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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, the way, the truth, and the life, give our lawmakers growth of ethical vision that, with the passing of years, they may enter into the fullness of faith. Uphold them in their disappointments and make them patient, even amid the unsolved mysteries of life's seasons. Let such robust confidence in You shine through their lives with such persuasive beauty that it will dispel the darkness of fear and doubt. Lift their lives from the battle zone of combative words to a caring community, where leaders communicate esteem and respect to each other. Lord, help them to trust in Your unfailing love and to rejoice at the unfolding of Your merciful providence.

We pray in the Name of the Prince of Peace. 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, May 13, 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, following leader time, the Senate will resume consideration of S. 2284, the flood insurance legislation. There will be 60 minutes for debate equally divided and controlled in the usual form prior to a series of votes. Senators should expect votes to begin shortly after 11, maybe 11:10 or thereabouts, in relation to the following items: The McConnell amendment on energy with a 60-vote threshold; Reid amendment on energy with a 60-vote threshold; passage of S. 2284, the flood insurance legislation; cloture on the motion to proceed to H.R. 980, first responders collective bargaining. As a reminder, the Senate will recess from 12:30 until 2:15 today to allow the weekly caucus luncheons to meet.

OBSTRUCTIONISM

Mr. REID. Mr. President, we have talked now for several months about the number of filibusters. Today, this will be raised to 71. Comments have been made by Republican leaders that it doesn't matter; we are just doing the people's business; we are only getting done what is important.

The American people know what is going on. It is obstructionism at its zenith, at its best. The American people are beginning clearly to see this issue. A story in newspapers all around the country today, based on an article by Jon Cowen and Dan Balz in the Washington Post, indicates that the American people are seeing what is going on.

In polling done by the Post, along with others, the political party in America best able to deal with the country's problems: Democrats, by a 21-point advantage. It is obvious why. We are trying to do something about the problems facing America today. We are trying to do something about the intractable civil war we are engaged in in Iraq. We have a situation where we have 50 million people with no health insurance. We have the Earth's temperature rising every day. Our Earth has a fever. We need to do something legislatively to try to bring down that fever. We have an education system that is in crumbles. We want to do something about educating the troops coming back from Iraq. We believe these troops are just as gallant and heroic as the troops who fought in World War II. When the World War II troops came home, they had the ability to go to school and were educated, and it happened. It changed America forever. We think America could be changed forever again in the new paradigm we now face with these men and women coming back by the tens of thousands and not being able to afford to go to school.

We know that the Presidential candidate of the Republicans, Senator MCCAIN, says it is too generous. Well, this piece of legislation, written by JIM WEBB, is generous, but it should be because these troops returning from Iraq deserve our generosity.

The Democratic advantage is going to be pronounced come election time. We have tried to work on a cooperative basis and have been denied that time after time after time. We know that

Bush's disapproval rating in some polls is around 70 percent. Think about that. We have had a number of stories written in just the last 10 days that the lowest approval rating of any President in history is the President we are now dealing with, a person who is a divider, not a uniter. The American people see this. Eighty-two percent of the American people feel our country is headed in the wrong direction. I would hope that during the next few months we have left in this legislative session, we can stop the increase in this number here and work to try to accomplish good results for the American people. We have so much that needs to be done. We want to work to get this done. If we are able to accomplish things, there is credit to go around for everyone, Democrats and Republicans. But, of course, the obstructionism we face has made it so that there is no credit to go around, period. The American people have identified this, and rightfully so.

RECOGNITION OF THE MINORITY LEADER

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

ENERGY

Mr. MCCONNELL. Mr. President, later this morning we will vote on an amendment to increase production of American energy, which will help lower prices at the pump and create more American jobs. Last year, this Congress acted in a bipartisan way to reduce our demand for oil by increasing fuel economy standards for cars and trucks and by increasing our use of renewable fuels. But no matter how hard we might try, we cannot repeal the law of supply and demand. We know we also need to increase supply in order to lower gas prices, and that is what our amendment does.

In the short term, it places a 6-month moratorium on deposits to the Strategic Petroleum Reserve, which will immediately have an impact on domestic supply. It also increases production of American energy right here at home by opening a small portion of the Arctic National Wildlife Refuge for production and allowing coastal States to decide if they want to allow increased production on the Outer Continental Shelf. It repeals the moratorium on oil shale development that was included in last year's Omnibus appropriations bill, and it would encourage the development of coal to liquid, a very promising substitute for petroleum products that we can produce right here in America and specifically in Kentucky, my home State, with American workers. Our amendment would provide grants and loans to accelerate the development of advanced batteries that can be used to power the next generation of plug-in hybrid vehicles here in America. These measures, coupled with the conservation and biofuels measure we supported last year, will increase our energy independence and help to bring down gas prices in the long term.

Some say opening new areas for production won't do anything in the short term. But remember, if President Clinton had not vetoed legislation to open ANWR 13 years ago, more than a million barrels of oil would be flowing to American consumers every single day. I believe it makes more sense for us to produce these additional barrels here at home with American jobs rather than begging OPEC to produce more, as some on the other side have advocated.

I urge my colleagues to consider our long-term energy goals and our need for increased energy independence and vote in favor of this amendment.

We can't continue to ignore the No. 1 issue facing American families, and further delay is not an option that Americans can afford. Some of our friends on the other side of the aisle believe we need to ask OPEC to supply more oil, that we ought to be sending even more money and jobs to the nations of OPEC. But we take a different approach. Our amendment would increase the production right here at home in America. While some want to increase OPEC's control over oil supply by refusing an increase in American supply, our amendment increases American control through American energy and American jobs right here in the United States.

I yield the floor.

RESERVATION OF LEADER TIME

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

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Pending:

Dodd/Shelby amendment No. 4707, in the nature of a substitute.

McConnell amendment No. 4720 (to the text of the bill proposed to be stricken by amendment No. 4707), of a perfecting nature.

Allard amendment No. 4721 (to amendment No. 4720), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided between the two leaders or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to speak to the amendment which we will vote on shortly. It relates to the cost of gasoline. I can't think of another issue that has been in the forefront across America for a longer period than the cost of gasoline. It goes beyond that, obviously, to diesel fuel and jet fuel costs. We see it every day. You drive down the road, and you watch prices going up at the gas station. People ask Senators and Congressmen: You are supposed to be the bigwigs here. You are supposed to be so influential. Why haven't you done something; the gas prices are killing us.

And they are. Whether it is a family member commuting back and forth to work in downstate Illinois, trying to get to the State capitol, whether it is a an over-the-road trucker spending almost $1,000 to fill up his rig with diesel fuel, whether it is the CEO of an airline who has seen the worst first-quarter losses in the history of that airline because of the rise in the cost of jet fuel, it is hitting everybody. I talked to a chiropractor over the weekend. She told me her practice was dying because people didn't want to drive 20 miles for her services. They said: We will see you every other week instead of every week. As you see, it is starting to reach into every single area.

So what response do we have from the Republican side? The response is predictable and ineffective. Here is what they say: You know what we ought to do. We ought to start drilling for oil in the Arctic National Wildlife Refuge and we ought to start drilling for oil off the coasts of America.

OK. How much oil is there?

Oh, there is a lot.

In the scheme of things, it is not a lot. All of the oil reserves within the control of the United States of America, all of them combined come to 3 percent of the world's total oil reserves. Each year, our Nation—a powerful, large economy—consumes 25 percent of all the oil produced in the world. We cannot drill our way out of this issue. We cannot drill our way to lower prices.

Here is something they fail to mention: If we gave approval today—which I think would be a bad idea—to the Republican approach, it would be years before the oil would start trickling in, meaning years of high prices.

So what can we do here and now? Two things: First, we can start dealing with the price gouging of consumers. Prices are going up dramatically at historically high rates. They are not justified by the barrel-of-oil prices. The spread between the cost of a barrel of oil and the cost of refined product keeps growing larger and larger, and the oil companies that are refining the crude oil keep making more and more money. Price gouging is going on. That is the first issue. Is there any mention of consumer price gouging in the Republican approach? Not one word. In the Democratic approach, we believe price gouging should be part of this.

Secondly, accountability of the oil companies. These oil companies, over the last 7 years when George Bush from oil country has been our President, have seen their profits quadruple—four

times the profits they were making just a few years ago. The cost of oil and diesel fuel has gone up 2½ times; the oil company profits, quadrupled. These companies are not only making more money than oil companies have ever made, they are making more money than any business in the history of America. That is a fact.

We have a windfall profits tax. We say there is a limit to how much these oil companies should be making as profits when it causes so much damage to American families and businesses and farmers and truckers and the economy. We have a windfall profits tax. The Republican approach: nothing—nothing to address the oil company profits. That is the reality.

Now, Senator REID, the Democratic majority leader, came to the floor a few minutes ago and told us what is going on with the Republican strategy. So far in this session of Congress—we have 2-year sessions of Congress—the Republicans have initiated 70 filibusters. Today, they will hit 71. You might say: So what. What does that mean? In the history of the Senate—over 200 years—the maximum number of filibusters in a 2-year period of time was 57. The Republicans have broken that record.

What is a filibuster? A filibuster is a way to delay, slow down, avoid, try to turn the page to another issue. Over and over and over again—70 times—the Republicans have now set a record for obstruction in stopping progress in the Senate, whether it is on issues of energy, whether it is on issues of health care, helping our schools, dealing with the war in Iraq—over and over and over again, Republican filibusters.

Today, we will have a vote. We are going to have a vote in a short period of time—at 12:15, maybe earlier; I am not sure. But in the course of that vote, we will have a choice on whether we at least will make one small step forward when it comes to dealing with gasoline prices. We cannot justify, in the current situation, continuing to take oil off the market where the Federal Government buys it and stores it. It is called the Strategic Petroleum Reserve. Currently, it is at about 97 percent of capacity. We are buying the most expensive crude oil in the history of the world, and storing it, taking it off the market, further putting an increase on gasoline prices.

We will offer an alternative to the Republican approach which will say that we will suspend filling the Strategic Petroleum Reserve. It might pass. Fifty-one Democratic Senators, incidentally, wrote a letter to the President on March 11 asking the President to suspend the filling of the Petroleum Reserve because gasoline prices were out of control. The President refused. Now we have to pass a law to force the President to do something about these gasoline prices.

I think suspending shipments to the Strategic Petroleum Reserve is the most sensible way for us to bring these prices down. I hope we can get the cooperation of the Republicans, beyond that, to deal with the price gouging of consumers and accountability for oil companies and not face another Republican filibuster when it comes to that important issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DURBIN. Mr. President, can I propound one unanimous consent request, please. I am sorry. If the Senator from New Mexico will allow me, I ask unanimous consent that the following Senators be allocated 5 minutes each from the majority's time after the Senator from New Mexico speaks: Senators KENNEDY, DORGAN, and BINGAMAN.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Mr. President, just a minute. Do you have time on each one of them?

Mr. DURBIN. We will alternate back and forth.

Mr. DOMENICI. I understand.

Mr. DURBIN. These Senators asked for 5 minutes each.

Mr. DOMENICI. I did not hear the ''5 minutes each.'' I am sorry. I have no objection.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, following mine, we would like Senators HUTCHISON, ENZI, VITTER, and CORNYN to be recognized for 5 minutes each, and 5 minutes for wrap-up for the Senator from New Mexico, with 10 minutes right now for the Senator from New Mexico, and alternating back and forth.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I just have so much to talk about. I wanted to follow my text I had prepared, but having heard the Democratic Senator discuss this issue, I have to tell the American people, one, their energy policy, if they are talking about today, is a policy that has to do with the filling of the Strategic Petroleum Reserve. The leader of that policy is the distinguished Senator DORGAN. He has led that cause, and he is going to win. But literally that cannot be an energy policy. It is 70,000 barrels a day that we are not going to buy and put in the reserve—70,000—and that is for the rest of this year.

Now, we use 21 million barrels of oil a day. So let's face up to it. If you do not think 1 million barrels a day from the Alaskan arctic wilderness—which would be American, and we could get that coming to America for maybe 50 years—if that is not better than 70,000 barrels for 7 or 8 months to not put in the Reserve but leave in the world market—I will leave that to anybody who is listening.

Price gouging is in their portfolio again. They talk about it. Last year, we gave authority to the Federal Trade Commission. They have not yet found any gouging. We hope they do.

Now, I would like to go on and talk about what we are trying to do.

Mr. President, I ask unanimous consent that I be added as a cosponsor to amendment No. 4737. It is now known as the Reid amendment, but it is actually Senator DORGAN's amendment.

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

Mr. DOMENICI. Mr. President, earlier this year, I gave a detailed speech on the Senate floor about the perils of our Nation's growing dependence on foreign oil. At that time, I noted the Nation was ignoring policies that would increase our energy supply while the stranglehold of foreign oil was tightening. I spoke bluntly and warned of dark days ahead for our Nation's economy and foreign policy if we continued to send our money abroad to buy oil from unstable and hostile regions around the globe.

I stated that at the current price of oil, we are at a pace to send nearly a half trillion dollars overseas annually to purchase oil—a half trillion. When the driving season ends, and the price at the pump subsides a bit, naturally the volume of constituent letters and phone calls will decrease a bit. When the cameras fade and the focus of the day begins to turn elsewhere, we should stop and reflect on the debate we are having today.

Make no mistake, a growing and gathering storm is swirling around this Nation. It is threatening our economic strength, our national security, and our place in the world. That storm comes in the form of dependence upon foreign oil.

Last year, Congress passed a strong energy bill, built on advancing cellulosic ethanol and strengthening our fuel efficiency standards. We made great steps in setting up policies that will reduce our gasoline consumption. However, I said at the time, and say again today, last year's legislation had a glaring weakness, which is highlighted today. Last year's bill failed to include measures for domestic energy production.

When we tried to open the Virginia Outer Continental Shelf to natural gas leasing, the other side blocked that. When we tried to improve our Nation's refining capacity, the other side blocked that. And when we tried to advance domestic coal-derived fuels—a very major way for America to diminish its dependence on foreign oil—the other side blocked that. On conservation and efficiency and the pursuit of clean energy, this Chamber is in wide bipartisan agreement. But on producing more American oil and gas to reduce the price of gasoline at the pump, it will become clear from today's debate and vote that the vast majority on the other side opposes action.

When today's vote is over, regardless of the outcome, I will continue to return to the Senate floor and speak on this important issue of our growing dependence on foreign oil. I will continue to speak out against policies that increase the cost of energy, when the American people so clearly want us to provide relief from high gas prices.

I have listened intently to the increased debate over the past few weeks about our energy challenges. I have heard some on the other side plead with OPEC nations to increase production by one-quarter of the amount we provide for in America with this amendment—one-quarter the amount. I have heard ANWR opponents from a decade ago repeat their claim from a decade ago that ANWR oil will take a decade to produce. I never heard this argument when we were supporting increasing vehicle fuel economy standards that we know will take a decade to come to fruition. We passed a bill that everybody takes credit for. It will take 10 years for it to have an impact. Yet we praise ourselves for producing it.

Of course, all of this would be assuming the price of oil did not increase over $100 per barrel during the time that ANWR was being blocked. If President Clinton had not vetoed ANWR over 12 years ago, we would have this oil from Alaska on the market today. I have also heard my colleagues argue that 70,000 barrels of oil per day would make a significant difference in the price of oil—that is the SPR bill—while denying access to over 1 million barrels of oil per day from ANWR alone.

It is time to act, and what the other side has offered at this critical moment is talk of energy independence supported by more Government investigations and empty threats to OPEC combined with pleas for more OPEC production. If that were not enough, we are faced with the prospects of a windfall profits tax like the one that passed in April by the Chavez administration in Venezuela. We tried to implement such a tax in the 1980s. It did not work then, and it will not work now. We cannot produce more energy by taxing oil companies or taxing anyone.

According to the Congressional Research Service, the imposition of a windfall profits tax could have ''several adverse economic effects.'' And such a tax could be expected to ''reduce domestic oil production and increase the level of oil imports.'' The architect of this tax during the Carter administration recently called the windfall profits tax ''a terrible idea today.''

Today, we consider real solutions to our national problem. On May 1, I introduced the American Energy Production Act of 2008. Obviously, if we had Democratic support and help we could make it even better, but we had to do this with Republicans, to lay before the American people a fact: that there are ways to produce more American oil and natural gas without doing any real harm to the American environment. I am pleased to have 21 cosponsors on that bill, and I am pleased Senator MCCONNELL has offered this legislation as an amendment to the bill currently before us. Unfortunately, the other side has not allowed us to consider this proposal to address record-high gas prices.

Speaking of filibusters, on our bill they have insisted there be 60 votes. That is the equivalent of a filibuster. So you can chalk one up for us. They are filibustering the only Energy bill we have seen in a while that would produce energy for America.

I support the bipartisan amendment on the Strategic Petroleum Reserve, and I have already indicated to you that I do, and it needs no further explanation. I am confident, if enacted, the American Energy Production Act—the one we are talking about—will strengthen our Nation's security for decades to come. In this legislation, we open 2,000 of the 19 million acres of the Arctic National Wildlife Refuge. And I defy anyone with common sense to seriously contend that 2,000 acres out of 2 million will harm that wilderness. It can be done with a small footprint, and everyone knows it. We have just chosen sides, regardless of the real facts. Therefore, I assume the Democrats will defeat it again.

Taken together, these policies enable the production of 24 billion barrels of American oil, which would increase our domestic production by nearly 40 percent over the next three decades. Opening ANWR alone would create thousands of American jobs, provide $3 billion in revenues in the next 10 years to the Federal Treasury, and bring on line over 1 million barrels of oil per day. This amendment also spurs the commercialization of coal-derived fuels and oil shale resources. Advancement of these policies will be spoken of in more detail by other Senators but, clearly, they are things to look at. The American people ought to know about them. They are sources—huge sources—of energy that can be made in America by Americans for America. With emerging economies around the world increasing their thirst for oil, we face a new energy challenge in America.

The world demand for oil continues to grow. America's production of oil has fallen to its lowest levels in 60 years. That is because we haven't done anything new or significant to add to what we have produced for years. If we do not start producing more of our own energy resources, we will continue to rely on unstable foreign oil and continue to pay a high price. That is what is at stake with today's vote. We probably will not win, but we feel very comfortable giving the other side an opportunity to vote no again for the production of oil and gas that is American, by Americans, for America.

With that, I yield the floor.

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

EMPLOYER-EMPLOYEE COOPERATION ACT

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

We are going to be voting on some extremely important energy issues, and I have expressed my views on those before. I wished to take an opportunity to talk about another matter which we will be voting on later this morning, early this afternoon, and then will be the subject matter that will be before the Senate for the next few days. It is an extremely important matter. It deals with our national security; primarily homeland security. It deals with the challenges that our first responders are faced with. I am talking about our police officers, our firefighters, and our first responders. They are the ones who are on the cutting edge of our domestic national security.

We are seeing massive reorganizations of our various institutions that have dealt with homeland security. We have seen additional resources focused on homeland security. The legislation Senator GREGG and I offer will strengthen our national security by including those individuals who are on the frontline into the decisionmaking about what is helpful and useful in terms of the security of our communities, small cities, and large cities all across this Nation. It will give them a voice in making judgments and decisions so those decisions and judgments are not only going to be made by policymakers and bureaucrats but by men and women who are on the ground. The legislation is called our Public Safety Employer-Employee Cooperation Act. It is bipartisan in nature, and it can make an extraordinary difference.

We had the opportunity last evening to go over the essential elements of the legislation, sort of the dos and the don'ts. There are those who have misconstrued this legislation and have misrepresented the legislation. We have seen that sort of technique around here in the Senate when Members differ with the legislation. They distort it or misrepresent it and then differ with it. It is an old technique that is used around here.

We will have the chance this afternoon and tomorrow—and this is a notice we will welcome—Senator GREGG and I—will welcome amendments. This legislation has in one form or another been before the Senate previously. It had extraordinary bipartisan support in the House of Representatives. I believe 98 Republicans supported the legislation, which is an indication of the breadth of support it has.

So we will look forward—and we are going to urge our colleagues to help us move this legislation, which is of such great importance and consequence to the security of our people—we will ask them to help us move it forward. This week is Police Week. Police Week goes back actually to 1962, when it was named by President Kennedy. Since that time, police officers have gathered to pay tribute to those members of the force who have lost their lives over the period of the last year. It is a very impressive ceremony for those who have not gone to it. I have on a number of

different occasions. But we take time this week to pay tribute to those first responders, and we have welcomed their very strong support for this legislation.

This legislation will affect police officers and firefighters. Some 300,000 police officers in 24 States will benefit from this bill and are in strong support of the legislation. We also see support with regards to the firefighters: 134,000 firefighters in 24 different States will benefit. We have worked very closely with them. These are the various groups that support this legislation: The International Association of Firefighters; Fraternal Order of Police; the National Association of Police Organizations; the International Union of Police Associations; the American Federation of State, County, and Municipal Employees; and the International Brotherhood of Teamsters.

So as I say, we will be ready to deal with this right after the caucuses that we will have during the noon hour. This legislation will hopefully be before the Senate. We are hopeful now. This is a vote on the motion to proceed. We ought to at least have that opportunity to debate this issue, and we are hopeful we will receive the support from both sides of the aisle so we can move forward and debate the issue.

My time has expired and I yield the floor.

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

Mrs. HUTCHISON. Mr. President, I rise today to talk about the bill we are going to vote on starting at 11 o'clock. We have an amendment filed by the distinguished Republican leader. The Senator from New Mexico is the prime sponsor of this amendment. I commend Senator DOMENICI for his continuing leadership in the energy arena.

In January of 2007, when control of Congress changed hands, the price of gasoline was $2.33 a gallon. Today, it is $3.73 a gallon. That is a 60-percent increase, and it is going in that direction even further.

The reason for the record-high price is simple economics. The global demand for energy has soared, especially in fast-rising countries such as China and India. Meanwhile, the supply of energy has remained largely stagnant. This is a simple, classic economic principle: The law of supply and demand. When the demand goes up and the supply stays the same, the price goes up. Knowing that, the best way for Congress to reduce the price of energy is to increase the supply of energy. We need more American oil, more American natural gas, more American clean coal, and we need more American nuclear power. That is why I joined the ranking member of the Energy Committee to introduce the bill today that would do exactly that.

First, the Strategic Petroleum Reserve. Two weeks ago, I wrote a letter to the President, signed by 13 Republican Senators. I noticed it was announced by the majority leader that 51 Senators on his side had signed the same type of letter in March. I ask unanimous consent that the letter be printed in the RECORD with the signatures of the 13 Senators.

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

U.S. SENATE,
Washington, DC, April 29, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write today to request that the U.S. Department of Energy (DoE) immediately halt deposits of domestic crude oil into the U.S. Strategic Petroleum Reserve (SPR). As we enter the busiest driving season of the year. the price of a barrel of West Texas Intermediate crude oil hovers around a record $120.

The SPR was established in 1975 to provide a supply of crude oil during times of severe supply disruptions. Today. The SPR contains more than 701 million barrels of oil, exceeding our International Energy Program commitments to maintain at least 90 days of oil stocks in reserve.

High energy prices are having a ripple effect throughout the U.S. economy and exacerbating recessionary pressures. The Energy Information Agency reports that supplies and inventories of crude oil and refined products are above 2007 inventories while our demand for gasoline is down. Yet, the price of crude oil has skyrocketed 100% from last year's levels which were just above $63 a barrel in April 2007. Despite these economic realities, the DoE recently solicited contracts to exchange up to 13 million barrels of royalty oil from Federal leases in the Gulf of Mexico for deposits in the SPR.

Some analysts blame geopolitical instability and disruption in production for the rapid price increases; however, these factors alone do not explain the extraordinary increase in oil prices compared to previous years, when these same challenges were present. Temporarily halting deposits to the reserve can provide some relief because the increased supply of oil available for refinement will send the right signal to all markets that the U.S. Government will take measures necessary to address exorbitant crude oil prices that negatively affect the global economy. We believe, in light of the dramatic increase in oil prices, a temporary halt to deposits into the SPR should be considered until the economy stabilizes.

I appreciate your attention to this matter and look forward to hearing back from you.

Sincerely,

Kay Bailey Hutchison, John Barrasso, Kit Bond, John E. Sununu, Johnny Isakson, Orrin G. Hatch, Jeff Sessions, Saxby Chambliss, Judd Gregg, John Cornyn, Lisa Murkowski, Elizabeth Dole, Sam Brownback, Susan Collins.

Mrs. HUTCHISON. Mr. President, what we are asking the President to do is temporarily halt deposits of oil into the SPR. Today, the SPR holds 118 days—almost 4 months—of reserve for an emergency in this country.

I wish to stop now to ask unanimous consent to be added as a cosponsor of the Dorgan amendment No. 4737.

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

Mrs. HUTCHISON. Because what the Dorgan amendment does—and what is also included in our bill—is to ask for a temporary halt on any more oil going into the SPR. Halting the daily deposits of 76,000 barrels a day into the SPR would allow 3 million additional gallons of gasoline to be available on the market. If we halted the 13 million barrels of oil the Department of Energy has sought contracts for to go into SPR, it would be more than the total February 2008 imports from Libya, Syria, Kuwait, United Arab Emirates, Egypt, Azerbaijan, and China combined.

The amendment offered today would halt additional contributions to the SPR for 180 days and ensure that these resources could be utilized immediately in the marketplace. In addition, we would open the grassy plains of ANWR, which is unavailable for drilling today. The U.S. Geological Survey estimates there could be as much as 10 billion barrels of oil in ANWR. This would be almost enough oil to replace what we import from Saudi Arabia every day. What would be drilled in ANWR isn't near a forest or a stream. It is a grassy plain. It is 2,000 acres, about the size of National Airport, in an area of ANWR which is the size of the State of South Carolina. So drilling in this grassy plain would be environmentally safe, and it would make America much more independent, much more reliant on ourselves and our resources for our energy needs—a place we need to go.

Another area, the Outer Continental Shelf, could contain as much as 115 billion barrels of oil.

Mr. President, I ask unanimous consent that I have 3 more minutes.

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

Mrs. HUTCHISON. There could be 115 billion barrels of oil in the Outer Continental Shelf. That is more than Venezuela's proven reserves of 80 billion barrels.

We need more refinement capacity. This amendment encourages refinement expansion to alleviate supply concerns with refined petroleum, which is gasoline.

This amendment we are voting on today would not do much to bring down the demand because, in fact, we can't control what China and India are demanding in oil and natural gas resources, but it can affect supply. That is what Congress has turned a blind eye to doing.

All they talk about is a windfall profits tax on oil companies. We tried that once before and what happened? Jobs went overseas. We had to import more from overseas, so we became more dependent on foreign sources and we lost jobs for our country. The price would not go down. It would just come from foreign sources instead of ourselves. So let's don't talk about things that will not help; let's talk about supply, which we can help by working together to increase our utilization of our own natural resources.

