE-FAMILY.—For purposes of subparagraph (A)(ii), the term 'single-family' includes 2, 3, or 4 family residences one unit of which was occupied by the owner of the units at the time of the occurrence of the damage described in such subparagraph.

''(C) CERTIFICATION.—

''(i) NEW PREVIOUSLY UNOCCUPIED RESIDENCE.—In the case of an eligible single-family residence described in subparagraph (A)(i)(II)(aa), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

''(ii) RESIDENCE TRANSFERRED AS A RESULT OF HURRICANE.—In the case of an eligible single-family residence described in subparagraph (A)(ii), no credit shall be allowed under this section unless the purchaser submits a certification by the State of Louisiana or by the appropriate agency or subdivision thereof that such residence meets the requirements of such subparagraph.''.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(c) SPECIAL RULE FOR RESIDENCES TRANSFERRED AS A RESULT OF HURRICANE DAMAGE.—Section 25E, as added by subsection (a) and amended by subsection (d), is amended by adding at the end of subsection (f) of such section the following:

''(4) HOMES TRANSFERRED AS A RESULT OF HURRICANE.—In the case of a qualified principal residence described in subsection (c)(2)(A)(ii)—

''(A) LIMITATION BASED ON INCOME.—No credit shall be allowed under this section if the taxpayer's adjusted gross income for the taxable year exceeds $50,000 ($100,000 in the case of a joint return).

''(B) RECAPTURE PERIOD.—Subsection (e) shall be applied by substituting '36 months' for '24 months'.''.

(d) DEFINITION OF PRINCIPAL RESIDENCE; SPECIAL RULES.—Section 25E, as added by subsection (a), is amended by adding at the end the following:

SA 4501. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

Subtitle C—Revenue Provisions

SEC. 831. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).''.

(2) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a major integrated oil company (as defined in section 167(h)(5)(B))) has oil related qualified production activities income for any taxable year beginning after 2009, the amount of the deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 832. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) of this amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4502. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. ENSIGN and intended to be proposed to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 8, and insert the following:

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''before January 1, 2008'' and inserting ''by a taxpayer which is an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) before January 1, 2010''.

SA 4503. Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 14, strike lines 18 through 21, and insert the following:

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''before January 1, 2008'' and inserting ''by a taxpayer which is an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) before January 1, 2010''.

SA 4504. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end add the following:

Subtitle C—Biofuels

SEC. 831. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the cellulosic biofuel producer credit.''.

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means the excess of—

''(i) $1.25, over

''(ii) the sum of—

''(I) the amount of the credit in effect for alcohol which is ethanol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

''(II) the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and any petroleum fuel product which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(E) CELLULOSIC BIOFUEL.—

''(i) IN GENERAL.—The term 'cellulosic biofuel' has the meaning given such term under section 168(l)(3), but does not include any alcohol with a proof of less than 150.

''(ii) DETERMINATION OF PROOF.—The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2007, and before April 1, 2015.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(G)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount for each gallon of such cellulosic biomass biofuel.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States.''.

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting ''(determined without regard to any qualified cellulosic biofuel production'' after ''15,000,000 gallons''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2007.

SEC. 832. EXTENSION AND MODIFICATION OF CREDIT FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.

(a) EXTENSION.—

(1) INCOME TAX CREDITS FOR BIODIESEL AND RENEWABLE DIESEL AND SMALL AGRI-BIODIESEL PRODUCER CREDIT.—Section 40A(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010 (December 31, 2012, in the case of the credit allowed by reason of subsection (a)(3))''.

(2) EXCISE TAX CREDIT.—Section 6426(c)(6) (relating to termination) is amended by striking ''2008'' and inserting ''2010''.

(3) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(5)(B) (relating to termination) is amended by striking ''2008'' and inserting ''2010''.

(b) MODIFICATION OF CREDIT FOR RENEWABLE DIESEL.—Section 40A(f) (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR CO-PROCESSED RENEWABLE DIESEL.—In the case of a taxpayer which produces renewable diesel through the co-processing of biomass and petroleum at any facility, this subsection shall not apply to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a mixture described in subsection (b)(1)(B) as exceeds 60,000,000 gallons.''.

(c) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

''The term 'renewable diesel' also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SA 4505. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and

to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000 and the increase in volume cap for certain bonds under section 602(b)(1) of this Act, shall be as follows:

SA 4506. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted by said amendment, insert the following:

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,900,000,000 and the amount appropriated under section 401 of this Act shall be $200,000,000.

SA 4507. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for hime1f and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the word ''amount'' the first time it appears, and insert the following:

''appropriated under section 301(a) of this Act shall be $3,899,000,000 and the amount appropriated under section 401 of this Act shall be $201,000,000.''