This year we will spend about $500 billion to import oil. All those dollars

could stay in America, creating good jobs in America and making us self-reliant. If there is anything America stands for, it is the spirit of self-reliance, of knowing that if we are running into a crisis, if our economy is down, that we would be dependent on ourselves because we have the resources to meet this demand. We have the resources. Now we need the willpower. We need the good old American spirit to say we can prevail. We can reduce prices. We can help the American family get over the hump. We can do something by relying on ourselves. That is what the amendment we are voting on will do.

I hope the American people will look at these votes. Do they want political rhetoric, windfall profits taxes that send jobs overseas or do they want real solutions short term, by not putting any oil in SPR right now and putting it on the market to start bringing that price down and to let those who are hedging on commodities know America is going to act. The best we can do for America to show those hedgers we are going to act is to say we are going to take the long-term steps. We are going to drill in our own areas that we control. We are going to put jobs in America. We are going to help the States get their royalties if they want to drill offshore. We are going to stand up and say: This is America, and we will take care of ourselves with our own natural resources. That is the vote today.

I yield the floor.

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

Mr. DORGAN. Mr. President, I am not going to speak so much about what divides us. Today I wish to talk about what would unify us with respect to the two energy plans. We are going to vote on an amendment that is a bill I offered back in February of this year that would stop putting oil underground. Some say that doesn't mean very much in terms of energy prices or that it would not accomplish a lot.

We had testimony before the Senate Energy Committee by economists and an energy expert. Dr. Verleger testified that what's coming from the Gulf of Mexico is sweet light crude, the most valuable subset of oil. Despite the fact that it is a small percentage of the oil usage, it could have as much as a 10-percent impact on the price of sweet light crude. I don't think we should underestimate the significance of this proposal. At a time when oil prices are bouncing up in record highs, with oil prices at $120, $124, and $126 a barrel, we have speculators playing their fiddle. The oil prices dance up into the stratosphere; the economy is damaged; consumers get injured; and industries are going belly up.

The question at this time is, what unites us here? I will tell you one thing we can agree on. There are at least 80 Senators who have expressed themselves, including all three Presidential candidates. They have said let's stop putting oil underground. Is it a reasonable thing to do to set oil aside underground? We have something called the Strategic Petroleum Reserve. Let me show you what it is. This is what it looks like. Instead of oil going into the pipeline so you can convert gasoline to your automobile, it is going underground. This is what the SPR looks like. Here is where the SPR is being stored—at Bryan Mound, Big Hill, West Hackberry, and Bayou Choctaw.

The SPR is 97 percent full. The question is this: With oil at $126 a barrel and gasoline around $4 a gallon or more, and with the American consumer being burned at the stake, why should its Government be carrying the wood? Why should we be putting oil underground at a time of record-high prices? Who thinks it is smart to go out into the marketplace and take oil that is that valuable and stick it underground when it is having an impact of upward pressure on oil prices? That makes no sense at all.

As I said, all three Presidential candidates have said we ought to stop at this time. Eighty Senators have agreed with this decision. Somehow, the President and Vice President are insistent that we continue to fill the SPR.

Look, there are a lot of other things happening. Number 1, we need more production. I was one of four Senators who introduced the legislation, with Senator DOMENICI, that led to opening Lease Sale 181 in the Gulf of Mexico. That is additional production, and I am proud that became law. It should have been broader, but it got narrowed through the legislative process. I have a bill in to expand production in the Gulf of Mexico.

Yes, we need additional production, conservation, efficiency, and renewables. We need all those things. We have made progress in some of them. Last year, we finally passed reformed CAFE. We increased CAFE standards 10 miles per gallon in 10 years. That is a historic achievement after 32 long years in this Congress. We set us on a course toward renewables.

There are short-term, intermediate, and long-term solutions. John Maynard Keynes says that in the long run we are all dead. How about the short term? How about today? I know where there is 70,000 barrels of oil, including sweet light crude, that could go into the gas pumps and into cars and put downward pressure on gas prices. I know how we can take action and so do my colleagues. At least we can agree on that piece of legislation today.

Here is another point. There is unbelievable speculation in the commodities market. It is interesting. Let me give you a couple of charts that show this. The senior vice president of ExxonMobil said last month:

> The price of oil should be about $50 or $55 per barrel.

Mr. Cazalot, the CEO of Marathon, said:

> $100 oil isn't justified by the physical demand in the marketplace.

A man who testified before the Energy Committee, Mr. Gheit, a senior energy analyst with Oppenheimer, said:

> There is absolutely no shortage of oil, and I am absolutely convinced that oil prices should not be a dime above $55 a barrel. I call it the world's largest gambling hall. It is open 24/7.

The fact is, we have speculators, hedge funds, and investment banks that have never been in the futures market before and are in neck deep. They are driving up prices that have very little to do with the fundamentals of supply and demand. Should we ignore that and say that is OK?

Mr. President, I think I have consumed 5 minutes. I ask unanimous consent for 2 additional minutes.

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

Mr. DORGAN. Should we say that is OK, let's talk about other subjects? I don't think so. If you want to purchase stock on margin, you have to put up 50 percent of the money. If you want to control $100,000 worth of oil, the subject of such speculation, all you need now is a margin requirement between $5,000 and $7,000. It seems to me that the margin requirement ought to be increased to the point of wringing speculators out of the system. We need a futures market for legitimate hedging and for liquidity.

There are times when speculative bubbles develop. In this case, the bubble driving up the price of oil and gasoline at the pumps is damaging our economy. A lot of industries are suffering, including truckers and the airlines. It is hurting a lot of American families, and we can do something about it.

We have a couple different plans. Let's take the one common part of both plans, which is the amendment I offered as a bill in February, and pass that today because that will make a difference. Is it a giant step? Not at all. Is it a step that is finally at long last in the right direction? It is. So instead of getting the worst, let's try to get the best of both sides and say this we agree on, this we can do.

My hope is that at the end of today, at least this Congress will have said to the President and Vice President: Stop doing what you are doing. The last thing in the world we ought to do is put upward pressure on gas and oil prices. We ought to put downward pressure on that, and we can do that today with one single vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend, Senator DORGAN, I have changed my mind about the SPR bill. I think he knows that. People wonder about changing your mind. A lot of people change their mind. I changed mine because of the real price of oil and because I do believe we are not going to harm our strategic reserve by

this one event. I wish to make the record clear. America needs the Strategic Petroleum Reserve. We must have it, and we should not grow accustomed to thinking the Strategic Petroleum Reserve is going to solve our energy supply problem. Senator DORGAN has never said that. But it would not. I will answer some of the remaining questions when I wrap up.

I yield the floor.

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

Mr. ENZI. Mr. President, last weekend, when I traveled around Wyoming, it was clear that high energy prices were on everyone's mind. It is a trend I have noticed each and every summer for the past several years. Each year, our constituents ask us to do something to address energy prices. While we talk and talk about what we are doing, rarely do we take any meaningful action.

It is a little different this year because Americans are seeing record prices at the pump. Those voices saying ''get to work on this problem'' are more numerous. They are louder. Will the anguished calls for help make it through the thick and, thus far, shut doors of Congress? Americans are caught in a tight spot. Some are asking: How can I put food on the table when I cannot afford the gas it takes me to get to work? On top of that, the food is more expensive because of the fuel it takes to produce and ship it.

No one in this Chamber has all the answers. No, but we can do something. We can act. We can help. The question for me and my colleagues in the Senate is, will we? We have the opportunity to do so today. We have the opportunity to vote for an amendment that provides short-term relief and, at the same time, helps address the long-term issues that got us into this situation. I am a cosponsor of the McConnell-Domenici amendment, known as the American Energy Production Act of 2008, because it is a responsible way to address the need to produce more domestic energy and to reduce energy prices.

The energy situation we are in has been a long time in the making, and we are not going to fix it overnight. We don't have enough domestic energy to meet our Nation's energy demands, but the American Energy Production Act would help change that. It opens an important sliver of the Arctic National Wildlife Refuge, ANWR, to environmentally conscious leasing and allows for more production from the Outer Continental Shelf, with consent of the State. Doing so will help the United States produce more of its own energy. Instead of sitting at the trough of foreign oil barons with our hands out begging, Americans will produce more American energy.

Later today, I expect to see support for the Dorgan amendment to suspend filling of the Strategic Petroleum Reserve. If you are worried about roughly 70,000 barrels a day staying off the market for this reserve fill, then you should be outraged that 1 million barrels a day from ANWR is kept off the market because it was vetoed by President Clinton more than 10 years ago. That is a million barrels we would not need to purchase from South American dictators, or a million barrels from countries who are friendly to those who wish to destroy the United States.

What will Americans say about this vote 10 years from now? Will they say: Better late than never, because we passed the American Energy Production Act, or will they say: You just didn't get it and now look at us suffer for it. The American Energy Production Act recognizes also that coal is our Nation's most abundant energy source. It recognizes American ingenuity. It recognizes that coal has been turned into diesel fuel for half a century, and it encourages the building of coal-to-diesel facilities in the United States. The United States is the ''Saudi Arabia of coal.'' Wyoming is the leading coal producer in the United States. It makes sense that we use America's most abundant energy source at a time when we all agree we are too dependent upon foreign energy sources.

The amendment also includes a number of important provisions that will help Wyoming and the Nation. The amendment repeals the mineral royalty theft that was included in the fiscal year 2008 Omnibus appropriations bill. It allows development of oil shale to move forward.

I support the idea of developing more alternative energy, the use of wind energy, and the development of better solar energy technologies. As my constituents can tell you, Wyoming is an especially good State for wind, and we have high solar potential as well. While we need to develop these technologies for the long term, we need all the energy we can get.

We need more domestically produced oil, more wind energy, more domestic natural gas, more solar energy, more nuclear energy, and we definitely will need more clean coal energy.

Our Nation's energy policy is haphazard, broken, and it threatens to break our country. We need to make meaningful changes to that policy, and voting in favor of the American Energy Production Act is the first step in the right direction. I hope my colleagues will recognize the need to take this step and support the McConnell-Domenici amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me take up to 5 minutes at this point. If the Chair will advise me when that 5 minutes has been used, I would appreciate it.

We have two votes coming up related to energy. The first is on the McConnell amendment, which is a compilation of various provisions that relate to energy but, I argue, do not hold out much promise for affecting the price of oil or gas. Following that, we have the vote on the proposal that is put forward by the majority leader, Senator REID, with regard to suspending the filling of the Strategic Petroleum Reserve for the balance of this year.

I will be voting against the first amendment and voting for the second amendment. I hope my colleagues will do so as well. Let me give the reasons why I think we should vote against the Republican leader's amendment.

First, the Republican leader's amendment doesn't do anything to deal with the issue of speculation in oil markets. We have had testimony repeatedly before our Senate Energy Committee that speculation in these markets is a significant factor contributing to the $126-per-barrel price of oil we are seeing today. So if someone is concerned—as all of us are—about energy, consumers, and the burden that is being place upon them, then dampening speculation in these markets should be high on our list of work to be done. It is not in the Republican leader's amendment.

Of course, the amendment he proposes also doesn't do anything with regard to the weakening of the U.S. dollar, anything with our fiscal policies. Yesterday, I went into a discussion about how that is contributing to the increase in the price of oil. I think most economists would agree with that.

The second reason I would oppose the Republican leader's amendment is that it misses the boat on how to promote more supply. The argument being used is the assumption within the amendment that the way to promote more supply is we need to open more areas for drilling. And particularly we need to open the east coast of the United States for drilling offshore on the Outer Continental Shelf, we need to open the west coast offshore on the Outer Continental Shelf, and we need to open a portion of ANWR, the Arctic National Wildlife Refuge.

As I say, I think it misses the key issue in that we are opening additional areas for drilling at a pretty rapid rate in the onshore areas of the United States where oil and gas production occurs and in the offshore areas. But additional leases by themselves are not going to make a difference to consumers either in the near term or the medium term. What we need to be focused on is how we can promote more diligent development. Nearly three-quarters of what we have leased domestically onshore is not now being produced. A little over three-quarters of what we have leased offshore is not being produced, and that is what we should be concentrating on—how do we build in incentives for actual production in areas we have, in fact, leased.

Finally, with respect to future lease sales, the Republican leader's amendment leaves out the most promising

area, and that is the area in the gulf coast, particularly the area we have still not opened in the original lease sale 181 area of the gulf coast. This is something we clearly should be addressing as well.

As I say, the second vote is going to be on the proposal to suspend the filling of the Strategic Petroleum Reserve. A version of that is in the Republican leader's amendment, as well as being proposed by Senator REID. I hope we will get a very strong bipartisan vote for that provision.

I do think it is prudent to turn down this compilation of various energy-related provisions that has been put forward by the Republican leader with the claim that it is going to bring down the price of gas. It simply will not.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today in strong support of the McConnell-Domenici amendment because it does what we need to do to address this real crisis in our country—crippling energy prices, rising energy prices that hit the pocketbook of every Louisiana family I represent and every American family, that is causing grave concern about our economic future.

I am afraid what we heard from the distinguished Senator from New Mexico just now is more of the same excuses we have heard for a couple of years now: why we can't do this, can't do that, and can't act in general. What has that inaction, that paralysis, those excuses all led to? I will tell you what it has led to. It has led to soaring energy prices. In January 2007, when this Democratic Congress took office, the average price of a gallon of gas was $2.33 at the pump. Today, it is $3.72—a 60-percent increase. That is what those excuses, that is what that inaction has led to.

We need to do a number of things across the board on the demand side and on the supply side. This Domenici-McConnell amendment includes all of those. Does it include every one of them? No. No single proposal is ever going to include every good idea out there that we probably need to act on, but it includes a lot on which we need to act.

I want to focus on one part of the amendment in particular of which I am very supportive, and that is opening more of our Outer Continental Shelf to exploration and production.

I believe one of the most important things in energy policy that we have done since the short time I have been in the Senate is to open new parts of the Gulf of Mexico with revenue sharing. This provision in the Domenici-McConnell amendment will expand on that precedent. It would say we can open areas of the Atlantic and the Pacific, but with two very important caveats, both of which are great policy. First of all, the host State, the State off which the activity would occur, has to want the activity, has to agree to it. The Governor has to say: Yes, we want this activity off our waters. And secondly, that host State in return would get significant revenue sharing, exactly the same revenue sharing we passed a few years ago, 37.5 percent to go to the host State to meet its environmental or educational or highway or other needs. That is sound policy. We passed that policy for new areas of the gulf that were opening. We need to expand on that policy to dramatically increase our domestic energy production, and we can do that safely and in an environmentally friendly way.

There is much the McConnell-Domenici amendment does that is needed as well, but I wanted to highlight that point because it is so absolutely crucial and important. It builds on good policy we set a few years ago. It expands on that precedent, and I believe expanding on that precedent can significantly increase our domestic energy resources in this country.

Do we need to do other things? Absolutely. Do we need to act on the demand side further? Absolutely. This isn't brain surgery. Economics 101 tells us that price has to do with two lines on a graph: the demand line and the supply line. We need to mitigate, bring down demand, and we need to increase supply. I am for any reasonable policy that does those two things. On the demand side, conservation, greater efficiency, new sources and forms of energy—absolutely.

I am going to agree with Senator DORGAN and vote for his amendment regarding the Strategic Petroleum Reserve. Like Senator DOMENICI, I have changed my mind on that issue because the increases in price at the pump have gotten so dramatic and so outrageous. So that can mitigate demand increases as well.

But as we make all of those efforts on the demand side—and we need to do more—we cannot constantly ignore the supply side, particularly the domestic supply side. That is exactly what this Congress has done for the last 2 years. Mr. President, $2.33 price at the pump then; $3.72 price at the pump today. Let's act, and let's act now.

I yield the floor.

Ms. COLLINS. Mr. President, I wish today to support the amendment offered by the Senator from Nevada, Mr. REID. It embodies a policy change that I have advocated for many months. In January, I wrote to the Secretary of Energy and urged the administration to stop filling the SPR while oil prices are so high. The Reid amendment would suspend acquisition for the Strategic Petroleum Reserve, SPR, until the end of the year or until the price of a barrel of oil goes below $75.

The SPR is an emergency stockpile and an essential safeguard against major disruptions in global oil markets. However, the SPR already contains nearly 700 million barrels of oil, 97 percent of its current storage capacity. This is more than sufficient to meet a crisis.

Mr. President, our Nation faces record-high energy prices affecting almost every aspect of daily life. The prices of gasoline, home heating oil, and diesel are creating tremendous hardships for American families, truckers, and small businesses. High energy prices are a major cause of the economic downturn. Last week, crude oil was trading at over $120 per barrel.

The administration's decision to fill the SPR when oil prices are so high defies common sense. In 2005, the Senator from Michigan, Mr. LEVIN, and I joined forces on a bipartisan amendment directing the Department of Energy to better manage the Reserve by requiring the Department to avoid purchases when prices are high so as not to drive up prices further by taking oil off the market. I don't believe the Department of Energy is abiding by this law. If it were, the Department would not be making purchases while prices are so high.

It simply does not make sense for the Department of Energy to be purchasing oil for the Reserve at a time when oil prices exceed $120 per barrel. The Federal Government is taking oil off the market and thus driving up prices at a time when consumers are struggling to pay their fuel bills.

If the administration stopped purchasing oil for the SPR, the Energy Information Administration has estimated that the impact on gas prices would be between 4 and 5 cents a gallon. Other experts believe it is considerably higher. At a hearing before the Permanent Subcommittee on Investigations in December, one energy expert, Philip Verleger, said, ''DOE's actions added between 5 and 20 percent to the price of oil.'' It is a bad deal for taxpayers for the Department of Energy to be purchasing oil when prices are so high.

There are other short-term steps we must take to address the energy crisis—for example, regulating energy futures markets and repealing tax breaks for major oil companies—but suspending filling the SPR is a key step that I hope we approve tomorrow.

In the long term, our challenge to address energy prices is, of course, to reduce our reliance on imported oil. We need to pursue the goal of energy independence just as fervently as the Nation embraced President Kennedy's goal in 1961 of putting a man on the Moon. Energy independence, stable energy costs, and environmental stewardship are goals that are within our reach. I urge my colleagues to get us started on the effort by supporting this proposal to suspend filling the Strategic Petroleum Reserve.

Mr. DORGAN. Mr. President, how much time remains on each side?

The ACTING PRESIDENT pro tempore. The majority has 6 minutes 18 seconds. The Senator has 7 minutes remaining.

Mr. DOMENICI. Mr. President, as I understand it, the other side is going to have only one speaker to use their

time. I am trying to find the Senator from Texas. He wanted to speak. Let me take a couple of minutes. If he gets here, I will yield the floor as soon as he arrives.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I wish to say that my good friend, my fellow Senator from New Mexico spoke about speculation in this oil market. There may be some. We heard testimony there may be. So everybody knows, there is nothing before the Senate that the Democrats propose regarding speculation. They just have a one-shot bill, and it is pretty good, but it is not an energy policy. Probably most of us are going to vote for it. That is what Senator DORGAN proposed.

As I indicated, I changed my mind. If people are wondering about that, I was reading about economic history, and I read where John Maynard Keynes, the great economist, was asked: Why did you change your mind? He said: When the facts change, I change my mind. That is what happened here with reference to SPR. The facts changed, and I changed my mind.

The good Senator from New Mexico, my colleague, also said we have a big problem with the weakening of the dollar. I hope he doesn't intend to imply by that, when we find we can strengthen the dollar, then we will solve the energy problem. I don't know that we know how to do that one any quicker than we do the energy crisis. I don't think that would accomplish anything.

We have a lot going on in the gulf, so we said let's let those continue. That is what the Domenici bill says. But we say the rest of the offshore around America—and incidentally, there is probably more than any of us know in offshore America. We probably would send such a big signal to the world if we decided to move on that. That alone would have a positive impact.

In addition, the bill before the Senate does a lot in a number of areas that have not been talked about very much. It would cause the world to take another look and to say: America is serious, they are really going to do something about their energy problems.

Mr. President, I now yield the remainder of the time to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, I am required by our leadership to object because they want to get the vote off on the time predetermined. I apologize for that, but that is what I am required to do.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CORNYN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. CORNYN. Mr. President, one thing has been accomplished by the debate leading up to this morning's vote; that is, Congress finally—finally—has acknowledged the existence of the law of supply and demand. If we look at these two votes we are going to have this morning, first is the McConnell-Domenici amendment, of which I am proud to be a cosponsor, which would produce, if implemented, potentially up to 3 million additional barrels of oil a day from the United States of America—3 million—making us less dependent on imported oil from some of our Nation's enemies, countries such as Iran and Venezuela that are part of OPEC, the Organization of Petroleum Exporting Countries.

Alternatively, our friends on the other side of the aisle have proposed—and I will vote for it—a temporary suspension of putting oil into the Strategic Petroleum Reserve. But how much does that represent? It represents 70,000 barrels of oil that would not be put in the Strategic Petroleum Reserve and would be available on the open market as an additional supply of oil, which is then available to be refined into gasoline. I suspect it will have some modest impact on the price of gasoline at the pump, maybe 3 to 5 cents a gallon. But if we think 70,000 barrels of additional oil into the open market will be beneficial in terms of bringing down the price of gasoline, how much more beneficial would it be to have 3 million additional barrels of oil produced from our country out on the open market available for refining into gasoline to help bring down the price of gas at the pump?

I am pleased that our colleagues have recognized the importance of the law of supply and demand, something Congress has turned a blind eye to for lo these many years as we put so much of America's natural resources out of bounds when it comes to developing those resources, and, of course, we know what the consequences of that have been, with $3.71 average price for gasoline in America today and the price of oil on the spot market bouncing up around $125 a barrel.

I don't know whether this amendment, of which I am proud to be a cosponsor, could produce ultimately 3 million new barrels of American oil each day. I don't know whether it will get the requisite 60 votes. But if it does not, when gasoline is $3.71 a gallon and oil is $125 a barrel, I wonder if the same vote, if we have it again when gasoline is $4 a gallon and oil is $150 a barrel or when gasoline is $4.50 a gallon and the price of oil is even higher, at what point the Congress, the Senate is going to listen to the American people and say: We need some help; we need some relief.

Now that Congress has acknowledged the importance of additional supply in terms of bringing down the price at the pump, ultimately it is my hope our colleagues will vote, at least 60 of us, for the Domenici-McConnell amendment. I think the American consumers would be the beneficiary of that. I urge my colleagues to vote for the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Time has expired.

The Senator from North Dakota has 6 minutes remaining.

Mr. DORGAN. Mr. President, let me conclude with a couple of thoughts. First of all, my colleague from New Mexico described the issues of speculation a bit. We do, in fact, in our larger proposal that we announced last week, have a provision dealing with speculation. And it is important that we do that because speculation is part of what is driving these prices. I showed comments from executives of some of the largest oil companies in this country that said there is no justification for the current price given supply and demand.

They said the price of oil should not be much above $50, $60, $70 a barrel. So what is happening? Well, let me come to that in a moment. Let me say, first of all, my hope is that today, here on the floor of the Senate, we will decide to do some good things.

Now, how do you do good things? You try to find areas of common interest and legislate moving ahead where you can. That is what Senator REID has suggested in the underlying amendment that we will vote on dealing with stopping and halting the putting of oil underground in the Strategic Petroleum Reserve. This is something I introduced in the Senate back in February.

Now, as I said before, when the American consumer is being burned at the stake by high gas prices, its Government ought not be carrying the wood. I mean, it is that simple. We can do something about this.

We are talking about 70,000 barrels a day, 70,000 barrels every single day of sweet light crude that we are taking off the market. Dr. Philip Verleger, an economist and energy analyst, testified before the Energy Committee on the effects of such a move. He said although it is only three-tenths of a percent of usage, because it is sweet light crude, the most valuable subset of oil, it could have up to as much as a 10-percent effect on the price of oil.

So it seems to me what we do is, do what the Republicans and Democrats have now generally come together to say we should do, and say to the President: Look, you cannot put 70,000 barrels of oil underground every day. You cannot do that. The Strategic Petroleum Reserve is 97 percent filled, 97 percent.

Now, oil is $120, $126 a barrel; gas is going to $4 a gallon. Let me describe the situation we all understand that we face on this planet of ours. We stick straws in the planet and suck oil out. We suck out 85 million barrels every day. We are required to use one-fourth of that in this little spot of geography on the planet called the United States of America.

Let me say that again. We take 85 million barrels a day, and we need one-fourth of it to be used in the United States. Now, 60 percent of that which we use comes from outside of our country. That holds us hostage to others. And 70 percent of the oil we use in this country is used to fuel vehicles. So vehicles are an important part of this issue. I am proud to say this Congress, with this majority and some minority help, has passed for the first time in 32 years an increase of 10 miles per gallon in the next 10 years of CAFE standards. This will lead to better automobile efficiency and better gas mileage.

We made some progress in other areas. We opened production in Lease 181 in the Gulf of Mexico where there are substantial reserves. We made progress in the biofuels ethanol standards and renewable fuels standards. We have made some progress on all of those issues, but we have people coming to the floor today to say: Well, gas is $4 a gallon. Let's open ANWR. That means we get oil in 10 years.

As John Maynard Keynes said, in the long run we are all dead. What can we do in the short term? At least today, on Tuesday, we can at least do what we both believe—that is, what the minority and majority believe is appropriate—and that is stop putting oil underground and put some downward pressure on gas prices and oil prices. Give the consumer an opportunity to see some decent prices.

This speculation in the futures market is speculation that is driving up prices. We want to do something about that as well. But at least today we have one common theme; we can increase supply by 70,000 barrels a day of sweet light crude. Instead of it going into the supply that comes through the pump into the cars, which puts downward pressure on gasoline, it is now going underground, underground in the Strategic Petroleum Reserve. It makes no sense at all.

So I am saying: Let's stop doing bad things and let's start doing good things. We can start by taking the first step in doing that today.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 1 minute 20 seconds.

Mr. DORGAN. Let me make one additional point, if I can. It does not relate specifically to this amendment, but this issue of the free market. You have an OPEC cartel behind closed doors. You have oil companies that are bigger through mergers. You have a futures market that is now rife with speculation. There is no free market. So the American people deserve, it seems to me, a Congress that will stand up and take some steps to put some downward pressure on gasoline prices.

That is a step we can take today. It is a step that is not a giant step, but it is a step in the right direction that will put downward pressure on gas prices. It will help this country. My hope is, following this vote, we will see that both parties can contribute to something when we agree on it. I think this will be a good day to put downward pressure on gas prices.

AMENDMENT NO. 4737

Mr. President, I call up amendment No. 4737.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. DOMENICI. Do we not have 1 minute left on each side? The amendment is not in order while time remains.

The ACTING PRESIDENT pro tempore. The amendment is simply being reported. We will have 2 minutes equally divided.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REID, for himself and Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Mr. SALAZAR, Ms. LANDRIEU, Mr. CARPER, Mr. INOUYE, Mr. LAUTENBERG, Mr. REED, Mr. HARKIN, Mr. DOMENICI, and Mrs. HUTCHISON, proposes an amendment numbered 4737 to amendment No. 4707.

Mr. DORGAN. Mr. President, I ask unanimous consent that the 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 increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve)

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

AMENDMENT NO. 4720

The ACTING PRESIDENT pro tempore. There now will be 2 minutes of debate equally divided prior to a vote on amendment No. 4720.

Mr. DOMENICI. That means 1 minute each?

The ACTING PRESIDENT pro tempore. Correct.

Mr. DOMENICI. On behalf of the amendment, I wish to say whoever is interested in what is going on today should know that Democrats speak of doing other things to bring the price down, but the only thing we are really doing is the amendment of the Senator from North Dakota on SPR. We all agree with that.

That is a temporary 7-month deferral of purchases. Clearly, if it does anything, it will be extremely temporary. All of the other things that are spoken about, none of them are in this bill, whether it has to do with fraud, speculation, or whatever.

On our side we have at least said: Let's start coal to liquid, a great American resource. Let's start offshore around America. Let's start on ANWR. Let's start moving on oil shale. Let's accelerate battery research, which will move us toward automobiles that can plug in, which will be a big American boon.

So there are lots of pluses. There is a lot of rhetoric. And there is one amendment that the Democrats offer that we agree upon. I believe those people interested in production should vote for the Domenici amendment and tell the American people the truth: We can produce in America and put pressure on the world markets and reduce the price of oil.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I urge Senators to vote against the McConnell amendment. It is a compilation of various proposals. The main thrust of it is to try to lease more Federal land. People should understand that we have been leasing a great deal of Federal land onshore. That pie chart on the left is offshore, and the Outer Continental Shelf, that is the pie chart on the right.

We currently have 31 million acres of land that is leased and is not producing. What we need to do is to get diligent in the development of these areas that are already leased.

Offshore, the same thing; the Outer Continental Shelf has 33 million acres that are not producing. So this amendment is a compilation of energy-related provisions that are put into the McConnell amendment. It is not going to bring down the price of gas at the pump.

I urge Senators to oppose it and then to support the second vote on the proposal to suspend the filling of the Strategic Petroleum Reserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4720.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—42

Alexander	Crapo	Lugar
Allard	DeMint	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Specter
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Corker	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Landrieu	Wicker

NAYS—56

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—2

Inhofe	McCain

The ACTING PRESIDENT pro tempore. Under the previous order, requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 4737

There are now 2 minutes, equally divided, prior to a vote on the Reid amendment.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me take the 1 minute.

This is a piece of legislation I introduced in February of this year. The Strategic Petroleum Reserve is 97 percent filled. We have oil and gas prices going through the roof in this country. We are putting 70,000 barrels of oil underground every day. It is a subset of the most valuable kind of oil: Sweet light crude, coming from the Gulf of Mexico.

We heard testimony before the Senate Energy Committee that even though it is a small part of our oil usage, this subset of oil—the 70,000 barrels a day put underground—could have an impact of up to 10 percent of the price of oil. I am not suggesting this does everything, but it is a step in the right direction.

As I said earlier, when the American consumer is being burned at the stake by energy prices, the Government ought not be carrying the wood. Sticking oil underground is wrong at this point in time, and this amendment simply says: Stop it. Halt it.

Mr. LEVIN. Mr. President, I support the amendment to stop deliveries of oil into the Strategic Petroleum Reserve, SPR.

Crude oil prices reached a record high recently of $126 per barrel, leading to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. With prices going through the roof, it is the wrong time for the Department of Energy, DOE, to take millions of barrels of high-priced oil off the market and put it into the SPR. Instead of reducing supplies by taking oil off the market and increasing the price of oil, the DOE should be looking for ways to decrease the price of oil. One step is a moratorium on filling the SPR until oil prices are lower.

Unfortunately, the DOE is contributing to the current price spike by filling the SPR regardless of the cost of crude oil or the petroleum products that are refined from crude oil.

There are three major problems with the DOE's insistence on putting high-priced oil into the SPR. First, by placing oil into the SPR the DOE is reducing the supply of crude oil and putting upward pressure on the price of oil. Second, by placing very expensive crude oil into the SPR, the DOE is significantly increasing the cost of the SPR program to the taxpayers. Third, the DOE's approach runs counter to the direction provided by the Congress in the Energy Policy Act of 2005, which requires the DOE to fill in the SPR in a manner that minimizes the impact upon prices and the costs to the taxpayers.

The DOE is currently taking about 70,000 barrels per day of crude oil off the market and putting it into the SPR. For the first half of 2008, this will total to about 10 million barrels of crude oil. This is reducing our inventories of crude oil and refined products, such as gasoline, just at a time when our refineries need to be running at maximum to make gasoline for the spring and summer driving seasons. The DOE also has asked for bids for another 6-month program to fill the SPR, beginning later this year. If the DOE is permitted to continue with this program, it will take millions more barrels of oil off the market beginning sometime later this year.

Under the basic economic principle of supply and demand, reducing the supply of crude oil available to U.S. refineries will increase the price of oil and gasoline. Even the DOE agrees with this basic economic principle. Mr. Guy Caruso, the head of the DOE's Energy Information Administration, testified to the Congress earlier this year that an SPR fill of 100,000 barrels per day would add about $2 per barrel to the price of oil. Last December, Dr. Philip Verleger testified that the SPR fill was adding about $10 per barrel to the price of crude oil. Economists may disagree on the amount of the increase, but now there should be no doubt that the DOE is increasing the price of oil by filling the SPR at this time. The DOE acknowledges this. The DOE should be working to lower oil prices, not helping to boost them to record highs.

DOE says the amount of oil it is putting into the SPR is insignificant compared to total global supply. This is the wrong comparison. The amount of oil DOE is putting into the SPR represents a significant marginal increase in the demand for oil. When supply and demand are closely balanced, a marginal increase in demand can have a very large impact on price. This is precisely the situation we are in today. Supply and demand are very closely balanced. Adding a demand of millions of barrels of oil over a period of several months can have a very significant impact on the amount of oil on the market or in inventories. In a tight market, taking millions of barrels off the market can indeed have a major impact upon oil prices.

When the DOE fills the SPR it does not have to actually purchase any crude oil. Instead, the DOE takes oil that is paid to the Federal Government as royalties for oil produced by private oil companies on offshore oil leases in the Gulf of Mexico and trades it back to private oil companies for oil that is then placed into the SPR. Thus, the DOE's program to acquire oil for the SPR does not require any Federal appropriations. But that doesn't mean the program doesn't cost the taxpayers any money. In fact, the opposite is true—the SPR program costs the taxpayers a lot of money. The higher the price of oil, the more it costs the taxpayers. This is because instead of selling the royalty oil on the open market at whatever the market price of oil is, recently as much as $126 a barrel, the DOE is taking that oil off the market, trading it for oil that meets the specifications of oil for the SPR, and leaving taxpayers without the revenue that would be created by selling tens of millions of barrels of oil. In essence, the taxpayers are paying the market price of oil for each barrel of oil placed into the SPR.

A moratorium on filling the SPR until prices are lower would save the taxpayers money. If the DOE were to acquire SPR oil at $75 per barrel instead of $125 per barrel, it would save $50 per barrel. For 10 million barrels, that would add up to $500 million. Delaying the filling of the SPR would not affect or harm our national security or our energy security. The SPR is currently about 97 percent full, with

slightly more than 700 million barrels of oil. This amount of oil is large enough to ensure that we are prepared for any contingencies that the SPR is designed to cover.

To date, over the entire life of the SPR the largest withdrawal of oil from the SPR has been for about 30 million barrels. The amount of oil in the SPR today already is far more than has ever been needed to cover market disruptions.

The DOE's policy to fill the SPR at the same rate regardless of the effect on oil prices or taxpayer costs runs counter to the intent of Congress in section 301 of the Energy Policy Act of 2005, which directs DOE to consider and minimize the effects on oil prices and costs to the taxpayers when acquiring oil for the SPR. I sponsored the amendment, along with Senator COLLINS, that became this provision in the law. We did not intend this to simply be a formality, whereby in every case DOE would simply conclude that the effect on price was insignificant. Yet that seems to be how DOE is applying this provision.

In 2003, the Permanent Subcommittee on Investigations, which I chair, completed a detailed investigation of the SPR fill program. The subcommittee's 2003 report is titled ''U.S. Strategic Petroleum Reserve: Recent Policy Has Increased Costs to Consumers But Not Overall U.S. Energy Security.'' It can be found on the Subcommittee's Web site. The investigation found that in 2002 the Bush administration changed the DOE's policy on how it would fill the SPR, and that this change in policy increased the price of oil but not our overall energy security.

Before the Bush administration changed the DOE's policy on filling the SPR, the DOE sought to put more crude oil into the SPR when supplies were plentiful and prices low and less crude oil into the SPR when supplies were scarce and prices high. The DOE also would allow oil companies to defer deliveries for up to a year when supplies were tight, provided that the oil companies would deposit more oil into the SPR at the end of the deferral period. Through this deferral policy, the DOE was able to obtain additional SPR oil for no additional cost to the taxpayer. This policy made good sense.

As my subcommittee's report documented, in 2002 the White House directed DOE to change its policy. Instead of allowing the DOE to continue with its sensible policy, the White House directed the DOE to fill the SPR at the same rate, regardless of market conditions. The new policy also prohibited the DOE from accepting any deferrals, regardless of market conditions. The career DOE staff vigorously protested the changes ordered by the White House. The career staff pointed out that filling the SPR in times of tight supplies and high prices would push prices up and that not allowing any deferrals would cost the taxpayers more money. The career staff also argued that the old policy followed good business judgment and the new policy would be difficult to defend under sound business principles. These memos are included as exhibits to the subcommittee's 2003 report. The DOE career staff's recommendations were rejected, however, and the current policy was adopted.

Following the issuance of this report, in early 2003, I asked the Department of Energy to suspend its filling of the SPR until prices had abated and supplies were more plentiful. The DOE refused to change course and continued the SPR fill without regard to market supplies or prices. In response, I offered a bipartisan amendment, with Senator COLLINS, to the Interior appropriations bill—which provides funding for the Strategic Petroleum Reserve program—to require the DOE to minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Senate unanimously adopted our amendment, but it was dropped from the conference report due to the Bush administration's continued opposition.

The next spring, I offered another bipartisan amendment, also with Senator COLLINS, to the budget resolution expressing the sense of the Senate that the administration should postpone deliveries into the SPR and use the savings from the postponement to increase funding for national security programs. The amendment passed the Senate by a vote of 52 to 43. That fall, we attempted to attach a similar amendment to the Homeland Security appropriations bill that would have postponed the SPR fill and used the savings for homeland security programs, but the amendment was defeated by a procedural vote, even though the majority of Senators voted in favor of the amendment, 48 to 47.

The next year, the Senate passed the Levin-Collins amendment to the Energy Policy Act of 2005 to require the DOE to consider price impacts and minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Levin-Collins amendment was agreed to by the conferees and signed into law as section 301 of the Energy Policy Act of 2005.

But, unfortunately, passage of this provision has had no effect upon the DOE's actions. The DOE continues to fill the SPR regardless of the market effects of buying oil, thereby taking oil off the market and reducing supply by placing it into the SPR. In the past year, no matter what the price of oil or market conditions, the DOE has consistently said that the market effects are negligible and claimed that there is no reason to delay filling the SPR, effectively ignoring the section 301 requirements of the Energy Policy Act. The result is that we have the current contradiction of DOE depositing oil into the SPR at the same time the President is urging OPEC to put more oil on to the market.

Now is not the time to be filling the SPR. When oil prices are at record highs, we should be looking for ways to increase oil supplies and reduce prices. The Department of Energy is doing just the opposite. It is taking oil off the market and increasing prices, doing so at great costs to taxpayers and despite enacted law requiring that they do otherwise. There is now a strong bipartisan consensus to put a halt to the administration's misguided SPR policy. I urge my colleagues to vote for this amendment to postpone the filling of the SPR until oil prices have fallen to lower levels.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want the Republicans to know I have changed my mind over the past 3 or 4 weeks, and it is simply because the price of oil is now up to $125 a barrel—perhaps in real dollars $110. I think for 7 months to stop filling SPR could have a chance of reducing the price by a small amount.

Make no bones about it now, this is no big energy policy. This is one little thing we can do, and I think we ought to go ahead and do it. I know there are some who take the fact that we need a big reserve very seriously, and they think we ought to continue to fill it even more than we are, and I respect those views. But with reference to this amendment, by Senator DORGAN, I think we ought to support it and at least do one positive thing. It was in our bill, incidentally, as one of a number of positive things we would do, including Alaska, which is complained so much about. It would produce a million barrels permanently, more or less. This is 70,000 barrels one time—so we understand.

I yield the floor.

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

The ACTING PRESIDENT pro tempore. All time has expired.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—97

Akaka	Cantwell	DeMint
Alexander	Cardin	Dodd
Barrasso	Carper	Dole
Baucus	Casey	Domenici
Bayh	Chambliss	Dorgan
Bennett	Clinton	Durbin
Biden	Coburn	Ensign
Bingaman	Cochran	Enzi
Bond	Coleman	Feingold
Boxer	Collins	Feinstein
Brown	Conrad	Graham
Brownback	Corker	Grassley
Bunning	Cornyn	Gregg
Burr	Craig	Hagel
Byrd	Crapo	Harkin

Hatch	McCaskill	Shelby
Hutchison	McConnell	Smith
Inouye	Menendez	Snowe
Isakson	Mikulski	Specter
Johnson	Murkowski	Stabenow
Kennedy	Murray	Stevens
Kerry	Nelson (FL)	Sununu
Klobuchar	Nelson (NE)	Tester
Kohl	Obama	Thune
Kyl	Pryor	Vitter
Landrieu	Reed	Voinovich
Lautenberg	Reid	Warner
Leahy	Roberts	Webb
Levin	Rockefeller	Whitehouse
Lieberman	Salazar	Wicker
Lincoln	Sanders	Wyden
Lugar	Schumer	
Martinez	Sessions	

NAYS—1

Allard

NOT VOTING—2

Inhofe McCain

The ACTING PRESIDENT pro tempore. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment (No. 4737) was agreed to.

Mr. REID. Mr. President, first I move to reconsider that vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I am going to ask unanimous consent, if everyone would be kind enough to listen to me—we just passed an amendment by 97 votes, I think I heard the Chair announce. I would therefore ask, as a result of that vote, that the Senate—the one we just concluded—I now ask unanimous consent that the Senate proceed to a bill, which is at the desk, which encompasses the text of this SPR amendment which the Senate just adopted; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that there be no intervening action or debate.

Mr. DOMENICI. I object.

Mr. REID. Mr. President, we could have this out of here today. The House could take care of it either tonight or tomorrow and be on the President's desk on Wednesday. I have been told by my distinguished friend, Senator DOMENICI, that there is going to be an objection on the other side. I think it is really unfortunate. That is one reason people are a little concerned about our conduct here. We just passed something by almost 100 votes, and someone now is objecting to taking this up as a bill. I think that doesn't make a lot of sense. I am terribly disappointed that we have more of this stalling and obstructionism that has gone on this entire Congress.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did object, and I object now.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I now ask unanimous consent that the previous order with respect to S. 2284 be further modified to provide that following third reading of S. 2284, the Banking Committee be discharged from further consideration of H.R. 3121, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 2284, as amended, be inserted in lieu thereof; that the bill be read a third time, and the Senate then vote on passage of H.R. 3121; that upon passage of H.R. 3121, S. 2284 be returned to the calendar, with the remaining provisions of the previous order remaining in effect, and without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I do not object, of course, but might I observe that I understood the objection to the previous unanimous consent request. My hope would be that in the coming hours today we might have some discussions between the leadership of the minority and majority so that we can proceed on the SPR amendment. I understand the objection was raised, but there has been an overwhelming amount of support by the Senate. I hope we could have those discussions this afternoon and perhaps proceed on the basis that Senator REID has suggested.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 4707), as amended, was agreed to.

Mr. DODD. Mr. President, last week, the Senate had a fruitful debate on, and today the Senate will vote on passage of the Flood Insurance Reform and Modernization Act. This bill extends the flood insurance program for 5 years, while making commonsense reforms so that flood insurance remains available to millions of Americans who live in flood-prone areas.

Though many people think of floods as confined to coastal areas, I want to let my colleagues know that in the last year, there have been flood claims in all 50 States. Every State has at-risk areas, and in the absence of private insurance, the National Flood Insurance Program is the only way for home and business owners to ensure they can rebuild after the waters recede.

The bill we are considering makes some tough choices, as I talked about last week.

In order to assure the continuation and availability of flood insurance, this bill essentially restarts the flood program. It forgives the $17 billion of program debt so that all policyholders will not face steep premium increases. All 5.5 million policyholders would have to double their premium payments just to pay the interest on this debt. To make a dent in the principal, premiums would have to increase many times over. Increases of this magnitude would drive untold numbers of people to drop flood insurance—at a time when we ought to be encouraging more people to purchase this critical coverage.

In an effort to avoid these steep premium increases, the bill forgives the debt. In addition, it reforms the premium structure so rates are actuarially based. Yes, this reform will result in some policyholders paying more for flood coverage, but the premium increases are much less than they would be if this bill were not to pass. If we do nothing, FEMA's $17 billion debt hangs over the entire program.

Last week, we accepted 11 amendments. We were able to accommodate Senators on both sides of the aisle—specifically Senators MENENDEZ, COBURN, MCCASKILL, DEMINT, DOLE, THUNE, DURBIN, and LANDRIEU. Their amendments help to strengthen this bill and the flood insurance program. These amendments include provisions to ensure that FEMA does outreach when mapping changes occur, to make policy exclusions clear to home and business owners, and to strengthen the flood insurance advocate created in the committee-passed bill.

I want to thank Senator SHELBY and his staff for working so closely with us on this bipartisan bill. I also want to thank the majority and minority leaders for agreeing to move to this bill, and for supporting our efforts last week to accommodate debate and amendments.

I especially thank the staff who have worked on this legislation. In particular I want to thank Lula Davis, Tim Mitchell, Tricia Engle, and Mark Wetjen on Leader REID'S staff, and I want to thank Rohit Kumar and Dave Schiappa on minority leader MCCONNELL's staff.

Senator SHELBY's staff have been invaluable, and I want to recognize the work of Bill Duhnke, Mark Oesterle, Mark Calabria and Jim Johnson. I also want to acknowledge the hard work of my own staff, including Shawn Maher, Jennifer Fogel-Bublick, and Sarah Kline.

As I have said, this is a strong bill that ensures flood insurance will be available for many years to come. I urge my colleagues to support this bill so that families can rebuild their homes and their lives after a flood.

Mr. DURBIN. Mr. President, I rise in support of the Flood Insurance Reform and Modernization Act of 2007.

After Hurricane Katrina, I had a chance to meet some of the survivors who were displaced by the storm and ended up in Illinois. Many had lost their homes, their jobs, their communities, everything. Nearly 3 years later, some are still picking up the pieces of a former life.

We can't stop every disaster from happening. But we can be prepared, so what happened after Katrina never happens again.

Katrina taught us the importance of being prepared. We need to understand the risks of disaster, prepare homes

and communities to withstand disaster, and make sure that once disaster strikes, communities can get back on their feet as quickly as possible.

The national flood insurance program is one of the best ways we do this. It allows people who live near rivers or other flood-prone areas to insure themselves at an affordable rate against the risk of a flood. If the worst happens, it covers some of the costs of recovery.

This program is critically important to Illinois.

Illinois has the largest inland system of rivers, lakes, and streams in the Nation. Floods are 98 percent of Illinois' declared disasters. That is why only three other States have more communities participating in the flood insurance program than Illinois.

The bill before us today renews the flood insurance program, which expires this September, and strengthens the program in several important ways.

It puts the program on sound financial footing. It forgives the $17 billion debt from Katrina and other storm-related losses, a debt the program could never repay. But the bill also requires FEMA to establish a reserve fund so we are in better shape to cover future losses.

It encourages more people to buy flood insurance.

It provides more funding to update old flood maps, so communities know where the hazards are and can plan accordingly.

And I am pleased that this legislation also contains an amendment I offered to make sure that the costs of flood insurance are shared fairly between Illinois and Missouri down near St. Louis.

Floods are among the most common and costly natural disasters. Passing this bill will strengthen our ability to prepare for what we know is coming and to return to our lives as soon as possible once the flood waters recede. This bill helps ensure that when the next Katrina-like disaster hits, we won't see a Katrina-like aftermath.

I thank Senators DODD and SHELBY for their hard work on this bill and urge my colleagues to support it.

Mr. SPECTER. Mr. President, I seek recognition to express my views about the pending energy amendment aimed at increasing domestic oil and gas production. In recognizing that this is a symbolic vote aimed at stimulating debate on the Nation's energy situation, I am voting for this amendment today because I want to affirm the principle of taking decisive action on the Nation's energy issues. I do, however, have reservations about some of the provisions contained within this measure.

While I fully support measures contained in the package which would further the development of alternative fuels for the transportation sector and for electric-powered vehicles; set goals for the use of coal-derived fuels; suspend filling the Strategic Petroleum Reserve; and streamline the permitting process for new oil refineries, I believe further debate is necessary on some other provisions.

Specifically, when these energy issues are revisited, there should be further discussion of opening additional areas of the Outer Continental Shelf to drilling as well as further discussion on the moratorium on commercial leasing of oil shale in the Western United States. I understand the need to develop our domestic resources due to growing global demand for oil, but we must ensure these steps are taken with the utmost environmental sensitivity.

Mr. LEVIN. Mr. President, I will vote for the Flood Insurance Reform and Modernization Act because it would help place the National Flood Insurance Program, NFIP, back on solid financial footing. It is not a perfect bill, but I hope that some of my concerns can be addressed in the House Senate conference process.

When Congress established the NFIP in 1968, flood insurance was not available at an affordable price, resulting in frequent and costly Federal disaster aid payments. The new program created a method to share the risk of flood losses through a national insurance program and required preventive and protective measures to mitigate the risk. Currently, Michigan has over 27,000 flood insurance policies, and since the program's inception, over $42.6 million in flood claims have been paid to Michigan policyholders. This bipartisan reform bill extends this important program through 2013, and enhances the long-term viability of the program, helping to provide self-sustaining, critical insurance coverage for millions of home and business owners throughout the country.

Historically, the flood insurance program has covered most claims through the premiums it has collected. However, recent losses from the 2004 floods and 2005 catastrophic hurricanes have left the program over $17 billion in debt to the U.S. Treasury. This reform bill takes the painful but necessary step of forgiving that debt. At the same time, this legislation makes changes to the program to help ensure its continued long-term financial solvency. The aim is to ensure that each time a hurricane, deluge or other natural disaster hits, flood claims can be paid without relying on taxpayer funds from across the country.

There are a number of measures in this bill aimed at restoring the program's financial stability. These include requiring certain at-risk properties to pay phased-in actuarial rates, extending the Severe Repetitive Loss Mitigation program to mitigate losses on the most at-risk properties, and requiring the program to build up reserves. These and other new requirements reflect difficult choices because they are not without cost to property owners, many of whom are already stretched by staggering gas and grocery prices, falling home values and a dismal economy. This bill attempts to recognize that reality by maintaining some subsidized rates for Federal flood insurance where buildings were built before the existence of a federal flood map, and phasing-in new actuarial rates.

The bill also expands and encourages the purchase of flood insurance for properties in areas with flood risks. Property owners in a 500-year floodplain would be notified about the risks they face, but would not be required to purchase flood insurance. To better define areas of flood risk, the bill would require FEMA to establish an ongoing map modernization program using the most accurate data and consistent standards for mapping. These changes will help generate the necessary premium income for the program while striving to maintain affordability for homeowners.

The bill also expands and encourages the purchase of flood insurance for properties in areas located behind levees, dams, and other man-made structures, recognizing that these structures could be breached. While recent history has shown us that levees can and do fail and that no properties are entirely risk-free, I am concerned that imposing this mandatory requirement in a uniform fashion may not accurately reflect the risks these communities face. Michigan has 2,500 dams and numerous levees scattered across the State; properties behind these structures would be required to purchase federal flood insurance regardless of the risks they face. We need to better understand the implications of requiring mandatory insurance for all of these areas before we impose a blanket requirement on all of them. For this reason, I voted in support of an amendment offered by Senator LANDRIEU that would have lifted this new mandatory requirement and would have instead required a study to be conducted to assess the impact, effectiveness, and feasibility of extending mandatory flood coverage to these areas. I believe Senator LANDRIEU's more thoughtful approach is warranted. Unfortunately, the amendment failed 30–62.

While I recognize that making the NFIP more financially sound requires making some tough decisions, I believe some of the choices reflected in this bill lead to unfair results. For example, I am concerned about what will happen to property owners currently not mapped into a floodplain should a new map require them to purchase flood insurance. Currently, these property owners would receive subsidized policies, because the buildings were built before the flood risk was known. However, this bill removes the subsidized rate for properties that get remapped into a floodplain. While the bill provides a 2-year phase-in for these unsubsidized rates, it is not fair to demand higher rates from those who, through no fault of their own, had no idea they had exposure to flood damage, especially at a time when so many families are struggling to meet their monthly expenses. This inequity is one that I hope can be addressed when this bill is conferenced with the House version passed last year.

There are also inequities in existing approaches of FEMA's mapping of flood risk which need to be corrected in conference. For instance, revised flood

maps are being developed by FEMA for the city of Grand Rapids in such a way that does not incorporate the existing flood protection provided by the city's recently completed $12.4 million floodwall improvement project. The revised flood maps would put over 6,000 additional properties into the 100-year floodplain, at a cost of over $6 million per year. This is an area that has not flooded at that level since 1905, and that occurred when the city did not have structural flood protection. FEMA's action appears arbitrary, ignores the participation of its State partner, and would likely decrease property values and the tax base of the community, hampers economic development, and imposes unfair costs on thousands of people in the city of Grand Rapids. FEMA should more thoroughly and accurately reassess flood risks using a risk-based analysis to account for local conditions and incorporate protection by the city's improved floodwalls, rather than ignoring their presence. I am hopeful that the managers will work with us in conference to address this unconscionable and unnecessary burden the city of Grand Rapids and its citizens are facing.