SA 4508. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR REFINANCING SUBPRIME LOANS AND CERTAIN RESIDENCES AFFECTED BY THE 2005 HURRICANES.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR CERTAIN REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage which—

''(i) is a mortgage on a residence and which was originally financed by the mortgagor through a qualified subprime loan, or

''(ii) is a mortgage on a residence—

''(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

''(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

''(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) USE OF ADDITIONAL VOLUME CAP FOR PURCHASES OF CERTAIN HOMES DAMAGED BY HURRICANES KATRINA, RITA, AND WILMA.—Subparagraph (B) of section 146(d)(5) of the Internal Revenue Code of 1986, as added by subsection (d), is amended by striking clause (ii) and inserting the following:

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) an issuance described in clause (iii).

''(iii) CERTAIN QUALIFIED MORTGAGE ISSUES.—A issuance is describe in this clause if such issuance is a qualified mortgage issue, determined—

''(I) by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i), and

''(II) in the case of a qualified residence, without regard to section 143(d).

''(iv) QUALIFIED RESIDENCE.—For purposes of clause (iii), the term 'qualified residence' means any residence—

''(I) located in the Gulf Opportunity Zone (as defined in section 1400M(1)) and damaged or rendered uninhabitable by reason of Hurricane Katrina,

''(II) located in the Rita GO Zone (as defined in section 1400M(3)) and damaged or rendered uninhabitable by reason of Hurricane Rita, or

''(III) located in the Wilma GO Zone (as defined in section 1400M(5)) and damaged or rendered uninhabitable by reason of Hurricane Wilma.''.

(c) EMERGENCY DESIGNATION RELATED TO SUBSECTIONS (a) AND (b).—For purposes of Senate enforcement, all provisions of subsections (a) and (b) are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

(d) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

SA 4509. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4429 submitted by Mr. ALEXANDER (for himself and Mr. KYL) to the amendment SA 4419 proposed by Mr. ENSIGN to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4510. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4419 proposed by Mr. ENSIGN to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4511. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 4423 proposed by Mr. NELSON of Florida (for himself and Mr. COLEMAN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4512. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4433 submitted by Mrs. LINCOLN (for Ms. SNOWE) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4513. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4404 proposed by Ms. LANDRIEU to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4514. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4384 proposed by Mr. SANDERS to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4515. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4478 submitted by Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, and Mr. BROWN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4516. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4421 proposed by Mr. CARDIN (for himself and Mr. ENSIGN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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SA 4517. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4401 submitted by Mr. SANDERS (for himself and Mr. DURBIN) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) MAXIMUM INSURED MORTGAGE LOAN RATE.—Notwithstanding any other provision of law, the annual percentage rate applicable to any loan that is insured

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AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 9:30 a.m., in open session to receive testimony on the situation in Iraq and progress made by the Government of Iraq in meeting benchmarks and achieving reconciliation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 8, 2008 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''S. 970, the Iran Counter-Proliferation Act of 2007.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Tuesday, April 8, 2008, at 9:30 a.m., to hold a nomination hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., to hold a hearing on Iraq.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on April 8, 2008, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The adequacy of Representation in Capital Cases'' on Tuesday, April 8, 2008, at 10:15 a.m., in room SF–226 of the Dirksen Senate Office Building.

Witness List

Michael Greco, Former President of the American Bar Association, Kirkpatrick & Lockhart Preston Gates Ellis, Boston, MA; Bryan Stevenson, Executive Director, Equal Justice Initiative, Clinical Professor Law, New York University School of Law, Montgomery, AL; The Honorable Carolyn Engel Temin, Senior Judge, Court of Common Pleas of the First Judicial District of Pennsylvania, Philadelphia, PA; Donald Verrilli, Partner, Jenner & Block LLP, Washington, DC.

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

SUBCOMMITTEE ON SEAPOWER

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2008, at 2:30 p.m., in open session to receive testimony on Navy force structure requirements and programs to meet those requirements in review of the Defense authorization request for fiscal year 2009 and the future years defense program.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, April 8, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ayesha Khanna, a detailee with the Finance Committee staff, be allowed floor privileges today.

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

COMMENDING THE UNIVERSITY OF KANSAS MEN'S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 505, 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. 505) commending the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I basketball championship.

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

Mr. ROBERTS. Mr. President, it is my privilege today to submit S. Res. 505, along with Mr. BROWNBACK. It is my hope it will be considered hot-lined on both sides and passed later this afternoon.

This resolution is a commendation resolution on behalf of the University of Kansas Men's Basketball Team for winning the 2008 National Collegiate Athletic Association, NCAA, Division I, basketball championship as of last night.