I wish that no American had to worry about suffering damage from a natural disaster, but it is a fact of nature that such damage can happen. That is why it is important to do what we can to help property owners have adequate insurance. The goals of the National Flood Insurance Program are important, and reauthorizing and revamping this program is necessary. This bill represents a necessary step to ensure that more at-risk property owners are protected while the cost of disaster relief and adequate insurance is less of a burden to the average taxpayer. Flooding is a risk that many communities face, and the availability of flood insurance is important for ensuring that our citizens can recover from any losses suffered. However, this must be done in a way that does not unduly and unfairly burden our communities. I will continue to work to strengthen the National Flood Insurance Program in a fair and responsible manner as it proceeds to conference.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Banking Committee is discharged from further consideration of H.R. 3121, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, all after the enacting clause is stricken and the text of S. 2284, as amended, is inserted in lieu thereof.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—92

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

NAYS—6

Coburn	Lincoln	Pryor
Landrieu	Nelson (FL)	Vitter

NOT VOTING—2

Inhofe	McCain

The bill (H.R. 3121), as amended, was passed, as follows:

H.R. 3121

Resolved, That the bill from the House of Representatives (H.R. 3121) entitled ''An Act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Definitions.
Sec. 104. Extension of National Flood Insurance Program.
Sec. 105. Availability of insurance for multifamily properties.
Sec. 106. Reform of premium rate structure.
Sec. 107. Mandatory coverage areas.
Sec. 108. Premium adjustment.
Sec. 109. State chartered financial institutions.
Sec. 110. Enforcement.
Sec. 111. Escrow of flood insurance payments.
Sec. 112. Borrowing authority debt forgiveness.
Sec. 113. Minimum deductibles for claims under the National Flood Insurance Program.
Sec. 114. Considerations in determining chargeable premium rates.
Sec. 115. Reserve fund.
Sec. 116. Repayment plan for borrowing authority.
Sec. 117. Payment of condominium claims.
Sec. 118. Technical Mapping Advisory Council.
Sec. 119. National Flood Mapping Program.
Sec. 120. Removal of limitation on State contributions for updating flood maps.
Sec. 121. Coordination.
Sec. 122. Interagency coordination study.
Sec. 123. Nonmandatory participation.
Sec. 124. Notice of flood insurance availability under RESPA.
Sec. 125. Testing of new flood proofing technologies.
Sec. 126. Participation in State disaster claims mediation programs.
Sec. 127. Reiteration of FEMA responsibilities under the 2004 Reform Act.
Sec. 128. Additional authority of FEMA to collect information on claims payments.
Sec. 129. Expense reimbursements of insurance companies.
Sec. 130. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 131. Flood insurance advocate.
Sec. 132. Studies and Reports.
Sec. 133. Feasibility study on private reinsurance.
Sec. 134. Policy disclosures.
Sec. 135. Report on inclusion of building codes in floodplain management criteria.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Establishment.
Sec. 204. Membership.
Sec. 205. Duties of the Commission.
Sec. 206. Report.
Sec. 207. Powers of the Commission.
Sec. 208. Commission personnel matters.
Sec. 209. Termination.
Sec. 210. Authorization of appropriations.

TITLE III—MISCELLANEOUS

Sec. 301. Big Sioux River and Skunk Creek, Sioux Falls, South Dakota.
Sec. 302. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Flood Insurance Reform and Modernization Act of 2008''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 will likely exceed all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed over $20,000,000,000 from the Treasury;

(3) the interest alone on this debt, is almost $1,000,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) recent events throughout the country involving areas behind man-made structures, known as ''residual risk'' areas, have produced catastrophic losses;

(7) although such man-made structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term ''National Flood Insurance Program'' means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(3) 100-YEAR FLOODPLAIN.—The term ''100-year floodplain'' means that area which is subject to inundation from a flood having a 1 percent chance of being equaled or exceeded in any given year.

(4) 500-YEAR FLOODPLAIN.—The term ''500-year floodplain'' means that area which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

(5) WRITE YOUR OWN.—The term ''Write Your Own'' means the cooperative undertaking between the insurance industry and the Flood Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking ''2008'' and inserting ''2013.''.

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following:

''(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

''(1) IN GENERAL.—The Director shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Director may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.''.

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the exclusion of prospective insureds from purchasing flood insurance at rates less than those estimated under paragraph (1), as required by paragraph (2), for certain properties, including for—

''(A) any property which is not the primary residence of an individual;

''(B) any severe repetitive loss property, as defined in section 1361A(b);

''(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

''(D) any business property; and

''(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2008 has experienced or sustained—

''(i) substantial damage exceeding 50 percent of the fair market value of such property; or

''(ii) substantial improvement exceeding 30 percent of the fair market value of such property.''; and

(B) by adding at the end the following:

''(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

''(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008;

''(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy; and

''(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

''(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

''(B) in connection with—

''(i) a repetitive loss property; or

''(ii) a severe repetitive loss property, as that term is defined under section 1361A.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this title.

(b) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking ''under this title for any properties within any single'' and inserting the following: ''under this title for any properties—

''(1) within any single''; and

(2) by striking ''10 percent'' and inserting ''15 percent''; and

(3) by striking the period at the end and inserting the following: ''; and

''(2) described in section 1307(a)(4) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).''.

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of enactment of this title, the Director shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall—

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Director determines essential in order to administer the National Flood Insurance Program, as required under section 119, are in the maintenance phase.

(3) ACCURATE PRICING.—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

(d) DECERTIFICATION.—Upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corp of Engineers, the Corp shall immediately provide notice to the Director of the National Flood Insurance Program.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

''(g) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), and upon completion of the updating of any flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2008, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of such updating or remapping that is a result of such updating or remapping shall be phased in over a 2-year period at the rate of 50 percent per year.

''(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

''(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

''(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

''(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term 'area' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance

program under this title as of the date of enactment of this subsection.''.

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) given satisfactory assurance that by December 31, 2008, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).''.

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking ''$350'' and inserting ''$2,000''; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) REGULATED LENDING INSTITUTIONS.—

''(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that any premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes, shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.

''(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its entity or agency with primary responsibility for the supervision of lending institutions in that State require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from such State entity or agency, the Director, or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.''; and

(2) by adding at the end the following:

''(6) NOTICE UPON LOAN TERMINATION.—Upon final payment of the mortgage, a regulated lending institution shall provide notice to the policyholder that insurance coverage may cease with such final payment. The regulated lending institution shall also provide direction as to how the homeowner may continue flood insurance coverage after the life of the loan.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this title.

SEC. 112. BORROWING AUTHORITY DEBT FORGIVENESS.

(a) IN GENERAL.—The Secretary of the Treasury relinquishes the right to any repayment of amounts due from the Director in connection with the exercise of the authority vested to the Director to borrow such sums under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016), to the extent such borrowed sums were used to fund the payment of flood insurance claims under the National Flood Insurance Program for any damage to or loss of property resulting from the hurricanes of 2005.

(b) CERTIFICATION.—The debt forgiveness described under subsection (a) shall only take effect if the Director certifies to the Secretary of Treasury that all authorized resources or funds available to the Director to operate the National Flood Insurance Program—

(1) have been otherwise obligated to pay claims under the National Flood Insurance Program; and

(2) are not otherwise available to make payments to the Secretary on any outstanding notes or obligations issued by the Director and held by the Secretary.

(c) DECREASE IN BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$20,775,000,000' for '$1,500,000,000' ''.

SEC. 113. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking ''The Director is'' and inserting the following:

''(a) IN GENERAL.—The Director is''; and

(2) by adding at the end the following:

''(b) MINIMUM ANNUAL DEDUCTIBLE.—

''(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.

''(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $750, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.''.

SEC. 114. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended—

(1) in subsection (a), by striking '', after consultation with'' and all that follows through ''by regulation'' and inserting ''prescribe, after providing notice'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking '', and'' and inserting a semicolon;

(D) in paragraph (4), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.''; and

(3) by adding at the end the following:

''(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year'—

''(1) includes catastrophic loss years; and

''(2) shall be computed in accordance with generally accepted actuarial principles.''.

SEC. 115. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 the following:

''SEC. 1310A. RESERVE FUND.

''(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Director shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

''(1) be an account separate from any other accounts or funds available to the Director; and

''(2) be available for meeting the expected future obligations of the flood insurance program.

''(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

''(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

''(2) such higher percentage as the Director determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

''(c) MAINTENANCE OF RESERVE RATIO.—

''(1) IN GENERAL.—The Director shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

''(A) to maintain the reserve ratio required under subsection (b); and

''(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

''(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Director shall consider—

''(A) the expected operating expenses of the Reserve Fund;

''(B) the insurance loss expenditures under the flood insurance program;

''(C) any investment income generated under the flood insurance program; and

''(D) any other factor that the Director determines appropriate.

''(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Director shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

''(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

''(1) IN GENERAL.—Beginning in fiscal year 2008 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Director shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Director shall not be required to set aside any amounts for the Reserve Fund.

''(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Director shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Director determines that the reserve ratio required under subsection (b) cannot be achieved, the Director shall submit a report to Congress that—

''(1) describes and details the specific concerns of the Director regarding such consequences;

''(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

''(3) indicates the maximum attainable reserve ratio for that particular fiscal year.''.

SEC. 116. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

''(c) Any funds borrowed by the Director under the authority established in subsection (a) shall include a schedule for repayment of such amounts which shall be transmitted to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.

''(d) In addition to the requirement under subsection (c), in connection with any funds borrowed by the Director under the authority established in subsection (a), the Director, beginning 6 months after the date on which such borrowed funds are issued, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.''.

SEC. 117. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 113, is further amended by adding at the end the following:

''(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Director may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based, solely or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association. Notwithstanding any regulations, rules, or restrictions established by the Director relating to appeals and filing deadlines, the Director shall ensure that the requirements of this subsection are met with respect to any claims for damages resulting from flooding in 2005 and 2006.''.

SEC. 118. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director, or the designee thereof, and 12 additional members to be appointed by the Director or the designee of the Director, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers;

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof);

(L) a member of a recognized regional flood and storm water management organization;

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Director how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Director mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Director how to maintain on an ongoing basis flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Director and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 119; and

(C) a summary of recommendations made by the Council to the Director.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this title, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Director.

(2) RESPONSIBILITY OF THE DIRECTOR.—The Director, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 119, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the ''Chairperson'').

(f) COORDINATION.—To ensure that the Council's recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A–16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a non-reimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) REPORT TO CONGRESS.—The Director, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council; and

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data.

SEC. 119. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Director, in coordination with the Technical Mapping Advisory Council established under section 118, shall establish an ongoing program under which the Director shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all areas located within the 100-year floodplain;

(ii) all areas located within the 500-year floodplain;

(iii) areas of residual risk that have not previously been identified, including areas that are protected levees, dams, and other man-made structures; and

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other man-made structure;

(v) the level of protection provided by man-made structures.

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968, the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall:

(A) GROUND ELEVATION DATA.—Assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

(B) DATA ON A WATERSHED BASIS.—Develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Director shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Director shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Director, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Director; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) compliant with the North American Vertical Datum of 1998 for New Hydrologic and Hydraulic Engineering.

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this section $400,000,000 for each of fiscal years 2008 through 2013.

SEC. 120. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking ``, but which may not exceed 50 percent of the cost of carrying out the requested revision or update''.

SEC. 121. COORDINATION.

(a) INTERAGENCY BUDGET CROSSCUT REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Director, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary or head of each such agency, an interagency budget crosscut report that displays the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intraagency transfers.

(b) DUTIES OF THE DIRECTOR.—In carrying out sections 118 and 119, the Director shall—

(1) participate, pursuant to section 216 of Public Law 107–347 (116 Stat. 2945), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of geospatial data among all governmental users.

SEC. 122. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Director shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to the—

(1) Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) Committee on Financial Services of the House of Representatives;

(3) Committee on Appropriations of the Senate; and

(4) Committee on Appropriations of the House of Representatives.

SEC. 123. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(b) NOTICE.—

(1) BY DIRECTOR.—In carrying out the National Flood Insurance Program, the Director shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the

500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with and substantially identical to the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 124. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) an explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.''.

SEC. 125. TESTING OF NEW FLOODPROOFING TECHNOLOGIES.

(a) PERMISSIBLE TESTING.—A temporary residential structure built for the purpose of testing a new flood proofing technology, as described in subsection (b), in any State or community that receives mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) may not be construed to be in violation of any flood risk mitigation plan developed by that State or community and approved by the Director of the Federal Emergency Management Agency.

(b) CONDITIONS ON TESTING.—Testing permitted under subsection (a) shall—

(1) be performed on an uninhabited residential structure;

(2) require dismantling of the structure at the conclusion of such testing; and

(3) require that all costs associated with such testing and dismantling be covered by the individual or entity conducting the testing, or on whose behalf the testing is conducted.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or extend the availability of flood insurance to any structure that may employ, utilize, or apply any technology tested under subsection (b).

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) that may have resulted in flood damage under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Director shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

''(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Director shall require that each representative of the Director—

''(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

''(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

''(3) participate in good faith negotiations toward the settlement of such claims with policyholders of coverage made available under the flood insurance program; and

''(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

''(c) COORDINATION.—Representatives of the Director shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

''(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

''(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

''(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

''(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

''(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

''(1) affect or expand the liability of any party in contract or in tort; or

''(2) affect the rights or obligations of the parties, as established—

''(A) in any regulation issued by the Director, including any regulation relating to a standard flood insurance policy;

''(B) under this Act; and

''(C) under any other provision of Federal law.

''(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

''(h) COST LIMITATION.—Nothing in this section shall be construed to require the Director or a representative of the Director to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Director participates.

''(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumen-auer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

''(j) REPRESENTATIVES OF THE DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).''.

SEC. 127. REITERATION OF FEMA RESPONSIBILITIES UNDER THE 2004 REFORM ACT.

(a) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director shall continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, as such standards were determined by the Director in the notice published in the Federal Register on September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(b) REPORT ON THE OVERALL IMPLEMENTATION OF THE REFORM ACT OF 2004.—Not later than 3 months after the date of the enactment of this title, the Director shall submit a report to Congress—

(1) describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 712);

(2) identifying each regulation, order, notice, and other material issued by the Director in implementing each provision of that Act;

(3) explaining any statutory or implied deadlines that have not been met; and

(4) providing an estimate of when the requirements of such missed deadlines will be fulfilled.

SEC. 128. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Director shall collect, from property and casualty insurance companies that are authorized by the Director to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 129. EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE DIRECTOR.—Not later than 20 days after the date of enactment of this title, each

property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program shall submit to the Director any biennial report prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Director shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Director shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to $1,000 per day for each day that the company remains in noncompliance with either such requirement.

(b) FEMA RULEMAKING ON EXPENSES OF WYO PROGRAM.—Not later than 180 days after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to devise a data collection methodology to allow the Federal Emergency Management Agency to collect consistent information on the expenses (including the operating and administrative expenses for adjustment of claims) of property and casualty insurance companies participating in the Write Your Own program for selling, writing, and servicing, standard flood insurance policies.

(c) SUBMISSION OF EXPENSE REPORTS.—Not later than 60 days after the effective date of the final rule established pursuant to subsection (b), each property and casualty insurance company participating in the Write Your Own program shall submit a report to the Director that details for the prior 5 years the expense levels of each such company for selling, writing, and servicing standard flood insurance policies based on the methodologies established under subsection (b).

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 15 months after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and non-catastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE DIRECTOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (b) or subsection (d), the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsections (b) and (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsections (b) and (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 130. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1)—

(A) in the first sentence, by striking ''in each of fiscal years 2005, 2006, 2007, 2008, and 2009'' and inserting ''in each fiscal year through fiscal year 2013''; and

(B) by adding at the end the following new sentence: ''For fiscal years 2008 through the 2013, the total amount that the Director may use to provide assistance under this section shall not exceed $240,000,000.''; and

(2) by striking subsection (l).

(b) REPORT TO CONGRESS ON IMPLEMENTATION STATUS.—Not later than 6 months after the date of enactment of this title, the Director shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the implementation of the pilot program for severe repetitive loss properties authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

(c) RULEMAKING.—No later than 90 days after the date of enactment of this title, the Director shall issue final rules to carry out the severe repetitive loss pilot program authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

''SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

''(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

''(B) be appointed by the Director without regard to political affiliation;

''(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

''(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

''(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, or experience representing insureds, as well as experience in investigations or audits.

''(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

''(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(1) assist injure under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(2) identify areas in which such injure have problems in dealings with the Federal Emergency Management Agency relating to such program;

''(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

''(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

''(5) conduct, supervise, and coordinate—

''(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer policies under the National Flood Insurance Program to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program; and

''(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

''(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

''(A) promoting economy and efficiency in the administration of such program;

''(B) preventing and detecting fraud and abuse in the program; and

''(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse; and

''(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program.

''(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section, including information submitted pursuant to Section 128 of this Act;

''(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

''(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

''(4) request the production of information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section;

''(5) request the testimony of any person in the employ of any insurance company or associated entity participating in the National Flood Insurance Program, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

''(6) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(7) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

''(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

''(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(e) OTHER RESPONSIBILITIES.—

''(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate may—

''(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

''(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

''(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (i);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

''(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

''(xii) identify fraud and abuse in the national flood insurance program; and

''(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

''(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

''(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

''(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

''(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

''(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

''(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

''(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

''(g) PERSONNEL ACTIONS.—

''(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

''(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

''(h) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate

phone, facsimile, and other electronic communication access.

''(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

''(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

''(k) COORDINATION.—

''(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

''(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

''(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

''(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

''(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

''(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—The Director and the Advocate shall establish procedures to take appropriate action against an insurance company, including monetary penalties and removal or suspension from the program, when a company refuses to cooperate with an investigation or audit under this section or where a finding has been made of improper conduct.

''(m) DEFINITIONS.—For purposes of this subsection:

''(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

''(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

''(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SEC. 132. STUDIES AND REPORTS.

(a) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) $250,000 for the structure; and

(ii) $100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of $500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of $417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE DIRECTOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Director shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Director for mitigation assistance under section 1366(e)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Director as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Director as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), including the historical basis for the receipt of such subsidy and whether such subsidy has outlasted its purpose;

(2) number and fair market value of such structures;

(3) respective income level of each owner of such structure;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost to the taxpayer, as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the most efficient way to eliminate the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Department of Homeland Security's Inspectors general Office, shall—

(1) conduct a review of the 3 largest contractors the Director uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this title, submit a report on the findings of such review to the Director, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 133. FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

SEC. 134. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—Any person that violates the requirements of this section shall be subject to a fine of not more than $50,000 at the discretion of the Director.

SEC. 135. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Commission on Natural Catastrophe Risk Management and Insurance Act of 2008''.

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of $200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the ''Commission'').

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the ''Chairperson'').

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for

paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risked-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government providing reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

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

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

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

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to

reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SEC. 302. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

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

The motion to lay on the table was agreed to.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007—MOTION TO PROCEED—Resumed

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 275, H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Edward M. Kennedy, Robert Menendez, Russell D. Feingold, Patty Murray, Daniel K. Inouye, Amy Klobuchar, Debbie Stabenow, Ron Wyden, Barbara Boxer, Christopher J. Dodd, John D. Rockefeller, IV, Jon Tester, Sheldon Whitehouse, Frank R. Lautenberg, Sherrod Brown, Jeff Bingaman, John F. Kerry.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 980, the Public Safety Employer-Employee Cooperation Act, shall be brought to a close?

There is 2 minutes of debate, equally divided.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the legislation to provide a voice for our public safety offices. We have spent a great deal of time in the Senate on homeland security, but the key to effective homeland security is having effective firefighters, police officials, and first responders. They are the individuals who are really protecting our homeland. They are the ones who should have a voice in decisions affecting the security of our country. This legislation provides them with that, to ensure greater safety and security for all Americans. I hope the Senate will support the cloture motion.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, once again, we have one of those bills that has never been to committee. I guess we are afraid to take labor issues to the Labor Committee. We ought to be able to review these things and work on them as we do on other kinds of bills, but that is not happening on the labor issues. We are just going to play ''gotcha'' politics.

This bill will take longer than a minute or an hour or a day just to cover some of the flaws that are in this bill. Some of the things that have shown up in the substitute bill never got introduced on this one. So we can see how this doesn't work. This will affect all 50 States. This is an opportunity for you to impose the will of the Federal Government on your State. I don't think you really want to do that. We need to have a little bit more than a minute to discuss that.

I think the leadership is asking for people to vote for this amendment. We have agreed that we would go to it right after lunch. This isn't a matter of stalling out in the Senate; it is a matter of trying to get the right decision made. I ask you to look at these things. It ought to go to the Labor Committee so that reasonable suggestions can be made.

The ACTING PRESIDENT pro tempore. The yeas and nays are mandatory under the rule. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—69

Akaka	Biden	Brown
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell
Cardin	Johnson	Obama
Carper	Kennedy	Pryor
Casey	Kerry	Reed
Chambliss	Klobuchar	Reid
Clinton	Kohl	Rockefeller
Coleman	Landrieu	Salazar
Collins	Lautenberg	Sanders
Conrad	Leahy	Schumer
Dodd	Levin	Smith
Domenici	Lieberman	Snowe
Dorgan	Lincoln	Specter
Durbin	Martinez	Stabenow
Feingold	McCaskill	Stevens
Feinstein	McConnell	Sununu
Grassley	Menendez	Tester
Gregg	Mikulski	Thune
Hagel	Murkowski	Voinovich
Harkin	Murray	Webb
Hatch	Nelson (FL)	Whitehouse
Inouye	Nelson (NE)	Wyden

NAYS—29

Alexander	Corker	Isakson
Allard	Cornyn	Kyl
Barrasso	Craig	Lugar
Bennett	Crapo	Roberts
Bond	DeMint	Sessions
Brownback	Dole	Shelby
Bunning	Ensign	Vitter
Burr	Enzi	Warner
Coburn	Graham	Wicker
Cochran	Hutchison	

NOT VOTING—2

Inhofe	McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The motion to lay on the table was agreed to.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Is the Chair going to report the bill now?

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed is agreed to. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 4751

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senator KENNEDY and Senator GREGG, I send a substitute to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. GREGG, for himself, and Mr. KENNEDY, proposes an amendment numbered 4751.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

RECESS

Mr. REID. Mr. President, I ask that the Senate now stand in recess under the previous order.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007—Continued

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

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

Mrs. MURRAY. Mr. President, 46 years ago, President Kennedy designated this week to honor our first responders, particularly police officers who have lost their lives in the line of duty.

This week is National Police Week, and Thursday is National Peace Officers Memorial Day. Here in Washington, DC, and across the country, our communities are honoring the contributions of their public safety officers.

I think all of us in this body would agree that our police officers, our firefighters, paramedics, and all of our first responders are heroes. Their jobs are dangerous and they are extremely demanding. Unfortunately, they too often do not get the respect and gratitude they deserve. And that is why I rise this afternoon to urge my colleagues to support the Public Safety Employee-Employer Cooperation Act, which would take a small step toward repaying that sacrifice.

In most States around the country, our police and firefighters have the right to form unions. In fact, my brother was a firefighter in my home State of Washington. He is a proud member of his local union. But even so, there are still several communities in which our first responders do not have the ability to negotiate. They do not have the ability to bargain for better wages or hours or working conditions or benefits.

The bill we are considering on the Senate floor this afternoon would ensure all of our first responders have the power to organize and stand for their rights. And I believe it will make a real difference for our public safety officers and for all of our communities.

I thank Senator KENNEDY and Senator GREGG for their work on this legislation. Their work truly has been a bipartisan effort, and I hope it is a sign the entire Congress is willing now to come together to ensure our first responders have a right most workers in our country already enjoy.

I believe this bill will make our police and fire departments stronger and our communities safer. Everyone in our communities gains when our police and firefighters are working together with their employers. Having a voice in their work schedules, in their safety procedures, in their pay scales and benefits helps our police and fire departments. It helps them improve safety and reduce the number of deaths and injuries on the job, and it makes most departments more efficient. A department that is safer and more efficient is a department that is then better able to respond to a crisis.

I believe there is another reason we as Members of Congress should vote now to guarantee the right for all first responders to organize. Ever since the September 11 terrorist attacks, we have called on our first responders to play an even greater role in keeping our homeland safe.

Increasingly, as every one of us knows, our police, our firefighters, our troopers, our paramedics are the eyes and ears on the ground in our cities, counties, and States where they serve, no matter how large or small their communities.

So I think as we ask our first responders to do more for our entire Nation, we owe it to them to ensure that across the country they have the same collective bargaining rights.

This bill is pretty simple. The new law would only affect States that do not already allow their public safety forces to bargain collectively. It does not set up a new system of legislation. In fact, it is designed to ensure States have as much freedom as possible to decide how to implement this law. And it specifically allows States to keep enforcing their right-to-work laws. States that are affected would have 1 year to create a process for discussions with workers. If they have not acted by then, the Federal Labor Relations Authority would establish a way to give employees the ability to choose whether to form a union.

And that is it. Unlike some of the false rumors you may have been hearing, it does not encourage police and firefighters to go on strike. In fact, it specifically outlaws that. It does not require State and local governments to adopt any particular terms. It excludes our elected sheriffs and other policymakers, and it will not affect an employee's right to work part-time or prevent them from volunteering.

In short, this bill would be very good for our first responders and very good for our communities. But seeing this bill become law would not only be a victory for our first responders, it would be the first major victory for organized workers in the last 7 years. Unions have forged the way for millions of working families to share in the prosperity they helped create. Unions have helped balance the relationship between employers and employees. And they help to ensure that working families get their fair share of the economic pie. I am very proud to stand with working families to protect their right to organize and advocate for on-the-job safety, job security, and fair pay.

As we recognize National Police Week, what better way to honor the sacrifice our police and other first responders have given us than by ensuring they have the right to collectively bargain. Allowing our first responders to negotiate with their employers is the fair thing to do, and it also happens to be the right thing to do.

I hope all of our colleagues will support them and our communities by saying yes and passing this legislation.

I yield the floor.

Mr. KENNEDY. Mr. President, I see my colleague from New York. I think he would like to speak on this issue, and then we will continue to balance off the speakers the best that we can to try to take into consideration the Members' schedules.

But we thank the Senator from New York. If he is prepared to speak, we would welcome his comments.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I am going to speak on this for a minute and then on one other issue that I mentioned to the Senator from Massachusetts. But first I thank him for his leadership.

The bottom line is, we have made progress in this country over the last 100 years because workers gather and bargain. Simply because somebody is in a life-threatening position, a position that saves lives—police and fire and emergency medical personnel—does not mean they should be deprived of that right.

The rules might not be exactly the same, and this bill is cognizant of that, but at the same time, for a policeman, a firefighter, to have the right to basically bargain and give his family a life with some decency and some dignity is extremely important. So I thank the leader from the Health, Education and Labor and Pensions Committee for bringing this bill forward. I think it will mark real progress.

I think, again, those who put their lives on the line for us, police and fire, should not be penalized because they are in those professions. The right to bargain is an important one. Many State and local workers have it. It is something I supported my whole career. I am proud to be a supporter of this legislation. I thank the Senator from Massachusetts for his leadership.

(The remarks of Mr. SCHUMER pertaining to the introduction of S.J. Res. 32 are located in todays RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY. Mr. President, I thank my colleague and friend from Wyoming, Senator ENZI, for extending the courtesy, because we have had some speakers on our side, out of respect for their schedules. We have welcomed their comments at this time.

But I wish to refocus attention to the subject matter at hand, the matter that is before the Senate, and to describe in greater detail this legislation and the reasons for it and the support for this important piece of legislation.

First, I commend the Senate for voting earlier today to take up the Public Safety Employer-Employee Cooperation Act. The House passed this bill last July by an overwhelming vote of 314 to 97. The Cooperation Act isn't just about protecting union rights. This bill is vitally important to each and every American because, at its core, it is about safety, the safety of our dedicated first responders and the safety of our Nation in this new era of heightened concerns about homeland security. The bill takes a major step forward in protecting our firefighters, police officers, emergency medical technicians, and other first responders from danger on the job. Public safety workers are on the front lines of our constant efforts to keep America safe. They are all on call 24 hours a day, 7 days a week, doing backbreaking, difficult work, and doing it with great skill, great courage, and great dedication.

We have seen all too often how dangerous these jobs can be. These charts illustrate the point. In 2006, more than 75,000 police officers were injured in the line of duty. Last year, 140 police officers paid the ultimate price and lost their lives in the line of duty. We see similar numbers with firefighters who put their lives on the line every day. In 2006, more than 83,000 firefighters were injured in the line of duty. Last year, 115 firefighters paid the ultimate price. Another 45 have lost their lives so far this year. This is dangerous work, life-threatening work. These are careers which men and women follow for years with great courage, dedication, and commitment to the public interest and to the families of America. Those are the individuals we are talking about with this legislation.

First responders can also face chronic long-term health problems as well. The courageous firefighters who rushed to Ground Zero on 9/11 now suffer from crippling health problems such as asthma, chronic bronchitis, back pain, carpal tunnel syndrome, depression, and post-traumatic stress disorder. They often pay the ultimate price. Last year 250 public safety employees across the country lost their lives in the line of duty. Our public safety workers do not hesitate to rush into fires, wade into floods, put their lives on the line in other ways to protect our homes, our families, and our communities. They know better than anyone else what is needed to keep them as safe as possible on the job, and they deserve the right to have a voice in decisions that profoundly affect their lives and their safety.

When governments and public safety workers are unable to cooperate through collective bargaining, the workers' lives are put at needless risk. The numbers tell the story. Look at this chart. States without collective bargaining, which is the underlying issue before the Senate with this legislation, have 39 percent more fatalities. The reason primarily is because firefighters know how to work in ways that can protect the public and also can provide greater safety and security for the firefighters and first responders and police officials as well, based upon their experience, their knowledge of the task which is before them. Because of that, they are able to have a much better safety record. That is basically what we are trying to share, that kind of experience, with the other firefighters and police officials and first responders in other parts of the country who don't have these kinds of protections.

Behind those numbers are the tragic stories of lives that could have been saved with better communication or better cooperation of effort. A heartbreaking example occurred last year in Charleston, SC. Here is the story. In 2002, the Charleston firefighters association asked the city to begin following the National Fire Protection Association. That is an organization that makes recommendations with regard to safety and security in fighting fires. Unfortunately, there was no mechanism to ensure that these concerns could be heard and addressed. On June 18, 2007, nine Charleston firefighters died in the line of duty. In October of 2007, an expert panel hired by the city to investigate the loss recommended that the department begin following NFPA standards and begin meeting with workers.

That was their recommendation after experiencing the loss of lives. Afterwards we wanted to try to establish a procedure to avoid those kinds of circumstances in the future. We will never know how many lives might have been saved on that day in Charleston, if adequate safety standards had been in place, but we do know that in many other fire departments across the country, critical discussions about safety should be happening, but they are not. Unless public safety workers have a voice on the job, these problems will never be fully and fairly addressed. Without the protection of collective bargaining, workers are afraid to speak out for fear they will face retaliation. These fears are well founded because of countless examples of brave and dedicated first responders who have been harshly punished for raising safety concerns.

Consider the case of firefighter Stan Tinney of Odessa, TX. Here is his situation. In 2001, Stan Tinney, president of the Firefighters Association of Odessa, TX published a newsletter critical of the fire department's safety practices, including inadequate staffing and equipment. Tinney was suspended without pay, reprimanded, downgraded in a performance evaluation, and it took a Federal court that later found the Odessa officials violated Tinney's constitutional rights. It took a Federal case in order to do that. Think of all the other Stan Tinneys around the country who have been intimidated by that kind of action. We don't need that. We need to have suggestions. We need ideas. We need recommendations about how to protect our firefighters, our first responders, and our police community.

Tinney and four of his coworkers, when this incident took place, were questioned individually by city officials and Tinney was suspended without pay, reprimanded, and downgraded. A Federal court later found his constitutional rights had been violated, and the city settled Tinney's claim for $265,000. All that heartache and expense could have been avoided if there had been a mechanism in place for Tinney to express his concern. This legislation provides that.

The Public Safety Employer-Employee Cooperation Act will give Stan Tinney and countless others like him a voice in the decisions that affect their jobs, their health and safety, and their families. It will give them a safer workplace, and, just as important, it will give them a right to be treated with dignity and respect.

It is not just individual workers who will benefit from this important legislation. Enabling public safety workers and their employers to work cooperatively together makes our entire Nation safer.

In the past decade, we have seen dramatic changes in the way we protect our country. National security has become a local issue. Every city and town in our country—large and small, urban and rural—now has a vital role in keeping us safe from harm.

In this new and more dangerous world, State and local public safety workers are being asked to play an even larger role. We have asked them to become true partners with Federal security agencies in protecting our country from threats, and these dedicated workers have risen to the challenge. But year after year, we are failing to give them the support they need to do their vital jobs as effectively as possible.

Giving these brave men and women the voice they deserve at the bargaining table will facilitate cooperation between public safety workers and their employers. It will enable them to perform their jobs more efficiently and effectively. The benefits are obvious, and we see them in communities across the country that have already accepted the basic principles of public safety cooperation.

Take the example of Annapolis, MD. Until recently, scheduling rules for firefighters and paramedics in Annapolis, MD, often forced them—these are the workers—to work 48-hour shifts, leaving workers vulnerable to exhaustion and dangerous mistakes. The local union worked with management through collective bargaining to change scheduling rules, shortening

shifts and improving safety for the workers and the public. It does not sound too complicated. It just sounds like common sense to me. And it sounds like an important step in order to provide greater safety and protection for families in Annapolis. Workers there were concerned about scheduling rules, and through a cooperative collective bargaining relationship, the union worked with management to negotiate a new schedule that met the city's needs, while reducing the length of individual shifts. These obvious changes resulted in better rested and more effective firefighters and paramedics, with real benefits to both the first responders and the communities they serve.

Such cooperation also gives State and local governments the flexibility they need to respond to changing circumstances.

Look at this chart. The economy in Tulsa, OK, was struggling after September 11. Through collective bargaining, the mayor and the firefighters agreed to defer payments into the firefighters' Health and Welfare Trust for 1 year. The deferral saved the city over $400,000, and the city was able to spread its repayment to the trust over a longer period of time, providing valuable flexibility that helped the city address its budget troubles—working together with the community and for the community, an important achievement and an important accomplishment.

Some of my colleagues argue that granting them collective bargaining rights will limit the ability of States and cities to respond effectively to an emergency. Nothing could be further from the truth. We have seen, in the most dramatic illustration, that all 343 firefighters who lost their lives in the line of duty on September 11 were union members and with collective bargaining rights. There is no question about their courage, no question about their bravery, no question about their willingness to do their duty and do it heroically. When challenged, that has certainly been the evidence time-in and time-out. So we reject those suggestions and those observations.

In addition, for example, before 9/11, the Port Authority police officers worked 8-hour days, with 2 days off, each week. After 9/11, everyone worked 12-hour shifts every day and all vacations and personal time were canceled. This hard schedule continued for nearly 3 years, but neither the union nor any union member filed a single grievance about it. They did their duty, and they did it heroically.

Do we understand that? As to police officers for the Port Authority that has responsibility in the greater port area in New York, before 9/11 they worked 8-hour days, with 2 days off, each week, and after 9/11 everyone worked 12-hour shifts every day and all vacations and personal time were canceled. The hard schedule continued for nearly 3 years, and neither the union nor any union member filed a single grievance—not a single grievance—when they were called upon to meet their responsibility—not a single grievance. They did their duty, and they did it heroically.

Our families and communities deserve the best public safety services we can possibly provide, and achieving that goal starts with the strong foundation that comes with collective bargaining.

No one doubts that our communities and our country are living on borrowed time. We all hope the numerous other steps we are taking will be successful in preventing similar catastrophic attacks. It makes no sense not to make the basic rights granted by this legislation available to all of America's first responders. It is an urgent matter of public safety. I commend Senator GREGG for his leadership on this important issue, and I urge my colleagues to give our heroes the respect and support they deserve by approving the Cooperation Act.

Mr. GREGG. Mr. President, today I am pleased to be joined by Senator KENNEDY and the other 31 cosponsors of the Public Safety Employer-Employee Cooperation Act of 2007, as we begin discussion of this legislation. The Cooperation Act would extend to firefighters, police officers, and other public safety officials the right to discuss workplace issues with their employers.

Each year, more than 80,000 police officers and 75,000 firefighters are injured protecting their communities. Not counting the tragic events of September 11, it is estimated that 162 police officers and 100 firefighters will lose their lives each year in the line of duty. These extraordinary individuals selflessly risk injury, and sometimes their lives, to protect others, yet they remain the only sizable segment of workers who do not have the combined right to enter into collective bargaining agreements with their employers.

The Public Safety Employee-Employer Cooperation Act is balanced in its recognition of the unique situation and obligation of public safety officers. The bill requires that, within 2 years of enactment, States offer public safety officers the ability to vote in a free and fair election on whether to form and voluntarily join a union and collectively bargain over hours, wages, and conditions of employment. The bill only affects States which do not currently provide this opportunity, and those States would have 2 years to establish their own collective bargaining systems that can meet their unique needs. This approach leaves the decisions regarding implementation, enforcement, and all other major details with the individual States and local governments, ultimately allowing them to have the final say over any contract terms. Finally, under this legislation, States with right-to-work laws, which prohibit employers and labor organizations from negotiating labor agreements that require union membership or payment of union fees, can continue to implement those laws.

The legislation recognizes the need to put public safety first, so the use of strikes, lockouts, sickouts, work slowdowns, or any other action that is designed to influence the terms of a proposed contract and that will disrupt the delivery of emergency services is strictly prohibited. It further protects small towns by ensuring that areas with populations of less than 5,000 or fewer than 25 full time employees are exempt from collective bargaining and that firefighters or EMTs who are employed by a department participating in collective bargaining agreements can still serve their local communities as volunteers.

Healthy labor-management partnerships result in improved public safety for our towns and cities. The bipartisan Cooperation Act helps build these partnerships by putting firefighters, law enforcement officials, and other public safety officers on much deserved equal footing with other private and public sector employees and providing them with the ability to negotiate with employers over basic workplace rights.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the opportunity to finally comment on some of these things and to do my opening statement.

I do want to say I was a little surprised by the speech of the Senator from New York, Mr. SCHUMER, about, primarily, the price of gas. I have to say, he has got it right. That is the biggest concern on the minds of people across this country. No matter what else we are talking about, it is about the price of gas. What I learned from his speech is we are going to be disrupted in this debate later today as the majority leader rule XIVs an energy bill.

I wish to congratulate Senator DOMENICI for his work on putting together an energy bill which we had a vote on this morning. I really think if that could have been voted on in pieces, a number of those pieces would have passed and made a difference to this country.

I can see that the main thrust of the bill we are going to be interrupted by later to take a look at is one to force Saudi Arabia to increase their production by a million barrels a day or give up some arms purchases from us.

Let's see, if we sell them arms—which I have not looked at enough to know whether that is a good idea—we get some money back. When we force them to do a million barrels a day, we give them $120 million a day. Part of that, which some people do not like, was ANWR. ANWR would produce at least a million barrels of oil a day from the United States. We would be paying people in the United States for the oil, not shipping it over to Saudi Arabia, and we have to worry about what they are going to do with the arms we sell them.

So I can understand they ought to be concerned about gas and are finally

concerned about gas and are going to interrupt us to be concerned about gas, but we had a proposal this morning that should have gotten a little bit more consideration and some of those provisions put into effect so we could actually solve some of our energy problem.

Let's see now, we are going to put the burden on Saudi Arabia.

My first encounter with higher gas prices happened back in 1973. I was president of the Wyoming Jaycees. We did some things to Saudi Arabia they were not very pleased about, and they cut us off completely. That produced the biggest crisis in this country in my memory. We had lines at the gas pumps. We had people who could not transport goods. We had people who could not get gas. We were trying to figure out ways to store gas should we ever get it again. It was because Saudi Arabia said: OK, if that is the way you are going to be, no oil.

Well, at any rate, I do not think we are carrying as big a stick on this as we think we are. We need to be looking at a number of the solutions.

Windfall profits tax—that was a good way for us to drive our companies overseas to do their work, to sell us oil. That does not bring down the price of oil. If I had my way, I would call the energy companies in. I would tell them I want to know what they are doing with however many billions of dollars worth of profit they are making. I want to know about it weekly. And I would report to the American people on a weekly basis. I do not suspect that would bring down the price of oil. I do suspect that would bring up the investment in energy, all kinds of energy. We need to have that done.

So I do not mean to go on and on about this, but as long as we are going to be interrupted in our debate on public employees, I want to make sure I have my say on it too.

Mr. President, I do rise today to voice my opposition to H.R. 980, the so-called Public Employer-Employee Cooperation Act. The fact that this bill has come to the Senate today is just another example of the cynical calculus of election-year politics. We are still doing ''gotcha'' politics on this floor. How do I know that? I know we have not passed a bill that did not go through committee—not just the Health, Education, Labor, and Pensions Committee that I am the ranking member of but the other committees. If it does not go through committee, it does not pass. But here we have an issue that I am told was passed last July by the House. Do you know how many hearings we have held on it? I looked back 4 years, and we have not had a hearing on this one—not a hearing on it.

What we do at hearings is kind of invite people in to tell us some specific points they want to make on a particular bill. Now, you will find that I am not a very big proponent of hearings because the chairman—and I used to be the chairman—gets to invite all the people to the committee except one and the ranking member gets to invite one. Then, people from both sides show up to beat up on the other witnesses. That is not very productive.

We did switch to a system, occasionally, where we have had roundtables. Roundtables are a little bit different than hearings. With roundtables, you invite in 10, 15, 20 people who have actually done something in the area, and you hear what the problems are and what the advantages are, and after all of them have spoken, then they interact with each other. They are not Senators asking clever questions. They interact with each other on ways their ideas fit with somebody else's idea. They come up with some good legislation.

Now, we have not ever had hearings—or roundtables on this issue. So how do you know what is really a good idea? How do you know what the effect is going to be on other people when you do not do anything to prepare for it and then you bring it right to the floor?

Another advantage of going through committee is that you can find out what the concerns are from the amendments when it gets to the markup process. From those amendments, you can say: Well, this might be a good idea, but we have to revise it a little bit. People go off and work on that part of the idea, and they bring it back in a workable fashion that will fit that both sides agree on.

You say it cannot be done on labor issues? Well, in the past we have. We passed a mine safety bill through here in less than 6 weeks, and it passed unanimously in the Senate, and it passed unanimously in the House. That is how we did it. We did it through the committee process. Now, that was the first change in mining law in 28 years, but it was done cooperatively, and it was done through the committee process.

This one has, I guess, purposely circumvented the regular order of the Senate and its committee process because the scrutiny of that process would expose some multiple flaws in the legislation. We are going to have some amendments that will point out what some of the flaws are in this legislation. Now, it is very difficult to do it here. I have to put in an amendment, and we kind of vote it up or we vote it down. We cannot go off and work it out so it is agreeable to both sides. It is a difficult process, especially when you involve 100 people with it. It is much easier to do it in committee.

So we have this bill, and once again we are going to play the election-year spin, going to do sound bites, probably do a lot of press. But I suspect the result may be the same as other things that did not go through committee.

Now, their calculation is simple: Since this bill involves unions that organize among police and firefighters, they will continue to simply claim that anyone who opposes this bill is against police and firefighters. You have already heard it.

Let's address that calculated untruth first. There is no one I know of—Republican or Democrat, supporter or opponent of this bill—who does not respect and value the work and dedication of our police, our firefighters, and other first responders. Their contributions to our communities are immeasurable, and our support for them is unwavering. However, this bill provides no benefit to any police officer, firefighter, or first responder. It does not provide a dime in Federal money to any State, city, or town to hire or to train or to equip any additional public safety personnel. In fact, it only imposes costs that will make that result less likely.

The bill does not contain a dime of Federal money or a word of language that would increase the pay or benefits of any firefighter, police officer or first responder or that would enhance their working conditions or that would make their job safer or make their retirement more secure. It only imposes totally unfunded costs on States, cities, and towns that will make those rules less—not more—likely.

Plain and simple, the only direct beneficiaries of this legislation are labor unions. This bill does nothing more than open new markets for unions, and it provides them with the opportunity for increased revenue from new dues-paying members. This bill does nothing for any police officer, firefighter or first responder, except to provide them with the dubious opportunity to share a portion of their paycheck with the labor union.

The real truth is there is absolutely nothing inconsistent about being fully supportive of our local police and firefighters and first responders and totally opposed to this bill. A vote against this bill is not a vote against first responders. Proponents of this bill would serve both the debate and themselves better by abandoning any absurd claims to the contrary. The public is simply not that gullible, and I think the public is fed up with a Congress that transparently panders to special interests, while trying to tell the rest of the world they are acting in everybody's interests. The old song is out of tune, but as long as some continue to sing it, there shouldn't be any surprise about the fact that the public opinion of Congress is at an all-time low.

Let me now turn for a moment to some of the serious and fundamental problems with this legislation. Over 70 years ago, the Congress passed what is now referred to as the National Labor Relations Act. That legislation has been amended numerous times over the many decades of existence, and it has become universally recognized as the embodiment of our national labor policy. A hallmark of that policy for eight decades has been the well-reasoned principle that the employment and

labor relations between a State, city or town and its own employees should not be a matter of Federal law, but a matter of local law. That bedrock principle is not only rooted in our national labor policy; it is firmly fixed in our Constitution and our traditions of federalism. For more than 70 years, Congress has repeatedly and consistently excluded State and local labor relations from Federal control and intervention. Yet today the proponents of this bill seek to overturn this hallmark principle and to radically change decades of unbroken Federal law and policy. The enormity of this change is only matched by the prospect that it could occur in the wake of an appalling lack of thought, total disregard for the processes of the Senate, and complete absence of any meaningful opportunity for rational debate.

This body has before it a bill that would overturn more than 70 years of unbroken precedent and law. It would raise profound constitutional issues. It would overturn law in a majority of States—in a majority of States—and completely reverse the fundamental and founding principle of our national labor policy. You would think the Senate would consider such a bill only after careful examination and due deliberation. But if you do think that way, sadly, you are wrong. This legislation, as I said, has not had a Senate committee hearing or markup this Congress. I looked back 4 years. I could not find a single hearing or markup on this bill. There has been no meaningful exploration by the HELP Committee this Congress of the important issues that this legislation implicates. This bill grants enormous power over States to a virtually unknown Federal agency that will make critical decisions about these people. Yet we have never so much as asked a representative sampling of State officials about their views, nor have we ever informally asked the Federal agency involved if it feels up to the job we are about to impose on it. These shortcomings alone are ample proof that this bill is being pushed not because it is good policy but only because we see it as expedient politics in an election year.

This bill would require that every State, every city, and every town with more than 5,000 residents would open its police, firefighters, and first responders to unionization. It would impose as Federal mandate—not in the absence of any State consideration of this issue but in direct opposition to the legislative will of several States.

Proponents of this legislation have attempted to maintain the fiction that it actually does little to disturb State laws—a good way to pass a bill, I guess, but not true. It is simply not the case. Within the last 2 legislative sessions, some 13 States have officially considered and rejected legislative proposals similar to the law that would be federally imposed under H.R. 980. The proponents of this legislation have attempted to maintain the fiction that it wouldn't disturb State laws. Nothing could be further from the truth. Every expert who has reviewed this law has concluded it is clearly in conflict with the current law in at least 22 States, and the chart shows the 22 States. Some believe the number is as high as 26, and even the bill proponents freely concede it is at least 21. All of these States, their citizens, and their legislatures have expressly considered all the issues raised in this bill and have decided on a different approach—a different approach—than what would be required under this bill. Some States have decided to use meet-and-confer laws. Some have placed limits on the enforceability of agreements. Some have limited the subjects of bargaining. Some have made the issue one of local option, and some have decided to limit bargaining by employee function.

States, cities, and towns have done what they think best to provide for the safety and welfare of their own citizens in developing their labor relations policy for their own public safety employees. Yet we propose to clearly overturn the democratic judgment of at least 22 States through this legislation.

Let's be clear. We would take this action not because States have not acted; that is not the case. All these States made a conscious, democratic decision about what is best for their citizens. In fact, some 16 of these States have considered and rejected laws similar to H.R. 980 within the last few years.

Now, the impact, however, doesn't end there. Experts who have reviewed this legislation and existing State laws have identified at least 12 States where this bill would raise serious legal questions about one or more aspects of their existing collective bargaining law. You can see those filled in on the chart. These are States that supposedly have full collective bargaining statutes. Remember: The question of whether an existing State law complies with the requirements of H.R. 980 is going to be figured out later by a little-known Federal agency—the Federal Labor Relations Authority—that is devoid of any experience in State labor relations and isn't accountable to a single State government. I am sure all the technical and legal issues left unclear by this bill, which bear on whether a State law complies, will keep an awful lot of lawyers busy for a long time and guarantee a huge expansion of the Federal labor relations authority.

Now, the effect of this bill, however, goes beyond the States where the law is clearly overturned and where it is probably overturned and where the lawyers will fight about whether it is overturned. By federalizing State labor relations, this bill will affect every State, city, and town in the country. As a matter of State law, States have the authority to effectively take items off the union bargaining table. Many States with collective bargaining laws already do this, particularly in the area of public safety. Manning and staffing levels, training and job requirements, deadly force rules, drug testing, merit pay, job requirements, and promotion are a few of the examples of the terms and conditions of employment which must be bargained but could be exempted from bargaining by State action or a law. Now, once you federalize this law, States will lose that authority.

Look closely at both the Senate and the House language of this bill. It specifically lists only three things a State can exempt or take off the bargaining table: pension, retirement benefits, and in one version, health insurance. Everything else is on the table. That will be the Federal law over which a State can do nothing.

This is a critical problem for every State. States can't be responsible for the safety of their citizens when the Federal Government takes away the authority they need to accomplish the job. Here is one example. Suppose a State decides to implement mandatory drug testing for public safety officers. It can't just do that under Federal law if H.R. 980 passes. Any change such as that would require bargaining. Why would we ever require that any State, city or town bargain or horse trade over matters of public safety?

If you don't think this is a real problem, you need only look at today's paper. The city of Boston has for years sought to negotiate a drug-testing provision with its public safety union. Despite incidents of documented and suspected drug use by Active-Duty personnel, the city has not been able to implement a program. We have seen the same pattern reflected in the utterly shameful situation in Major League Baseball and the inability to achieve any meaningful resolution, despite years and years and years of collective bargaining. Now, here is the difference: Baseball is a game; public safety isn't.

So let us be completely clear about what we propose doing with this legislation. Any vote that advances this bill is a vote to overturn the law and the democratic will of citizens of a near majority of our States. Let me say that again. Any vote that advances this bill is a vote to overturn the law and the democratic will of the citizens of a near majority of our States to create unnecessary question and litigation over the validity of law in many other States and to forever tie the hands and limit the authority of every State to protect the safety of its citizens as it sees best. This legislation is not only directly contrary to over 70 years of Federal labor policy; it further violates the most fundamental, centuries-long principles of federalism and most likely runs completely afoul of the U.S. Constitution to boot.

With all this in mind, we should be asking ourselves: What price is this Congress willing to pay in an effort to ingratiate itself to organized labor?

Earlier this year, Congress transparently pandered to the special interests of organized labor and came perilously close to depriving workers of their democratic right to a secret ballot in deciding the question of unionization. Now we are at it again. This time, however, the price of congressional pandering is the sovereign authority of States and the integrity of their democratic process.

Since even these compelling facts are unlikely to stand in the way of politics, we need to look at the legislation itself. Since it has not been discussed and has not been marked up in the committee of jurisdiction, I suppose at least a few moments of legislative consideration is better than none at all.

In no particular order, here are a few of the multiple and fatal drafting and policy problems of this bill:

First, this bill is the height of hypocrisy by the Federal Government. This bill would require States, cities, and towns over 5,000 to provide full collective bargaining for all their public safety employees. However, while requiring this of States, cities, and towns, the Federal Government would continue to exempt itself from any collective bargaining obligation with regard to many of its public safety employees.

Let's see. We are going to tell States, cities, and towns what to do, but we don't tell ourselves what to do. That sounds like hypocrisy to me.

Second, this law would require States to bargain over wages of their covered employees. However, the Federal Government routinely exempts itself from bargaining over wages with its employees.

I wonder how many Senators bargain with their staff? Moreover, this bill would severely limit—in fact, virtually eliminate—the right of State governments to determine the appropriate subjects for bargaining with their employees—a right fully retained by the Federal Government with regard to its employees.

Third, this legislation forces collective bargaining on States but doesn't require or ensure fundamental employee rights. For example, Federal law preserves the right of the workers in the private sector to decide the issue of unionization by secret ballot. However, this legislation, which imposes collective bargaining on unwilling States, cities, towns, and their employees, not only fails to guarantee the right to a secret ballot in union elections, it specifically ratifies and approves State laws that strip public sector workers from this fundamental democratic right.

Fourth, this legislation is a gift to organized labor that comes with none of the obligations or safeguards of other federally mandated bargaining. Unionized workers, under current Federal law, have the right to information about their union's finances, and those unions must publicly report on their finances every year. This bill would force unions on States, cities, and towns but would not require union financial transparency or require that workers have access to this financial data.

Fifth, this is the gift that keeps on giving. Not only is there no requirement about union financial reporting and disclosure in this bill, this bill also fails to contain any guarantees to the workers about how their union dues money can be spent. For example, workers unionized under current Federal law cannot be required to contribute to a union's favorite political causes. This bill, which forces collective bargaining on States, cities, and towns that have rejected it contains no such guarantee.

Sixth, this bill would not only fail to provide any meaningful guarantee against the disruption of municipal services because of labor disputes, it practically guarantees the right of unions to cause those disruptions. The bill purports to have no strike guarantee. However, it goes to great pains to say it is not a strike when a public safety officer refuses ''to carry out services that are not mandatory conditions'' of their employment.

What does that mean? Who decides which duties of a firefighter or police officer or public safety officer—that is a pretty broad title—are ''mandatory''? This provision appears to be nothing more than legislative code words specifically authorizing ''work to rule'' and a host of other types of disruptive job actions that have become all too familiar among public school teacher unions. This bill forces unions on unwilling cities and towns, and then gives those unions a legislative green light to disrupt municipal services.