This might be a little unique in that I am a graduate of Kansas State University, home of the ever-optimistic and fighting Wildcats. Sometimes we are rivals. In this particular case, all of Kansas, including every K State fan, stands in salute of the Jayhawks. It is clearly ''Rock Chalk, Jayhawk'' time in Kansas.

Mr. President, I will skip to the bottom line of the resolution, where it says:

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the university: Now, therefore be it resolved the Senate commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship.

The Secretary of the Senate will transmit enrolled copies of this resolution to the University of Kansas so they can display it; the chancellor of the university, Bob Hemenway, a great friend; the athletic director of the university, Lew Perkins; and the head coach of the team, Bill Self, who should remain at the University of Kansas. Those remarks were not prepared, but that is my advice.

For those of you who did not see the game last night—and it started at 9 p.m. and I know most Senators are probably asleep at 9 o'clock at night—trailing 60 to 51, with 2:12 seconds left in regulation, Kansas closed the second half with a 12–3 run, capped off by a Mario Chalmers' three-point basket, with 2.1 seconds remaining to force overtime. Kansas then outscored Memphis 12 to 5 in overtime to claim its third national championship.

As General Petraeus is here testifying before four committees in regard to national security and the war with Iraq, and when this Senate is considering a housing bill and stimulus package to help the economy, let us hope the example of the University of Kansas men's basketball team, in regard to their perseverance and dedication, will enable us to achieve our goals as well.

If you listen hard, from the mountains from which our acting Presiding Officer is so familiar, from Montana and further west, on to the high plains, to the Midwest, across the Appalachians, and clear to the east coast and our Nation's capital—if you listen hard, you can hear that chant, ''Rock Chalk, Jayhawk, KU–U–U.'' If we listen hard, maybe we can work together, follow their example of perseverance and unbelievable heroics to win the NCAA championship. Thus, sayeth this champion of Kansas State athletics on behalf of the University of Kansas and their basketball team.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 505) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 505

Whereas, on April 7th, 2008, the University of Kansas men's basketball team won its third NCAA Division I Basketball Championship and fifth national title with its 75–68 overtime win over the University of Memphis—on the twentieth anniversary of the historic win by the team led by Danny Manning known as ''Danny and the Miracles'';

Whereas, with this win the Jayhawks achieved a school record for all-time season wins, posting a 37–3 win-loss record during their run for the title, and finished the season with a thirteen-game winning streak, securing the Big XII Conference Championship title after starting the season with a twenty-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas, Head Coach Bill Self improved his all-time record at Kansas to 142–32 and 12–4 in the tournament assisted by a miraculous last-minute three-point shot by guard Mario Chalmers;

Whereas, Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the all-tournament team along with guards Brandon Rush and Darrell Arthur;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort

to ensuring that the Kansas Jayhawks reached their goal of capturing a national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas men's basketball team for winning the 2008 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its third NCAA Division I Basketball Championship and fifth national championship;

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Kansas for appropriate display;

(B) the Chancellor of the University of Kansas, Robert Hemenway;

(C) the Athletic Director of the University of Kansas, Lew Perkins;

(D) the Head Coach of the University of Kansas men's basketball team, Bill Self.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–16

Mr. DODD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 8, 2008, by the President of the United States: Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), (Treaty Document No. 110–16.)

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and the Plenipotentiary Conference (Marrakesh, 2002), together with the declarations and reservations by the United States, all as contained in the Final Acts of the Plenipotentiary Conference (Antalya, 2006). I transmit also, for the information of the Senate, the report of the Department of State concerning the amendments.

The Plenipotentiary Conference (Antalya, 2006) adopted amendments that, among other things: clarify the functions of certain International Telecommunication Union (ITU) officials and bodies; reduce the frequency of certain ITU conferences; clarify eligibility for re-election to certain ITU positions; enhance oversight of the ITU budget and provide for results-based (as well as cost-based) budget proposals; expand the scale of available contribution levels for Member States and Sector Members; and, clarify the definition of and role of observers participating in ITU proceedings.

Consistent with longstanding practice in the ITU, the United States, in signing the 2006 amendments, made certain declarations and reservations. Subject to those declarations and reservations, I believe the United States should ratify the 2006 amendments to the International Telecommunication Union Constitution and Convention. These amendments will contribute to the ITU's ability to adapt to changes in the global telecommunications sector and, in so doing, serve the needs of the United States Government and United States industry. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 8, 2008*.

ORDERS FOR WEDNESDAY, APRIL 9, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 9; 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 use later in the day, the Senate then proceed to a period of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 3221, and that all time during any morning business, recess, or adjournment of the Senate count postcloture.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. 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 6:35 p.m., adjourned until Wednesday, April 9, 2008, at 9:30 a.m.