Finally, there is the enormous problem in this legislation that relates to volunteer firefighters. It is no secret that the International Association of Firefighters, the principal firefighter union in this country, actively opposes the use of voluntary fire departments. It has consistently sought to prevent its members from volunteering their services. Its own union constitution provides for the discipline, fining, or discharge of members who do. The most effective way this union has to prohibit volunteering or, as they refer to it, ''two-hatting,'' is the union contract clause to that effect. They have sought and obtained this kind of clause in union contracts across the country and want to make sure they can continue to do so under H.R. 980.

Now, there is a clause in there that may be referred to. If you look at it, it is ''weasel'' words. It does not do what it is purported to do, and it will eliminate volunteer fire departments.

Members are being told this problem with the bill has been ''fixed.'' That is wrong. It is not. If you really wanted to make sure unions had no authority to kill off volunteer firefighting, you could write a plain provision that does exactly that. Instead, both the House and Senate versions use convoluted, double negative, lawyer speak in a deceptive effort to claim that the problem is solved. I guarantee you that it is not. Once you unwind the language, you will find both the House and Senate versions of the bill leave the door wide open to an all-out union assault on the use of volunteer firefighters.

In 25 States, volunteer firefighters account for all or most of the staffing in more than 90 percent of the departments statewide. In 14 States, volunteers account for all or most of the staffing in more than 80 percent of the departments. With just two exceptions, in the remaining 11 States, volunteers account for all or most of the staffing in more than 60 percent of the departments. No State can provide fire protection in its cities, towns, and rural districts without volunteer firefighters. Anyone who even considers advancing this legislation ought to be completely sure that it could not have a negative effect in their State.

These problems represent only the tip of the iceberg. This bill is quite simply a prime example of terrible policy being badly executed, without process.

Mr. President, I want to bring up another point regarding this legislation that is also of critical importance. This bill imposes an enormous unfunded Federal mandate on States, cities, and towns across the country. I want to take a minute and address this serious concern not only from my current position as a Senator but from my former position as mayor of Gillette, WY, a city of about 22,000 people.

As I look around the Chamber, not many here have had any experience with trying to balance the budget of a city or town. So I guess we should understand why they would pay so little attention to the very real financial consequences of their actions on thousands of municipalities. They ought to.

Just last week, after teetering on the brink of insolvency, the city of Vallejo, CA, finally declared bankruptcy. Everyone has acknowledged that the cause of Vallejo's financial problems was plain and simple: The spiraling costs of their police and firefighter labor agreements.

Vallejo is not alone. In the last few years, a number of other cities and towns have teetered on the brink or actually have been forced into bankruptcy: McCall, ID; Toledo, OH; Marion, MS; Moffet, OK; Duluth, MN—just to name a few.

Now, what we usually don't realize in this body is those bodies don't get to print their own money. They actually have to work with the revenue that comes in. Most of them have severe limitations on the ability to raise money. They could not raise taxes if they wanted to. So the revenue is limited, but the costs go up. What do you do?

Here is the reality. Without regard to pay or benefits, just the administrative costs alone of collective bargaining represent a very significant line item

that Congress now proposes to force on States, cities, and towns. Towns, particularly small ones, that currently don't have the resources to negotiate and administer multiple collective bargaining agreements must now hire and pay for these additional services. And this isn't just going to be one; it is multiple.

Towns and cities that do not devote the long hours of municipal time to the complicated process of bargaining and overseeing multiple union contracts and to administering contract provisions and resolving disputes under a collective bargaining system will be required to spend that time. Nobody should be fooled. Those additional manpower and manhour requirements are enormously costly and burdensome. This bill would impose those costs by Federal mandate but would not provide a single penny of Federal money to help offset those costs. Make no mistake, the Congress is proposing to buy organized labor a free lunch and stick America's small towns with the bill.

As a former mayor and as the only accountant in the Senate, I remind my colleagues about the cold realities of municipal finance. If you increase municipal costs, you have only two ways to meet those increased costs: You either increase revenues or decrease services. This bill will unquestionably place many municipalities in that difficult position of choosing between raising State and local taxes, which they probably would not have the capability to do, or decreasing and eliminating local municipal services, which they don't want to do.

Are the Members of this body so completely out of touch with the real needs of their constituents and the real fiscal problems that their cities and towns face every day that they would impose these unnecessary costs and burdens? With stagnant or declining property values and an endless parade of increasingly fixed costs, don't our cities and towns have enough on their plate without the Federal Government imposing yet another cost on them?

This isn't an imaginary problem. Remember Vallejo, CA, and the other cities and towns I mentioned across the country that make it clear that this problem is very real.

For all these reasons, Mr. President, I am opposed to H.R. 980. I urge my colleagues to vote no on this legislation. Hopefully, we will have a chance to make some corrections to this bill—particularly on the flaws that I have pointed out.

I will just recap. It didn't go to committee. It is an unprecedented intrusion by the Federal Government. It directly overturns existing laws in 22 States. It casts doubt on a dozen more. Sixteen States have recently considered and rejected legislation very much like this. It calls into question the constitutionality. We had no hearing or markup. It creates unfunded mandates. It would impose costs on small towns.

I don't know how many of you think 5,000 is a big city. Actually, in Wyoming it is; 3,500 is considered a first-class city. But 5,000 is not a very big town, and there isn't as much expertise.

I mention that another piece of the bill says the requirement is imposed when there are 25 employees. It doesn't say 25 public safety employees. It doesn't say 25 people who would be covered by this. It says a flat 25. I suspect there are a lot smaller towns than 5,000 that have 25 employees. That is a pretty small amount. That is not the same as public safety employees. So they either have to cut services or raise taxes or the city is going into bankruptcy.

The bill doesn't contain any worker protection for them getting to vote on whether they will have a union, and it puts in charge a little known Federal agency. Again, it is pretty hypocritical of us. We have not imposed this on the Federal Government, but we are willing to impose it on the little places back home. I think we will regret it, and it will remind us of the mistake we made here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see my friend from Utah. We did have three speakers on our side, and we are going to do the best we can to balance it. I think the Senator's side is next. How long does the Senator from Utah wish to speak? Then I will ask that the Senator from New York to follow.

Mr. HATCH. I can probably do it in less than 10 minutes or around that.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from New Jersey be recognized for 20 minutes following Senator HATCH.

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

AMENDMENT NO. 4755 TO AMENDMENT NO. 4751

Mr. HATCH. Mr. President, I believe my amendment No. 4755 is at the desk. I call it up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4755.

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

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

The amendment is as follows:

(Purpose: To provide for a public safety officer bill of rights)

At the end of section 2, add the following:

(5) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law.

(6) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(7) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. 2A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the intended and actual use of such funds, and without the public safety officer's written consent.

(b) APPLICABILITY OF DISCLOSURE REQUIREMENTS.—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this Act, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

Mr. HATCH. Mr. President, many of my colleagues have spoken about the tremendous service America's public safety employees give to the public. I could not agree more. Any given day one of these officers may be asked to put his or her life on the line, and they will do so willingly and courageously. I agree with my colleagues that individuals who choose these careers deserve respect, gratitude, and special treatment. But the bill we are considering today would actually result in diminishing the rights of public safety employees who are not currently unionized.

Once a workforce is unionized, even employees who don't wish to be part of a union will have pay deducted from their paychecks, spent in a manner outside of their control, and they will have very little ability to question or alter the legal representation that has been established with or without their support.

My amendment seeks merely to balance that diminution of self-determination by establishing a Public Employee Bill of Rights.

This amendment would do three things: Guarantee the right to vote by

secret ballot, limit the right of public unions' dues collection authority to nonpolitical uses, and allow financial transparency.

By ensuring that public safety employees in all States have the right to vote on whether to unionize by secret ballot, my amendment guarantees for public safety employees that same right private employees now have. In a democratic society, nothing is more sacred than the right to vote, and it is undeniable that nothing ensures truly free choice more than the use of a private ballot.

The possibility of coercive or threatening behavior toward employees who may not wish to form a union is even more concerning in the context of public safety employees who rely on coworkers to reduce the deadly risks they face routinely in the course of their important work.

The amendment would also limit the right of public unions' dues collection authority to nonpolitical uses. Those who choose public service often accept lower pay than they might make in the private sector because they are dedicated to public service. Let's not insult that choice by allowing labor bosses to take money from that paycheck and spend it on purely political causes the employee does not support.

I believe public employees should have the same protections from fraud and abuse as private employees. My amendment would empower public employees by allowing them to observe how their dues are being spent and the other financial dealings of their unions. It does this by bringing public unions under the requirements of the Labor Management Reporting and Disclosure Act, a 1959 law enacted with bipartisan support, including then-Senator John F. Kennedy.

Public employees who pay union dues, especially those who are compelled to do so against their wishes, are no less entitled to financial transparency and fraud protections than the private sector employees covered under the law today.

I urge my colleagues to support this amendment. It is a simple amendment. It provides for protections that ought to be there. If this bill should pass, these protections, at a minimum, ought to be part of this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will recognize the Senator from New Jersey, but if he will yield a minute.

Mr. MENENDEZ. I will be happy to yield to the Senator.

Mr. KENNEDY. Mr. President, we want to permit others to speak. I will speak in a short time in response to my friend and colleague from Wyoming. If this legislation did what he suggested it did, I would not be a sponsor or support the legislation either. I will go into some detail in explaining what the legislation does do and what it doesn't do.

With regard to the Senator from Utah, this issue about having a secret ballot or nonsecret ballot, we leave up to the States. Rather than trying to mandate that—a lot has been talked about giving the States options as to how to proceed. We say on both items the Senator addressed that the States are the ones that should make the judgment and determinations.

We will have a longer time to debate this issue.

I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me first say I appreciate the Senator from Massachusetts and his leadership in this regard. I have come to the floor not only to acknowledge his leadership on this critical piece of legislation but to speak strongly in support of the Public Safety Employer-Employee Cooperation Act. For me, this bill is about protecting some of the most basic fundamental rights of America's bravest and finest public servants. Our Nation's first responders put their lives on the line every day. That sometimes only comes vividly to us when we lose one of those brave men and women and their lives are lost in the line of duty, but the reality is they are at risk every day, risking everything they have to protect us, to protect complete strangers, to protect their communities. At a moment's notice, they are on call to respond to natural and manmade disasters of every size, scope, and severity. These men and women are firefighters, emergency management technicians, police officers, and first responders who are prepared day in and day out to go to any length to save the life of a complete stranger.

They have one goal: to keep others safe. In those moments, they don't think about anything else. As they rush to respond to a fire, they are not thinking about their job security. As they risk their life in a collapsing building, they are not doing it in return for a higher wage. As they put themselves into harm's way, they are not thinking about the benefits their family might receive if the worst should happen.

In 2006, more than 75,000 police officers were injured in the line of duty, and last year 140 police officers paid the ultimate price and lost their lives in the line of duty. In 2006, more than 83,000 firefighters were injured in the line of duty, and 115 firefighters paid the ultimate price. This year alone, another 45 have lost their lives.

Today we have an opportunity to thank these selfless heroes, not just with our words but with our actions. We have an opportunity to guarantee the rights of those who work to protect our lives and safety every day. In short, we have an opportunity to fix what is wrong and do what is right.

This legislation simply gives first responders the same right that virtually all Americans enjoy: the right to collectively bargain and have a voice about their working conditions, to come together in common cause to achieve a better standard.

A majority of the States already confer this right of collective bargaining, including my home State of New Jersey. This bill would give public safety officers across the country that right. It would ensure if they choose—if they choose—they can join a union and bargain over wages, hours, and working conditions.

I was a former mayor. I did not have the challenges of having a unionized police force and firefighting force that ultimately worked in contradiction to the interests of my municipality. I did not. Certainly, in the urbanized context in which I was, that was a bigger challenge than others. So the reality is I do not believe the right to collectively organize automatically means the dire consequences that some have portrayed as it relates to this legislation.

In New Jersey, we recognize how important it is for first responders to have a strong working relationship with the municipalities they serve. We recognize these public safety officers deserve the dignity and respect to have a say in their wages, hours, and working conditions. And we recognize that when public safety employers and employees work together, the results serve us extremely well.

Some of my colleagues will try to argue this legislation will hurt volunteer firefighters by limiting the amount of time professionals can volunteer while off duty. We have volunteer firefighters in New Jersey alongside those who are organized at the same time, and that has not simply been the case. This is simply incorrect, as the legislation specifically forbids any State from putting limits on professional firefighters who volunteer during their off-duty hours.

Others are saying this legislation could effectively repeal State right-to-work laws. Again, this legislation specifically allows States to enforce right-to-work laws. The bill makes no change in States that have right-to-work laws and would not prevent any other States from adopting new right-to-work laws.

Let's be honest about what the bill actually does say. It does not dictate how States should approach this issue. The bill only requires local governments to engage in negotiations if workers choose to join a union. It respects the authority of local legislative bodies to approve or disapprove funding for any negotiated agreement. The bill only affects States that do not already provide their public safety officers with the right to bargain collectively. States that do not have these protections can choose to establish their own collective bargaining systems.

I hope we realize what is at stake here. Beyond fairness, which is something which is fundamentally important, particularly for those who risk

their lives every day, we are talking about safety. In States where there are not collective bargaining protections for workers, fatalities are 39 percent higher. That is a fact. In States where there is not collective bargaining opportunities, fatalities are 39 percent higher.

The fact is, greater protections for workers lead to better safety conditions. We have seen this time and time again in which the negotiation—some people think it is only about money. It is not just about money. When I was a mayor, some of the most significant negotiations were about the standard under which you operated, which was not only important as it related to the firefighter or the police officer but was important as it related to the response time and the ability to perform the services that ultimately saved property and saved lives.

Some people think this is all about simply money and making more and having better benefits. A lot of it is about working conditions and the nature of how one, in fact, applies their profession in a way that not only saves lives of those who serve—firefighters and police officers—but also saves the lives of those they were sworn to protect because they had a better system—breathing apparatus, having the technology to enter into a fire and being able to detect someone who has been immobilized. Often that negotiation was not about money but about can we have this equipment that is essential for us to perform our duty in behalf of those we are sworn to serve.

It seems to me we have to understand there is a direct correlation between the benefits that often are on the negotiating table to citizens, not only to those who serve but to citizens in terms of having greater lifesaving capabilities—for me as a mayor, that was often what I heard the negotiations being about. I thought it was exemplary, that we were negotiating over how do we better save lives at the end of the day.

Any time we can have the reality that more lives are saved because, in fact, the collective bargaining system allows us to create circumstances under which not only the workplace and the profession, but the lives of the citizens of those communities are saved, is worthy of achieving.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MENENDEZ. I will be happy to yield.

Mr. KENNEDY. I always appreciate hearing from the Senator from New Jersey. I hope our colleagues will listen carefully to what the Senator from New Jersey has said because he comes to this debate as a former mayor. Mayors, as we all know, have had special relationships, obviously, with firefighters and police on the firing line. So when I hear the Senator from New Jersey talk about that value as a former mayor, he can see the value in terms of safety and security for the people in that community as a result of this legislation in terms of cooperative discussions and arrangements. That says a good deal.

Some have presented a situation—which, of course, is not accurate—where this legislation is going to be imposing extraordinary hardships, additional burdens, and unfunded mandates on mayors, particularly in smaller communities, and do a great disservice, actually, in terms of the whole relationship between the public safety officers and the security of the community.

So I particularly value his comments on this aspect of the bill. There are obviously a number of other important aspects of it. But as it relates to small towns, I forget the actual population or the size of the community, the city that the good Senator was the mayor of, but, in any event, if he could elaborate on his views about this legislation and its importance to mayors as well as to firefighters, I think it would be very helpful because he speaks from very practical experience.

Mr. MENENDEZ. Well, I appreciate the comments of the Senator from Massachusetts. We had about 60,000 people in the community at the time. But it was a challenge, 60,000 people in 1.1 square miles, the most densely populated city in the Nation.

So the uniqueness of some of those challenges of having police and firefighters be able to respond was very much—although the population was high, the geography was small. So we had a much smaller sense of the response times and the necessities that were demanded.

But I also was part of the mayors' coalition in the State of New Jersey at the time. That coalition represented urban, suburban, rural mayors. Throughout the State of New Jersey, they had obviously the right for collective bargaining. To be honest with you, I don't recall any of those mayors saying collective bargaining was the bane of their existence as it related to being able to produce the services.

I think the reality is that what we do through this process is we build strong partnerships between first responders and the cities and the States in which they serve. When public safety employers and employees work together, it not only reduces worker fatalities, and they have a consequence, even in a noncollective bargaining system—there obviously clearly are claims against the municipality—but above all, it improves the quality of the services and the delivery of those services at the end of the day.

I believe in a post-September 11 world, having resided in a State that lost hundreds of people on that fateful day and in a community that saw several hundred lost on that fateful day, that these are individuals who now play a critical role far beyond what we envisioned originally or what their history has been, which is certainly producing the safety in our communities from the normal challenges of crime, burglaries, thefts, robberies or assaults, or maybe even more minor roles of traffic violations.

These first responders across the landscape of the country face a much heightened responsibility. They play a critical role in homeland security. So by enhancing cooperation between those public safety employers and employees, I believe the legislation helps to ensure that vital public services run as smoothly as possible.

It is interesting that every New York City firefighter and police officer who responded to the disaster at the World Trade Center on September 11, 2001, was a union member under a collective bargaining agreement.

I believe their ability to have been integrated in their negotiations with the cities about all aspects of the delivery of their services gave some of the most incredible response on that fateful day.

There is not a reason why we cannot see that take place across the country in terms of readiness. So I believe that if we look at the bill, it only requires local governments to engage in negotiations. If workers choose to join a union, that is a rather low threshold. Again, States that do not have these protections can choose to establish their own collective bargaining systems. So I hope we realize what is at stake—that safety is incredibly at stake.

Twenty-nine States, along with the District of Columbia, currently guarantee all public safety workers the fundamental right of collective bargaining. Now, with the House of Representatives overwhelmingly—overwhelmingly—approving companion legislation almost a year ago, it is hard to believe the Senate will not act.

In fact, it is time for the Senate to act and to respond. With 80,000 firefighters and 76,000 police officers being injured in the line of duty each year, the time has come to ensure that these workers are protected. It is time to put our votes where our values are. It is interesting to me how very often those of us who serve in this body and the other body want to be there with police and firefighters. We want to take our picture with them, acknowledge them. We appreciate their services.

We talk about their heroism. But the time for all that talk to be meaningful is when you come to the Senate and you cast a vote that is to simply have a right that is fundamentally basic, that we have believed it to be truly an American right. And so all those pictures, all those speeches, it is time to put that vote to work. It is time to put our votes where our values are. It is time to uphold the rights of those who provide for our safety. It is time we show how much we appreciate the dedication and bravery of our Nation's heroes who take this risk every day.

Mr. KENNEDY. Would the Senator yield for another question?

Mr. MENENDEZ. I would be happy to yield.

Mr. KENNEDY. I think all of us in this body know the good Senator represents the State of New Jersey in this case, which had suffered extraordinary loss at the time of 9/11. A number of those extraordinary firefighters lived in the Senator's State. So when he speaks about these issues, talking about the courage and the bravery of these firefighters, he talks about it with a good deal of background and understanding and an enormous sense of compassion for having gone through with many of these families their loss.

That is why, I believe, the Senator in his strong support for this legislation, as a former mayor and also someone who knows and has personal experience with these firefighters, can speak so authoritatively about what this legislation can mean in terms of the safety and security of the community and also with regard to the safety and security of the firefighters, police officers, first responders.

Does the Senator agree with me that those who were not lost on that day but in a very real sense brothers and sisters of the first responders who were lost on 9/11, many of whom were lost in his district, do they feel that legislation will help and assist providing safety and security to the people, whether it is in New Jersey, or in the communities they represent, and that they are supporting this legislation because they are very hopeful and prayerful we will never again face that kind of tragedy we faced but that they believe this legislation can help provide additional safety and security for their communities and for their fellow citizens?

Mr. MENENDEZ. I appreciate the question of the Senator from Massachusetts and the chairman of the committee. The answer is, yes, I say to the Senator. The fact is that New Jerseyans have this right. Yet every year when I have had visits from firefighters and police officers, they have talked about this legislation because they understand, even though they already have the right, they never want to visit another State for the loss of one of their fellows in service who have committed the ultimate sacrifice.

They understand very powerfully that the ability to negotiate, as I suggested earlier, is not only about salaries. Look, you do not do this type of work for a salary. You do not do this type of work for a pension. You do not do this type of work for certain benefits. You do this type of work because you are committed to the proposition that you are willing to sacrifice your life in return for saving someone else's, and that is incredibly important.

Finally, the reality is, I found it interesting in those negotiations that I used to have as a mayor, very often, as I said before about the ability to perform the job, because it was with the mission in mind and the oath taken to save lives, that more often was on the table than the question simply about salaries or pensions or benefits. They know their interaction with their governmental bodies in performing and having a service goes far beyond that which may exist in those States that do not permit that interaction through the collective bargaining system, that in fact lives of their fellow officers can be saved, their fellow police officers and, most importantly, the lives of their fellow citizens. That is why they have come and advocated for this legislation.

Even though they already enjoy the benefit, they understand the potential benefits for a much broader benefit for a much broader universe.

Mr. KENNEDY. I see other Senators wish to address the Senate. We have been reminded about how long we have been considering this legislation and how important it is that we do it at the present time.

As the Senator knows, this bill was initially introduced by our former colleague, Senator Mike Dewine, in 1999. The Senate even voted on it in 2002. We had a HELP Committee hearing on this same legislation in the 106th Congress in 2001.

So many of these brave responders have waited for a long time. This has gone on for some 8 years without coming to completion. It is a matter that has been before this body as well during this Congress.

So would the Senator not agree with me, finally, that the time is now to take action? This is the time. We are talking about homeland security; we are talking about first responders; we are talking about those firefighters and police officers. Now is the time to permit them to be fully engaged and involved in further advancing the safety and security of our colleagues.

Would the Senator not agree with me that this is a significant matter that we have full awareness of and knowledge of and should be ready to take action on?

Mr. MENENDEZ. I agree fully with Senator KENNEDY, that in fact, it is past time. Senator Dewine was a Republican and obviously saw the wisdom of this legislation. It is even more appropriate today. We face challenges unlike any other time in our history as it relates to what police and firefighters are called to do, to go far beyond their traditional roles. They need to have a voice as it relates to how they respond to these new challenges and to their new roles.

Finally, I would simply say, when they negotiated, I know New York City firefighters did not say: Well, we do not have enough men on the rig according to our contract so we are not going to respond on September 11 or enough police officers to say we do not have two-men cars patrolling so we are not going to respond.

That has never been the case of those who serve. They have an oath and calling and they live up to that calling every day. We need to live up to our ultimate calling in the Senate to respond to the challenges they face each and every day to give them the right and the dignity they deserve to be able to negotiate not only for themselves and their families but for the well-being of the citizens they serve.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator the Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 4760 TO AMENDMENT NO. 4751

Mr. ALEXANDER. I send to the desk an amendment and ask for its immediate consideration. I believe Senator KENNEDY has seen a copy of it.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 4760 to amendment No. 4751

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

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

The amendment (No. 4760) is as follows:

(Purpose: To guarantee public safety and local control of taxes and spending)

At the appropriate place, insert the following:

SEC. ___. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 5, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

Mr. ALEXANDER. Mr. President, this is an amendment to the pending legislation which would give the mayors and chief administrative officers of cities and States the opportunity to opt out if they conclude that this law would be, in their circumstances, contrary to the best interest of public safety, No. 1, or would result in an increase in local taxes or a decrease in the level of public safety or other municipal service. In other words, if this legislation amounted to an unfunded Federal mandate, it would not be effective.

Let me speak to the unfunded mandate aspect of this legislation and its interference with the prerogative of States. Those are two different ideas and two very important ideas in the American fabric. Let me begin by saying we are talking about some of the most honored men and women in our country—firefighters, policemen, and other public safety workers. That is true in Tennessee as well. We have over

700 fire departments, and we were grateful for the heroism of firefighters everywhere on 9/11. Local fire fighters in Tennessee and across the Southeast were among the first on the scene after the deadly tornadoes earlier this year. We are deeply grateful for that.

Charles Martinez from Maryville, my hometown, was named Tennessee firefighter of the year in 2004 for giving his kidney to a fellow firefighter. We deeply admire him for that.

In 2006, Lieutenant Terrance Andrews of Chattanooga was named Tennessee firefighter of the year for his dramatic rescue during a house fire in which he pulled the security bars away from a window to save Virginia Humphrey. Ms. Humphrey was injured and spent some time in a hospital, but she fully recovered. I admire Lieutenant Terrance Andrews' bravery.

Another example, firefighter Shane Daughetee of the Highway 58 Volunteer Fire Department in Chattanooga died in the line of duty in January of last year when he was trying to rescue a family. We mourn Shane Daughetee's death and admire the bravery of that individual. All of us admire and respect the bravery of firefighters and other public safety employees in all our communities. But that is not what this legislation is about.

A better name for this bill would be the ''Washington knows best unfunded mandate act.'' In the name of some of the men and women we respect the most, our firefighters, policemen, and others, we are about to commit two of Washington's worst and most flagrant sins. That is, No. 1, to take away from States and communities their right to decide their own labor relations, what they ought to be; and, No. 2, to pass an expensive piece of legislation, make it sound good, take credit for it, and then send the bill home to mayors, Governors, and local officials who will have to either raise taxes or cut services to deal with it. It is an unfunded mandate in that sense.

Current Supreme Court law suggests that the tenth amendment permits the Federal Government to require State compliance with the general regulatory scheme but does not permit the Federal government to require States in their sovereign capacities to regulate their own citizens.

The argument made by the distinguished Senator from New Jersey basically boiled down to this: We have it in New Jersey, so we are going to make Tennessee have it. We have decided in New Jersey that it is a good idea, so I am going to fly to Washington and impose it on Tennessee, Georgia, Wyoming, and all 21 States which have different laws.

This is not a new subject. We haven't been waiting a long time to discuss this. We debated and discussed this law every year I was Governor of Tennessee in the 1980s, which is where it is supposed to be discussed, because we are discussing the labor relations of the State of Tennessee. It was discussed almost every year in the 1990s and rejected by the legislature of Tennessee in an entire series of years. I have here the years in which it was considered and rejected by our State. Tennessee considered this specific question in both the State House and the State Senate which, I might add, are majority Democratic during all of this time. In 1997, Tennessee said: We prefer to have a law in Tennessee that provides that mayors and local officials deal directly with public safety employees such as firefighters and police officers. We believe that is the best way to encourage public safety, to have strong communities, and to provide the best labor-management relationship in our State.

The State legislature said that in 1997. The Democratic State legislature said it again in 1999. They said it again in 2001, 2003, and 2005. In our State of Tennessee, we will grant that a different rule might be good for New Jersey, but we have decided over the last two or three decades that way is not good for our State.

What are we talking about here? What we are saying in this Federal law—which will be imposed, as the Senator from Wyoming has said, on every State, but in 21 States like ours, it overturns our law—is basically that a mayor is required to recognize a union leader, if he or she wants to sit down and talk instead of with the policemen and firemen and other public safety employees about pay, benefits, and work rules. It takes away the State's decision that says we believe it is better for the mayor to deal directly with those employees. I don't know what that will do to improve working conditions or cooperation or the public safety, but I am confident it will coerce hundreds of thousands of local policemen and firemen to pay union dues and fatten those treasuries.

This bill is saying what is good for New Jersey, what is good for Massachusetts, is good for Tennessee. What I am saying is we have 90 towns in Tennessee that will be forced to change how they deal with their public employees, because someone in New Jersey or someone in Massachusetts or other States thinks that is what we ought to do. Not only does Washington know best, according to the advocates of this legislation, but also that Washington knows best how to spend our money. Because what are these discussions about? They are discussions about towns such as Pulaski, 7,800 people; Mumford, 5,000 people; Dyersburg, 17,000; Alcoa, 7,700; my hometown of Maryville, 23,000.

Let me take Maryville as an example. We have good schools there. My father ran for the school board after World War II with a ticket of men and women who said: We will take all the money we have and we are going to focus on having great schools. So in that blue-collar town where at the time most of the people worked for the Alcoa plant, middle-income community, lower middle income, by and large, we slowly built up a culture of very good schools. About 75 percent, if I remember the figure correctly, of the local tax dollars go to make those schools superior. They win academic scores year in and year out.

What we are saying to Maryville is: OK, the Senator from New Jersey and the Senator from Massachusetts have a better idea for you folks in Maryville. We are going to impose on you a different way of dealing with your policemen and firemen. As a result, some labor union leader from Massachusetts and New Jersey may come into Maryville and say: Instead of spending 75 percent of your money to make schools better, we want you to do this, that, or the other about public safety and reduce spending on schools and increase spending for salaries of public safety people.

One could make that argument.

But so far, the people in my hometown have said: We would rather not do it that way. We would rather make education our priority. We think we have a super police force. We are very proud of them. But we like the way we are doing things. The same in Sweetwater and Erwin and Bolivar and Rockwood and Church Hill and Millersville. Ninety of our towns in Tennessee would suddenly be doing things the New Jersey way, the New York way. If we wanted to do things the New Jersey way, we would move to New Jersey. We would move to Massachusetts. We would move to New York. Those are wonderful States, but we don't choose to live there. We like to do things our way, and we have always been able to.

We don't have a chance to do that just out of common sense. Common sense would suggest that a big, complex country of 300 million people, where people come from all over the world and freedom and liberty are our values, that we allow people as much as possible to do things in different ways, so long as they meet with certain constitutional rights. Senator BYRD likes for us to carry around in our pockets the Constitution to which we took an oath to honor. It says in amendment X:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, it says that in the United States of America—it might not be true in some other countries—unless the Constitution says the Federal Government shall do it, the States do it. And so the States have been doing it. We don't say in this country if New Jersey does it and the Senator from New Jersey thinks it is a good idea to do it in Tennessee, make Tennessee do it. That is not the way we do things. So I don't believe this legislation is constitutional, among other things.

Let me also say that as a former Governor, I am trying to make a temperate speech about this legislation, because I feel so strongly about it. But

as a former Governor, when I was sitting there in Nashville, nothing made me madder than to look up to Washington and see some Congressman—and I will have to say, sometimes they were Republicans and sometimes they were Democrats—who flew to Washington and got smarter than they were when they were back in the small towns in which they grew up. They would say in Washington: I have a great idea. They would pass it into law and hold a press conference and take credit for it, and then they would send the bill to me, the Governor. Then what would happen? The next week that same Congressman, if it was a Republican, would be home in Knoxville making a Lincoln day speech bragging about local control, and the Democrat would be in Nashville making a Jackson day speech bragging about local control, and I would be paying the bill. That is not right. That is called an unfunded Federal mandate.

The American people don't like it. I will tell you how much they don't like it. I was one of those Senators—there are a lot of us—who felt a calling to run for the Presidency of the United States a few years ago in the middle of the 1990s. I didn't make it. My preacher brother-in-law said it was a reverse calling and that I should be doing something else for the people. So I am here. But I remember in 1994, 1995, and 1996, there was a strong resentment in this country toward being told what to do from Washington, DC. People had had it up to here. The Republicans seized on that. I remember Newt Gingrich and a lot of Republican candidates for Congress standing on the Capitol steps and saying: No more unfunded mandates. They put it in something they called a Contract with America. And the first piece of legislation that was passed by the new Republican Congress, elected overwhelmingly by the people, S. 1, was the no unfunded Federal mandate act. That was S. 1. We are not going to pass unfunded mandates anymore. If we are going to pass something, we are going to pay for it.

This legislation doesn't pay for it. It might tell Erwin and Maryville and Alcoa and Pulaski and 90 other towns in Tennessee what they need to pay firefighters and policemen. It might tell them what to pay them or create an environment that creates a higher salary, perhaps, or a bigger benefit, but it doesn't pay the bill.

Now, the Republican Congress said in 1994: No more unfunded mandates. If we break our promise, throw us out. In fact, the people have, and I think part of the reason is because some Republicans forgot about no unfunded Federal mandates.

So I urge my colleagues to recognize that to impose upon a State—as different as Tennessee might be from New Jersey; as different as Wyoming might be from Georgia—we do not need the same rules and regulations. We are capable in our hometowns of making a good decision about how to have good labor relations, or how to deal directly with our volunteer firemen. We have over 700 fire departments in Tennessee—700—and lots of different ways of dealing with them. We do not need anybody from New Jersey or Massachusetts or somewhere else telling us how we should deal with them.

This is an ominous trend. Tennessee is also a right-to-work State. Now, I know this legislation has a little section that says this does not interfere with right to work. Well, I wonder about that. Maybe this legislation by itself does not in its explicit terms. But if the Federal Government can say, in New Jersey, in New York, and other States: We have a union shop—in other words, employees do not have the opportunity to make a choice about whether to join a union—why cannot they say: It is good for New Jersey; let's have it in Tennessee? It is not a very big step.

Or if New Jersey or some other—I am not just picking on New Jersey, but their Senator was here saying if this is good for them, it would be good for us—State might say: We do not see any need for the secret ballot in union elections. Let's just let employees sign cards. It makes it a lot easier to organize, and if it is good for New Jersey or New York or California, it is good for Tennessee. A lot of people moved to Tennessee because they prefer our level of taxes. They prefer the right to work. They prefer the relations we have between employers and employees.

I imagine the auto industry, which is now one-third of our manufacturing jobs in Tennessee, is there because we have a different labor environment than in some other parts of the country. Now, that does not mean we do not have union workers. We have a lot of union workers.

In fact, in the mid-1980s, a lot of people paid attention to our State because here came the Nissan plant, which even today is nonunion, and it is the largest, most efficient automobile plant in North America, making 500,000 or 600,000 cars and trucks a year. Right next door, 15 miles away, is General Motors' Saturn plant. When General Motors came, the United Auto Workers came, and they are a partnership. Both plants are successful. There has been some shifting and changing at the General Motors plant, but it is back on track.

So we have both plants there: one where employees are required to join the union, one where people have a choice to join the union. We like it that way, and I think they like it that way.

Now, we are the third or fourth largest State in suppliers. They seem to like it that way. So why would we do it the way some other State does it, especially if we figured out a better way to do it, in our opinion. Particularly in the United States of America where we have a 10th amendment to the Constitution, we believe in federalism, and we are a decentralized society.

So I am very worried about this piece of legislation. I think it is bad for Tennessee. It is bad for our labor-management relations. We have enough common sense in our State—with our Democratic Governor, our Democratic House of Representatives, our Republican State senate now—to make these decisions for ourselves. Why do we need U.S. Senators telling us this? Then, when we get in the majority, we might say: What is good for us in Tennessee is good for New Jersey, and change their law; or what is good for us in Tennessee is good for New York, and change their law. We don't care about New Jersey's law. As long as we follow the constitutional rights of the people of the United States, we would like to settle things.

I come from the mountains of Tennessee. My great-grandfather was asked about his politics. He said: I am a Republican. I fought with the Union and I vote like I shot.

The reason we were unionists and Republicans in the Civil War—and still today—was because we did not want the Federal Government telling us what to do. This is an extreme example of serious meddling.

One last example, and then I will stop.

The argument is, if we can only force all these 90 Tennessee communities to collectively bargain, that will improve public safety. Well, how do we know that? Is New Jersey and New York safer than Tennessee? Do we know that for sure?

Or let's take the one example in Tennessee where we have required communities to collectively bargain, and that is with teachers. The unit is an arm of the National Education Association. I have had some pretty important disagreements with my friends in the Tennessee education association over the last 25 years about what is good for education. For example, I thought it would be a good idea to reward outstanding teaching, pay teachers more for teaching well. Twenty-five years ago, our State became the first State to do so. We created a career ladder system, and we raised taxes in order to offer every single teacher a 70-percent pay increase on the State's share. Ten thousand teachers went up that ladder. Guess who the No. 1 opponent to that was. The teacher's union. Not Albert Shanker and the American Federation of Teachers, but the National Education Association.

I am not criticizing them. They are very open about that. They do not like the idea of paying teachers more for teaching well. I think to improve education we should. So does that really improve education in Tennessee to require that collective bargaining?

Another example: I notice a lot of teachers were worried about being sued by parents. I think that is not right. Why not offer teachers the same liability insurance the State provides to State employees?

The Tennessee Education Association raised its dues to defeat my proposal

because they offer liability insurance. Did that improve education in Tennessee?

Or charter schools? I think charter schools are a good idea, public charter schools that leave teachers free to make their own decisions about the kids who are there. But the teachers union disagreed. That is a legitimate difference of opinion. But I think I am right. They think I am wrong. But does that improve Tennessee's schools to have them there?

Choices for parents: I think the best thing to do in Nashville, for example, where schools are having a very difficult time, might be to ask all the parents where they would like to send their kids to school and see if we could do it. Give them their first, second, and third choice to see if we could probably supply that. The teachers union is opposed to that.

Everyone, when we were bringing in the auto industry to Tennessee, bringing in the Nissan plant—the first time we had ever had those jobs, which raised our family incomes—I wanted to build a road out to the plant with State dollars, and the teachers union objected because they wanted me to give the money to the teachers. I thought that was short-sighted because if we improved the tax base, we would have the money to improve education.

So there are differences of opinion about what would improve education, and there are differences of opinion about what would improve public safety. We like our opinions in Tennessee. That is why we do not like this bill.

So I will be seeking a vote on my amendment when the appropriate time comes. I would urge my colleagues, you may be right about your own home State. Maybe it is better to require all your communities to collectively bargain. Maybe that improves safety in New Jersey or New York or somewhere else. But in Tennessee, we have considered it almost every year for the last 25 years, and we have decided a different way. We believe States ought to have the right to decide what their own labor relations ought to be. We do not believe it is a right of the Federal Government to impose unfunded mandates on us and cause us to pay our extra bills at a time when the Governor is laying off people in our State because there are not enough tax dollars coming in.

This is the grossest sort of interference to the sovereignty of our State. We have a strong bipartisan opinion about this in Tennessee. That is why I am so vigorously opposed to this piece of legislation.

It should be called the Washington Knows Best Unfunded Mandate Act. I am going seek to amend it. I am going to do my best to defeat it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4759

Mr. LEAHY. Mr. President, in a short while I am going to call up an amendment, and I will move at that time to set aside the pending amendment to call up amendment No. 4759. I am not going to do it yet because I want the distinguished Republican manager of the bill, Senator ENZI, to have a chance to see what it is before I do. But let me describe it a little bit before I do call it up.

The amendment would reauthorize and extend the Bulletproof Vest Partnership Grant Program. This is a program that some may recall the former Senator from Colorado, Mr. Ben Nighthorse Campbell, and I began some years ago.

This morning, the Judiciary Committee held a hearing about this important grant program. We heard compelling testimony from an officer, Detective David Azur of Baltimore, whose life was saved in 2000 when he was shot at pointblank range in the chest. He said he had enormous pain and a huge bruise from it, but the bullet did not penetrate his vest. I said to Detective Azur from Baltimore—and I know his family; his father served as a police officer in Burlington, VT, when I was a prosecutor—at least he felt the bruise. Had he not had the vest on, he would not have felt anything. He would have died instantly.

We also heard from Vermont State police lieutenant Michael Macarilla. I know Lieutenant Macarilla very well. He spoke about the assistance Vermont law enforcement officers have received from the program.

This week, thousands of law enforcement officers from around the country have come to Washington to honor the men and women who have given their lives in service over the past year. One thing everybody in this Senate could agree on, all Americans could agree on: We should offer our gratitude to the officers and their families.

On Thursday, May 15—this week—Congress and the American people are going to pause to reflect upon the sacrifices too many have made, as we celebrate Peace Officers Memorial Day. This week, at the Police Officers Memorial, we will recognize and remember the 181 officers who were lost in the line of duty during the past year. Every death is a tragedy, but 181, Mr. President—that is the largest yearly total since the extraordinary losses on 9/11 and in its aftermath. Think of that: 181 officers lost, lost in the line of duty. It also means that a family lost a loved one: a spouse, a father, a mother, a son, a daughter, a brother, a sister. We need to do all we can for the men and women who risk their lives protecting us and the public's safety every day.

The Bulletproof Vest Partnership Grant Program saves lives. It makes a real difference to our officers and their families. The officers who testified before the Judiciary Committee today have firsthand experience with the importance of armor vests. So I am grateful to Detective David Azur from Baltimore and grateful to Lieutenant Michael Macarilla from the Vermont State police for their willingness to share their experiences with the committee and the Senate and the Congress.

I was proud to initiate the Bulletproof Vest Partnership Act with Senator Ben Nighthorse Campbell in 1998. Both of us relied on our own experience in law enforcement, experience both of us had in law enforcement before we came to the Senate. Between 1999 and 2007, our program has assisted in the purchase of an estimated 818,044 vests. We have taken a giant step away from the days in which law enforcement officers were required to purchase their own vests or go without the vest. Actually, I do believe the bulletproof vests should be standard issue equipment for law enforcement, just as we have standard equipment issuing a badge and a weapon.

In addition, as we were reminded at this morning's hearing, body armor is not effective forever. You buy it but it wears out. In fact, manufacturers offer only a 5-year warranty for these life-saving vests. They have to be replaced periodically. In fact, for Detective Azur, his warranty was just about to run out when he was shot.

Despite the fact that the President's budget has repeatedly—repeatedly—neglected to request authorized funding for this program, Congress has stepped up and recognized its importance and appropriated the funds needed to keep it strong. I hope Congress will do so again this year. It may be easy to just look at Federal grant programs as just numbers, and say: Here's a number we can cut. It is a good way to reduce Federal spending. But when it comes to the safety of law enforcement officers, I can think of no rational excuse not to fully meet Congress's determined levels of support for the men and women who protect us all. Look what we have done in Iraq. This administration has provided the Iraqi police forces with a virtual blank check over the past several years. American taxpayers have seen hundreds of millions—some would say billions—of dollars sent to Iraq and misspent, this just on the police forces there. Large sums of cash and weapons disappear. We sent over thousands of weapons, and we didn't even know where they went until some of them showed up in the hands of the people trying to kill our own soldiers. If we can afford to pay for training and equipment for the Iraqi police, we ought to be able to afford bulletproof vests for the officers who protect Americans here at home.

There is money in the President's budget for the Iraqi police forces. I would like a little bit of money in the budget for American police forces. I worked with these police officers for 8 years when I was State's attorney. I think we ought to start paying a little bit of attention here at home.

State and local law enforcement officers assist Federal authorities in many areas, and this grant program should

be viewed in the spirit of this cooperation. In an era when State and local law enforcement are shouldering more responsibilities on the front lines in the name of national security or in cooperation with Federal authorities in fighting interstate crime, then the Federal Government owes it to them to provide them with some support. Much of our Nation's strength lies in our rule of law, and Congress should support the men and women who uphold the laws and protect our democracy.

The Bulletproof Vest Partnership Grant Act expires next year, so the amendment I filed would reauthorize this program for another 3 years. It is drawn from the bill that Senators SPECTER, MIKULSKI, SHELBY, HATCH and I have introduced today. It also includes giving discretionary authority to the Director of the Bureau of Justice Assistance at the Justice Department to waive the matching requirement for jurisdictions experiencing financial hardship. That provision is drawn from the Leahy-Shelby bill, S. 2511. I think that in a narrow and tighter budget and a troubled economy, it makes sense to give the agency making these plans the authority and the flexibility to ensure that no jurisdiction is excluded from such critical assistance simply because it can't afford to meet the matching requirements.

Local law enforcement agencies don't have oil revenues. They don't have outside sources of revenue. If we are going to have the administration say send money to the Iraqi police force, which does have enormous oil revenues, and ask the American taxpayers to pay for it, let's pause and do something to help American police forces.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 4759.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Without objection it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 4759 to amendment No. 4751.

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

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

The amendment is as follows:

(Purpose: To reauthorize the bulletproof vest partnership grant and provide a waiver for hardship for the matching grant program for law enforcement armor vests)

At the end of the amendment, insert the following:

TITLE ___—BULLETPROOF VEST PARTNERSHIP GRANT AND HARDSHIP WAIVER FOR MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 01. REAUTHORIZATION OF BULLETPROOF VEST PARTNERSHIP GRANT .

(a) SHORT TITLE.—This section may be cited as the ''Bulletproof Vest Partnership Grant Act of 2008''

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2009'' and inserting ''2012''.

SEC. 02. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

Mr. LEAHY. Mr. President, 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. ENZI. 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. ENZI. Mr. President, I wish to take a little bit of time to talk about at least two of the amendments and probably make a mention of the one we just had. As to the underlying bill, we have two amendments that have been suggested—one for a public employees bill of rights and the other one for an unfunded mandate exemption—and I want to comment on those a little bit. I haven't gotten to speak much, and there are several on the other side who have spoken to some extent.

I did notice that the Senator from New Jersey, the former mayor of a community of 60,000, made some comments about how this bill would work, and I wished to point out that 60,000 is a pretty big city in a lot of States around this country. That would be bigger than any city in Wyoming. So when we are talking about how easy it is to do these negotiations, I think we are leaving out some crucial factors.

The bill says it applies if a municipality has more than 5,000 people or—this is very important. It says 5,000 people or 25 employees. If it has 25 employees, no matter what they do for the city, the city comes under this bill. It becomes an unfunded mandate for the city even if there are less than 5,000 people. I can tell my colleagues there are a lot of towns that have less than 5,000 that would have, depending on what services they provide, more than 25 employees.

I think that some of these other employees are going to be a little upset, too, realizing that we have this opportunity to place some special emphasis—and should—on the public safety employees, but not others. My city had its own electrical utility, and I can tell my colleagues, if the power goes out, the most important person in the city for public safety is the guy who comes and gets the electricity going again. This bill would not cover those people. If your city sewer is backing up into somebody's home, the most important city employee from a public safety standpoint is the guy with the city utility. This doesn't include him. But it will force some mandates on the city that will take away money from the guy who fixes the sewer backing up into your house or fixes the electrical utility that keeps the power on that handles heat and air-conditioning and other important things for your home.

I also was kind of fascinated by the Senator from Massachusetts, Mr. KENNEDY, mentioning that as far as the secret ballot, they are going to leave that up to the States. Why would we leave that up to the States? We are not leaving any of the rest of this up to the States. Not only that, we are saying that no matter what the city and the employees agree to, there is going to be this little-known Federal agency that can say: Nope, not enough. That is the way the bill reads. It allows overriding of agreements by the director of a Federal agency. So we are not only saying: We don't care what kind of relationship you have with your public safety people, we don't care how unfunded this is, and we don't care if it steals money from other city employees, we have a Federal agency that is going to keep its eye on you and let you know if you are doing it well enough. Not to mention, of course, that the rules haven't even been written on this, so we don't even know how those are going to go.

So there are some difficulties, and I want to have the chance to address some of these amendments a little more fully.

Of the people who voted for the motion to proceed—some voted that way to say we should debate this. I mentioned in my speech that we needed to have some time to talk about the difficulties of this bill, that there are a lot of things that people don't realize about this bill that need to be corrected and brought out, and we are doing that through some logical amendments.

But Washington does not know best how a municipality works. There is no way we can understand the diversity of all of the municipalities in this United States that would qualify under this bill. Remember, it applies to those with a population of 5,000 or more or 25 employees. So we are not even sure whom we are pulling into this. But we do know we are affecting State law in all 50 States. The exception, of course, is the question of card check or secret ballot where the bill says if they already require it, it is OK, but if they don't, that is OK too. So we can impose every rule on them we can possibly think of, but we are going to leave the right to a secret ballot part out. I hope that is not the case.

I hope some of the amendments that are being suggested will be voted on and passed or, even better yet, accepted. I think some of them are worthy of that.

So with that, I yield the floor and reserve the right to speak again.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the Public Safety Employer-

Employee Cooperation Act. I have been a cosponsor of this legislation in previous Congresses, and I am pleased that the bill, which I first joined several years ago in cosponsoring, is finally coming to the Senate floor.

This bill would ensure that the people we most count on to protect and serve the public—our firefighters, our police officers, our emergency medical personnel, and other first responders—can exercise their rights to organize and bargain collectively with their employers.

Currently, 20 American States do not effectively provide for this right despite the fact that it applies across nearly every other area of the American economy. All first responders should have an effective process to address job issues and practices with the State and local governments they serve.

Now, some have argued that this bill interferes with the proper authority of States and municipalities, but, in fact, the bill simply requires States to allow public safety officers to bargain over wages, hours, and working conditions. My State of Maine has a very similar law in place already. This bill does not in any way dictate outcomes of this process. It gives State—not Federal—courts the authority to enforce contract rights that arise from collective bargaining.

I also wish to emphasize that the bill does not authorize actions that might threaten public safety. In fact, it prohibits both strikes and walkouts. Further, it does not interfere with any existing collective bargaining agreements, nor does it impinge on any area traditionally reserved to management decisionmaking.

Mr. President, I have heard some of my colleagues say this bill will somehow harm the volunteer firefighters who are so important in rural States, such as mine and the State of the Presiding Officer. I think it is important we spell out why that is not the case. In fact, there is no collective bargaining established by this bill for volunteers, volunteer fire departments. This is a bill about collective bargaining rights of employees who are paid for their work. Volunteers, by definition, are not employees. Any suggestion that cities and towns are going to be required to bargain with and possibly pay their volunteer firefighters is simply wrong.

Volunteers are expressly not covered by this bill and will have no right to collective bargaining. All volunteer departments would have no bargaining complications. Furthermore, professional firefighters would still be encouraged to volunteer. I am touched by the fact that some of the professional firefighters in my town act as volunteer firefighters for their hometowns. They may be employed by a larger city in Maine, such as Bangor, Lewiston or Portland, but they may live in a very small town outside the city, where they volunteer on the all-volunteer firefighting force. There is nothing in this bill that discourages anyone from serving as a volunteer firefighter.

In many towns, as I mentioned, volunteer firefighters are actually professional firefighters who volunteer during their off-duty hours. Our legislation preserves that kind of relationship by actually prohibiting States from putting limits on professional firefighters who want to volunteer during their off-duty hours.

This bill addresses concerns that were raised by some of the volunteer firefighters because the protections in the House-passed bill weren't clear enough. The Senate version of this bill will dispel any ambiguity in the House-passed version and make clear that a professional firefighter can, in fact, volunteer to be part of a volunteer force.

The Senate drafters of this bill worked with groups representing volunteer firefighters. I note that the National Volunteer Fire Council supports the language in the Senate substitute that protects the volunteer firefighters.

I believe this bill is a balanced, constructive measure that will help first responders and improve public safety, without improperly or unduly burdening States. It has won the endorsement of the International Association of Firefighters, and it is particularly appropriate that we are turning to this bill during National Police Week, when so many police officers are also in town.

I believe all Americans gained a new appreciation for the service and the sacrifices of our first responders on that terrible day, September 11, 2001. On that day, 343 New York City firefighters and paramedics, 28 New York Police Department officers, and 37 Port Authority officers died doing what they loved. They died trying to rescue others. Such heroism occurs, usually, with far less tragic results in towns and cities across our country every day.

The least we can do to repay the sacrifice and service, the selflessness of our first responders is to ensure that all public safety officers have the right to bargain on their pay and safety standards and working conditions.

This legislation makes sense. I urge my colleagues to join me in supporting this bill to put America's public safety workers on an equal footing with their counterparts in other jobs.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Maine for her statement. I have one request for her though. Look at the paragraph that deals with volunteer firefighters—the language regarding allowing professional firefighters who want to help out in the community to volunteer as well. There has been language suggested that would make it clear that what you described would happen. But the language from the House definitely doesn't say that. The language, as revised in the substitute amendment, still doesn't say that. I would appreciate it if the Senator would take another look at that and see if that can be made a lot clearer. The language I was referring to is ''to prohibit an employee from engaging in volunteer or part-time employment, any agreement that contains such language shall be unenforceable.'' That is pretty clear. I am concerned that will not only be misconstrued, but it will be bargained away without any consequence. I would appreciate if the Senator would take another look at that.

Ms. COLLINS. Mr. President, if I may respond to my good friend—and he is a good friend who knows this issue very well and considers bills very carefully, which I have always admired about the Senator from Wyoming. First, let me say it is clear the House bill does not do a good job in this area. I think the House bill is very ambiguous and doesn't make clear what I described. So I think we are in agreement about the House bill. I will take a second look at the substitute language, as the Senator has suggested. But I know the drafters of the bill, Senators GREGG and KENNEDY, worked very closely with the National Council of Volunteer Firefighters, and I doubt they would have signed off on the language—which it is my understanding that they have—if, in fact, it did not protect the volunteer firefighters.

Thirdly, my intent is not to impose any sort of obligation on volunteer firefighters. They are, by definition, not employees, so I don't think they come under this bill. In addition, I do wish to make sure anyone who is a professional firefighter, and employed in that profession, is not precluded from also acting as a volunteer firefighter, as so many professional firefighters in Maine and across this country do. I will take another look at the language, but I do know Senator GREGG and Senator KENNEDY have worked very closely with the Volunteer Firefighters Council, and they believe the substitute language does cure what I think all of us would agree was a problem in the House bill.

Again, I thank the Senator from Wyoming. I will take another look at the language.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I concur in what the junior Senator from Maine has said, if the volunteer firefighter organizations worked closely with Senators GREGG and KENNEDY and they are supportive and have signed off on the language.

I am particularly pleased to participate in this discussion for a lot of reasons. One of them is because I was in the Ohio State legislature many years ago—about 25 years ago—when we debated a bill that would have given collective bargaining rights to Ohio first responders. That legislation eventually passed. I have to tell you Ohio, partly

because of that legislation, has the best public safety forces in the United States of America, the best police officers, the best firefighters, and the best EMS professionals. I may be biased about that, but I am also right.

I have worked with the firefighters in Cincinnati to push for legislation that would help eliminate needless risks to their safety on the job. I have worked with firefighters in Lorain and Akron to make sure Federal and municipal firefighters receive the proper benefits when injury strikes. I have worked with police officers to fight for the COPS Program and with EMS professionals to reduce the redtape surrounding hometown hero benefits. All these men and women have pledged to fight for our lives. Every single day they bear deadly risks on our behalf.

The Public Safety Employer-Employee Cooperation Act gives Members of this body an opportunity to fight for first responders, just as they fight for us. It gives us an opportunity to take on risk and overcome it, just as our first responders do. S. 2123 will reduce the risk of injury or death to first responders and the public they serve.

The Alexander amendment will take away our ability to do that. S. 2123 will reduce the risk of a first responder workforce shortage. The Alexander amendment, again, will take away our ability to do that. It will reduce the risk that first responders will be grossly overworked or dramatically underpaid. The Alexander amendment will take away our ability to do that. It will reduce avoidable risks, and when it comes to public safety, avoidable risks are unconscionable risks.

Some public safety professionals have the right to negotiate fair wages, decent benefits, and proper equipment. Some don't have that right. That is because some States empower their first responders to collectively bargain and others don't.

Collective bargaining is not just about wages or benefits; it is about doing the job in the safest way possible, doing the job in the best way possible. If first responders, without bargaining rights, are underpaid or overworked or poorly outfitted, their options include living with it or leaving.

Neither option serves the public good. Our Nation has a stake in ensuring that public safety jobs are filled in every town, every city, and every State.

Denying first responders the right to negotiate fair wages—denying them the right to negotiate their own safety—is not exactly a strong selling point for these jobs. That is why the Alexander amendment should go down and the bill should pass.

The Public Safety Employer-Employee Cooperation Act ensures that every first responder, regardless of where she or he lives, can do that. This bill promotes fairness and safety. It wasn't just written for first responders—police, firefighters, and EMS professionals. It was also written for those who rely on first responders. That is us. This bill was written for us.

Senator ALEXANDER's amendment, when he spoke, talked about the ''Washington knows best'' attitude. I thought about that as he was talking. His points were well made and well articulated. I wear on my lapel a pin that is a depiction of a canary in a birdcage. About 100 years ago, the mine workers used to take the canary into the mine, and if it died from toxic gas or from a lack of oxygen, the mine worker knew he had to get out of the mine. In those days, the worker had no Government that cared enough to protect him, no union strong enough to protect him, and he didn't have collective bargaining rights. We know that 100 years ago, a baby born in this country lived to be about 46 or 47 years old. Today, a child lives 30 years longer. Do you know why that is? It is not mostly miracle medical technology. Certainly, chemotherapy and heart transplants and other things help many of us live longer. But the reason people live 30 years longer today is, frankly, because of national standards, because of collective bargaining rights. Look around. We have strong collective bargaining laws, and people live 30 years longer because we have strong laws on safe drinking water and clean air. We have strong laws on minimum wage and Social Security and Medicare and prohibition on child labor and protections for women and all the things that were negotiated at the bargaining table and were passed by this Congress—setting national standards on clean air, on safer drinking water, on worker safety, national standards on a whole host of issues that are important to all of us. That is why when I hear this ''Washington knows best,'' we will do it our own way—we have not done that on civil rights or worker rights. As a nation, we share these values, whether we are from Wyoming, Tennessee, New Jersey, Massachusetts or Ohio, and we share these values of helping people, giving them collective bargaining rights, passing a minimum wage increase, having safe drinking water and clean air and pure food laws—all that our country has stood for.

Also, Senator ALEXANDER said this act imposes an unfunded mandate on cities and States, and they would not even be able to afford new benefits for public safety officers. I will answer that for a moment. First of all, under the bill, no costs are imposed. The bill comes with no pricetag. There is not a single provision in the bill that requires cities and States to spend a penny.

Senator ALEXANDER spoke about Pulaski and other communities in Tennessee, saying we are going to go to Tennessee and tell them how much they are going to have to pay first responders in Pulaski or in Nashville. We don't want to do that. I don't want the Federal Government to tell us what first responders in Mansfield, Zanesville, Lima, Springfield, and Xenia should get. But this bill doesn't do that. It doesn't set those kinds of standards, and we know that.

I wish to speak to a couple other issues. No particular terms are imposed in this legislation. Local governments under the Kennedy-Gregg bill are free to write their own contracts. The bill doesn't require any particular terms. State and local officials will sit down with workers and figure out together what will work for their communities. That is the whole point of collective bargaining, not to impose this health provision or this level of pension or that particular wage. It doesn't do that. It simply gives those communities the right to organize and bargain collectively.

There is no binding arbitration in this bill. Many States have done binding arbitration. This bill doesn't require binding arbitration. So no third party can require a government to raise wages or spend any money the local government and their citizens don't agree to spend.

State and local legislatures have the final say. We went out of our way to respect the autonomy of State governments. One way we have done that is to let State and local legislatures have the final say on collective bargaining agreements. The States can give their legislatures the right to approve or disapprove funding for any negotiated agreements. Again, that is what collective bargaining is all about, whether it is in New Jersey, Massachusetts, Wyoming, Ohio, or Tennessee.

This bill most specifically is about mandating a discussion between employers and workers. It is not a mandate. It certainly is not an unfunded mandate. That is why the Alexander amendment should be defeated. That is why the underlying bill should be approved.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROWN. I certainly will yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our colleagues have listened carefully to the Senator from Ohio because he has laid out the essential elements of this legislation and did it effectively.

As I mentioned, very often around here we have people who misrepresent or mischaracterize legislation and then differ with it. I have even done it myself a few times. We have seen that done with regard to this legislation.

I listened to my friend and colleague—and he is my friend and colleague—from Tennessee. I watched him wave the Constitution and talk about the tenth amendment, and the Senator from Ohio has answered that.

Does the Senator not agree with me that the basic process that is followed is that if this legislation is passed, a State then must set up some opportunity fulfilling four different requirements that are included in the bill? Those four different requirements that are to provide public service officers

the right to form and join a labor organization; requires the employers to recognize a union that is chosen, require employers to engage in a collective bargaining process, and make available an impasse resolution. As the Senator correctly pointed out, that may very well be arbitration, that may be factfinding. It is completely left open.

Now the State takes these four broad guidelines and fashions legislation. Once Tennessee passes a law, if Tennessee workers say we don't like unions, they don't have to have one. End of the story. I had difficulty in understanding the Senator from Tennessee talk eloquently for half an hour describing this amendment, and I said one of us hasn't read it because there is no such requirement in this legislation as described by the Senator from Tennessee.

I wish the Senator would once again speak to the issue of an unfunded mandate. There is no possibility, as the Senator has mentioned, that there can be any impact on the local community or the State in terms of requiring them to spend a nickel if it isn't going to be approved by the regular order within that State. The State is going to have to make that judgment and that decision whether they want it, but there is nothing included in this legislation that is going to alter that part of the procedure.

As to these concerns we have heard during the course of the afternoon that this new legislation is going to suddenly be an unfunded mandate, I am always interested, if you eliminated the words ''unfunded mandate,'' you would quiet about half the Senate. They use those words so frequently when too often they don't have anything else to say. ''It is an unfunded mandate,'' and everyone quivers and shakes about it. That is the situation.

It is good if we have a debate, and we welcome the opportunity to take some time to debate. We are in no rush. This is important legislation. It is important that the Members understand it, but it is important, it does seem to me, as we are engaging in this debate, for the Members to understand correctly what we are doing and what we are not doing.

I was interested to know if the Senator agrees with me that the bill will not require any town or community in Ohio or any State to expend resources and funds that the State will not duly authorize under its existing appropriations procedures?

Mr. BROWN. Mr. President, I thank the Senator. I certainly agree with the senior Senator from Massachusetts. In my State in Ohio, I have watched for 25 years what has happened with public employee collective bargaining. It has made the State better.

At the beginning of my comments, I talked about Ohio, I believe, has the best police, fire, and EMS forces in the entire country. A big part of that came out of collective bargaining.

Many times in communities when the city council reaches a difficult position with their police or with their fire or with their other first responders, the Federal Government does not get involved. We don't mandate that there should be a certain level of pay or certain level of fringe benefits or certain level of worker protections as they do their jobs. That is up to them, and this bill makes that easier to accomplish.

In no way is there a mandate, and in no way is this an unfunded mandate. No costs are imposed, no terms are imposed, there is no binding arbitration. As Senator KENNEDY said, if Newton, MA, Lynn or Boston want to have binding arbitration or factfinding, they can do that. It is the same with Marion, Portsmouth, and Ravenna, OH. They make those decisions. That is the beauty of this legislation. We set up the system of collective bargaining and let them make those determinations.

Mr. KENNEDY. Mr. President, if the Senator will yield further, would the Senator not agree with me that the decisionmaking then is going to be done at effectively the local level by workers rather than at the Federal level or even at the State level? The State is going to outline a process. Then the workers are going to make a judgment as to whether they want to follow that process. And if they choose that they will not do it, then there is no process or procedure, and they don't have to do it.

A compelling aspect of this legislation is the fact that we are giving the authority to deal with the most local issues to those who have responsibility today in the local community and who know best in terms of safety and security, and are trained in safety and security—the first responders.

The record is powerful in this area about how to ensure additional safety and protection for local communities, the State, and the country. We want to make sure that those decisions are made by the workers who have that expertise.

I thank the Senator for his comments because we have heard a good deal of rhetoric on the floor. It is important that we make sure our colleagues have a good understanding and awareness of the great efforts that have been made to make sure we are going to respect the States, we are going to respect, obviously, local communities and the differences that take place, and we are going to have special provisions, as the Senator correctly pointed out, in terms of voluntary fire departments.

We tried to work very carefully and closely—as the Senator has mentioned, this has been a bipartisan effort with Senators from all different parts of the country. What is important is that local firefighters, local first responders, local police officers are so strongly in support of this legislation because they understand better than anyone on the floor of this Senate the difference it can make for the safety and security of the American people.

I thank the Senator.

Mr. BROWN. Mr. President, I thank Senator KENNEDY again for his comments. Look at what happened in this country over the last decades, as we set up a system of collective bargaining for private employees. This body had no interest in telling GM and the UAW how to negotiate a contract, only that the rights of collective bargaining are recognized in this country.

We have the same view—not a mandate, not an unfunded mandate, to be sure—the same view of setting up collective bargaining with governments, elected officials, in all that we do.

As Senator KENNEDY said, it is all pushed to the local level. They will make the decisions. That is why defeat of the Alexander amendment is crucial. It undoes all the good in this bill. After defeating the Alexander amendment, this legislation should receive an affirmative vote.

Mr. DODD. Mr. President, I rise today to speak in support of the Public Safety Employer-Employee Cooperation Act, a bipartisan measure that will guarantee our Nation's law enforcement officers, firefighters and emergency medical personnel the right to bargain collectively with their employers. I want to thank Senator GREGG and Senator KENNEDY for their long-standing commitment to this critically important legislation.

Now more than ever, the risks taken by our first responders are greater than they have ever been. From the increased risk of terrorist attacks, to the catastrophic hurricanes, tornadoes, and wildfires that have ravaged our country from coast to coast, each and every day we ask more from our emergency workers, and they always rise to the challenge. These are people who have chosen to dedicate their lives to serving their communities—making the streets safe, fighting fires, providing pre-hospital emergency medical care, conducting search-and-rescue missions when a building collapses or a natural disaster occurs, responding to hazardous materials emergencies, and so much more.

The Public Safety Employer-Employee Cooperation Act provides these brave men and women with basic rights to bargain collectively, a right that workers in many other industries have used effectively to improve relations with their supervisors. This bill is carefully crafted to allow States a great deal of flexibility to implement plans that will work best from them. All it requires is that States provide public safety workers with the most basic collective bargaining rights—the right to form and join unions and to collectively bargain over wages, hours, and working conditions. It also will require a mechanism for settling any labor disputes. These are rights that a majority of States already provide these workers, and this bill does nothing to interfere with States whose laws already provide these fundamental rights.

This bill will allow States to continue enforcing right-to-work laws

they may have on the books, which prohibit contracts requiring union membership as a condition of employment. This bill even allows States to entirely exempt small communities with fewer than 5,000 residents or fewer than 25 full-time employees.

Importantly, this bill takes every precaution to ensure that the right to collectively bargain will not interfere with the critical role these workers play in keeping our communities safe. It explicitly prohibits any strikes, lockouts, or other work stoppages. But the key to this bill is truly to foster a cooperative atmosphere between our first responders and the agencies they work for. Cooperation between labor and management will inevitably lead to public safety agencies being better able to serve their communities. Unions can help ensure that vital public services run smoothly during a crisis, and this bill will further that goal.

I would add that this legislation enjoys enormous bipartisan support. The House passed H.R. 980 by an overwhelming margin of 314–97. Here in the Senate, our version enjoys the support of all my colleagues on this side of the aisle and many on the other side as well, including Senator GREGG, the bill's sponsor. In an era ruled by party-line votes, this speaks to the great importance of this legislation. That is because we recognize the unique and essential role these workers play in every single community, and we recognize that by granting them these basic rights they will be able to better serve those communities.

This bill addresses some of the most critical concerns of our Nation's first responders. It goes beyond negotiating wages, hours and benefits. In this circumstance, for this group of people, it means so much more. It means that the men and women who run into burning buildings, resuscitate accident victims, and patrol the streets of our towns and cities can sit down with their supervisors to relate their real life experiences. They can discuss their concerns and use their on-the-ground expertise to help improve their service to the community. Granting our first responders this basic right is not only in their best interest it is in all of our best interests. It will allow these men and women to better serve their communities by fostering a spirit of cooperation with the agencies and towns that employ them.

When tragedies have struck us, from the September 11 attacks to Hurricane Katrina, it is these workers who are the first people on the scene and the last to leave. We owe them everything, and all they have asked of us in return is dignity and respect in the workplace. They stand with us every single day on the job, and it is time we stand with them. I urge all my colleagues to join me and the millions of first responders who form the backbone of our nation's homeland security by voting to pass this crucial legislation.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak to this legislation and address briefly some of the comments that have been made.

I don't think there is any question that this legislation would represent an unprecedented intrusion by the Federal Government into the affairs of States. It is justified on the basis primarily that it is needed, that States should be required to do the things the law mandates.

I don't think one can argue this is not an intrusion into State law. As a matter of fact, as I understand it, the bill would specifically reverse the actions of 13 States that have considered and rejected similar legislation in the last two legislative sessions of those States. The law in these States would be overruled by this legislation. The bill would specifically overturn the current law in an additional eight States and cast into doubt a number of aspects of current law in at least an additional nine other States.

Apart from the constitutional issues that have been raised by some of my colleagues, the first point I wanted to make is we cannot very well argue we are not telling the States to do anything, we are not really changing anything in the States; this is Federal law that controls certain aspects of State labor laws from now on and, as I said, in several situations would specifically change the policies of States as determined by the citizens of those States.

We have to ask ourselves a fundamental question: Do we trust States and local governments or do we not? There are some reasons why States have different labor laws, as well as other kinds of laws. There are reasons why some States have permitted what this legislation would mandate and other States have not.

For example, it is very difficult to argue a State that doesn't currently have this kind of requirement doesn't care about the safety of its employees. These are people in our communities, these are people who are already governed by other laws relating to minimum wage and safety, to the things that were mentioned by my colleague from Ohio, and these are people who certainly have the ear of others in their community. They are leaders in their community.

I can certainly attest to my State of Arizona. There are some tremendous folks in our firefighting communities, specifically in my hometown of Phoenix, but in other communities as well. If they were working under unsafe conditions or conditions they felt were not appropriate for the circumstance, I think we would hear about that.

To suggest that the mayor of a town doesn't care about their safety or else he would be doing this and, therefore, we are going to have to mandate it on to that community is not a proper recognition of the way our Government works in this country, starting from the ground up rather than the top down. That is what the United States is all about, and that is why communities have different ways of dealing with these different situations.

I, frankly, have not heard any case made for the legislation. I have not heard of situations where in several of these communities over 5,000 population, because this particular mandate doesn't exist, there are all sorts of horrible things happening that have to be fixed.

Unless there is some suggestion that is the case—first, that petition ought to be brought to the State or local government that is involved to see if they want to change their laws. But otherwise, there is certainly no reason why the Federal Government should be intruding into the area.

I don't think we can say this legislation is not a mandate to the States, that it simply allows States to continue to operate as they are. That is clearly not the case.

As my colleague from Massachusetts pointed out, there are four specific requirements that have to be met under this legislation. But he then went on—and I am not certain of exactly what the point here was—that if they do not agree, then that is the end of it.

The reality is, the legislation itself has a very explicit provision for what happens if the Federal authority does not believe the agreement is in compliance with this law. It is subject to the enforcement of section 5 of the law, which is a very extensive section that deals with what happens if you are not in compliance. I will not bother to go through the whole legislation, but it speaks about the determination of rights and responsibilities and says that the authorities shall make a determination as to whether a State substantially provides for the rights and responsibilities set forth in the legislation not later than 180 days after enactment. If it concludes that it does not meet the requirements, then it shall be subject to the enforcement or to the procedure described in section 5. That is on page 9 of the bill. Then section 5 goes on to provide all of the ways in which the Federal authority would then have the jurisdiction to make determinations as to what the State is supposed to do. This is an intrusion of the Federal Government into activities that have previously been left to the States, and I think there is a failure to protect both the rights of the workers in this case as well as the local communities.

I note that Senator HATCH has an amendment, which I think is a good idea, to provide for, in effect, a bill of rights for the workers under this legislation.

I also think the bill itself purports to prohibit strikes. But let me describe to you what the bill does do. It goes to great pains to say that it is not a strike when a public safety officer refuses ''to carry out services that are not mandatory conditions of their employment.'' Well, what does that mean? There is a rich history in labor law

about, you know, well, we were all sick that day. It was purely coincidence that we did not come to work, that kind of thing. We are all familiar with that. Who decides this?

Obviously, at least in my view, this provision appears to be nothing more than legislative code words that authorize work-to-rule and a host of other types of disruptive job actions that we have all become familiar with in certain unions—teachers unions, for example.

The bill forces unions on unwilling cities and towns and then gives those unions the legislative green light, in effect, to disrupt municipal services as long as it is not the refusal to carry out a mandatory condition.

I think some of these things probably could have been corrected had the bill gone through the regular legislative process. But, as the Senator from Wyoming, the ranking member of the committee, the former chairman, pointed out, the bill has not gone through committee. It has not had the benefit of some of the changes that would have improved the bill had it done so.

In fact, I am informed that there were changes that were recommended even by some supporters of the bill when it came from the House of Representatives, things they understood at that point that should be done to the bill to make it a better bill and to make it work more effectively. But the committee had no opportunity to consider those items.

So, at a minimum, this kind of complicated legislation that is going to direct States and municipalities should be the subject of hearings and of the regular legislative process that would enable us to correct its deficiencies before it comes to the floor of the Senate here.

Now, there has been discussion about the administrative expenses not being an unfunded mandate. Well, I do not think there is any doubt that there are costs associated with this. The Federal Government is not paying for them. You can call it whatever you want. I do not know what those costs would totally amount to, whether they would end up bankrupting cities. I am not going to make those claims. But I do not think you can deny there would be extra costs associated with this legislation and that the Federal Government does not pay for those costs.

It has also been pointed out that because of provisions that have—union contracts that cities have taken on in certain instances, those cities have either declared bankruptcy or become close to declaring bankruptcy because of the requirements of these union contracts. I am not going to assert that every city would end up in that kind of a situation either. But I do think it is important to note that there will be financial ramifications. There is no point in doing it otherwise. As a result, I think the cities and the folks in these communities need to consider what their additional obligations are going to be. As I said, there is no reason to have this legislation unless one assumes there will be additional costs imposed upon the folks in those communities.

Another thing about this legislation that causes a great deal of consternation, at least on this side of the aisle and among a lot of people who have been surveyed about the so-called card check legislation, is the principle that in order to unionize a particular facility, you do not have to have a secret ballot. The people, the workers there, are not, in fact, entitled to make their wishes known by secret ballot but, rather, it is done through what is called a card check, a nonsecret proposition where somebody comes around and says: You want to sign this petition, don't you? And through various methods of intimidation—direct or indirect—they could end up forcing unionization in that situation. That is not the American way. We have always prided ourselves on having secret ballots in this country, in labor relations as well as when we elect our officials and vote on propositions that affect our communities.

This bill contains no workers' protections. Specifically, it sanctions State card check laws that do not guarantee secret ballot elections for unionization, and it does not require transparency, fiscal transparency, for labor unions or any other control over the way the unions would then spend the union dues of the members of the union.

One of the things that bothers me most about it, though, is what is called the authority, the Federal entity. It is a new entity that would be created to supervise this legislation. It is not accountable to the State, but it basically becomes in charge of their State laws. In fact, as I said, if it makes the determination that the State law does not comply in what it thinks is the requirement of this legislation, then there are several different enforcement actions it can take to bring the State into compliance. That is not States rights. That is not allowing communities to decide. That is an imposition from the top down from the U.S. Government here in Washington.

There are a lot of smart people in the Senate and a lot of smart bureaucrats and other officials here in Washington, but I do not think any of them got any smarter when they came to Washington, DC, from where they were originally located. We have many smart people in our States and communities who can do these things. We do not have to turn to Washington, DC.

The final point I wish to make is that there is a little bit of a double standard here because, of course, we do not have this in the Federal Government. We are not mandating full collective bargaining for Federal employees, but we are going to impose it on States and towns for a large segment of their employees. I think our folks back home would rightly ask us: Now, what about this? It is something you are imposing on us. If it is such a wonderful idea, why don't you try to do it at the Federal level as well? I think most of us recognize it would not get very far at the Federal level, and it should not get very far at the local level.

I will conclude with this: We all have folks back in our communities who do a tremendous job in protecting us through fire and police protection, providing emergency services. It has been my pleasure and, frankly, an honor to visit with some of them even this week and to visit with them back home and to represent them and to work with them on matters of concern to them. From time to time, some of them have spoken to me about this legislation.

We have a pretty rich tradition in Arizona. It is a right-to-work State. It is a State that obviously has unions, but it also has a rich tradition in trying to protect workers' rights. I find so much of this legislation, as it is written, does not meet what the people of the State of Arizona have year after year insisted in labor relations legislation to govern the relations with the folks who work in the State of Arizona. I think it would be rejected by my constituents. Therefore, it is far better to try to work to correct conditions as they exist locally if those conditions can be presented as significant problems. As I said, I have not seen that. I have not seen it in my local community. I have not seen it presented as a national emergency that has to be dealt with in this extraordinary way. If there are hearings, bring these problems out. If the legislation then works through the committee in a way that provides some of the worker protections we do not see here, provides a little more clarity with respect to things that are not clear, then it is obviously something folks could look at.

In the meantime, I am going to respect the local communities and the people in the State of Arizona who have spoken to this issue in the past and, as a result, urge my colleagues to reject this legislation in its current form. In the meantime, I will support some of the very interesting amendments that have been brought forth, one by my colleague from Tennessee, but I specifically mention my colleague, Senator HATCH.

Let me conclude by acknowledging the good work of the leader on our side of the aisle, the ranking member of the committee, the Senator from Wyoming, and also the fine work that, as always, he does in putting legislation like this together with the chairman of the committee, Senator KENNEDY. To suggest that the bill is not perfect is not to suggest that I do not respect his considerable skills at writing and legislating. It is that we have some disagreement about some of these things. I suspect that had the bill gone through the committee process, it would be a better product than it is today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take a few moments to respond to some of the points that have been made during the afternoon. There are some very basic and fundamental points that I think should be made, and that is on the question of the right to choose and the ability for individuals to have that right to choose.

Here on the floor of the Senate, we heard last night from the Senator from Tennessee and at a time here earlier from the Senator from Arizona. I appreciate his kind personal comments. And I join him in paying tribute to my colleague, the Senator from Wyoming.

Although we differ on this legislation, he knows the great respect I have for him as a legislator and the affection I have for him. But there is a difference between a State saying: We are going to deny people the opportunity for collective bargaining, and a State having a process and a procedure in which the people in the State make that judgment and decision. It is similar to the right to vote. Every individual ought to have that right to vote, and if they are not going to use it, that is their judgment and decision, but it is an important enough right to say that we must make it available and allow them to exercise it.

That is what we are saying with this legislation, that a decision dealing with safety and security and a voice on the job for first responders is sufficiently important that workers should have an opportunity to express themselves and decide whether they want collective bargaining. The States themselves, as good as we believe their judgments are, shouldn't get to make that decision for the workers. The States should set up a process and procedure and let the people in the States make that judgment—that is pretty apple pie Americana, to let people make judgments and decisions about matters that are going to make an important difference with regard to safety and security of their jobs and their communities. That is what this is basically about.

So when we hear on the other side: my State made a judgment on it, and we are trying to see another State trying to impose its will on mine, well, I think my friend Senator BROWN answered that very well as a general concept, but in particular, it is important to understand what is at the root of this, and that is a process. If this legislation passes, a State has four broad criteria that it must meet, and the Senator from Arizona is correct that if the State does not meet these requirements, then the Federal Labor Relations Authority has to step in and make sure these criteria are met. But if they do meet these basic requirements the Federal Labor Relations Authority would not become involved at all.

The idea that workers are going to be forced to join a union if they don't want one is a scare tactic—and I don't say that in a pejorative way, but just for our membership to understand. We are giving the choice to the workers. We believe those firefighters and first responders can make that judgment. We think it is an important enough decision that affects their lives and the lives of the people they are protecting that they should make it. Then they can make the judgment and decision on what they want in that particular State. If they make the decision that they don't want to have collective bargaining, so be it. But at least they have the possibility of moving ahead in that direction. It is difficult for me to believe that the States would refuse to establish the kind of process and procedure that would make that choice possible.

There are a host of different provisions in the Hatch amendment which have previously been rejected in one form or another. We might go over them briefly tomorrow. But I wanted to point out, in this legislation there is no requirement that workers must use majority sign-up, or card-check. I am a supporter of card check. I think it would open up opportunities for people to speak on the issue of whether they want to organize. But we have not made that judgment in this legislation. That isn't what this legislation is about. It is always interesting to me to hear all the opposition to card check, when we know historically that we used to have card check and it worked very well. Into the 1950s, we had it, and we didn't hear a lot of the horror stories that we hear associated with it at this time. But there is not any requirement in this bill about card check. So it is important people understand that.

During the course of the afternoon, I heard a description of this legislation that I could not understand and never would have supported, if the legislation provided that. I hope we can clear up some of these misconceptions. We have had a good discussion on a number of these issues and on a number of others during the course of the afternoon. We will have a chance to go through the RECORD in more careful detail this evening, and make additional points when that opportunity presents itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as the Senator from Tennessee prepares, I wish to make a couple of comments because I still haven't gotten to talk about either the bill of rights or the unfunded mandate amendments. I am equally as disturbed as the Senator from Massachusetts has just described himself. Where he thinks that I don't understand it, I don't think he understands it. But we have never had a chance to work this out as part of the committee. We come here to the floor, and here it is, kind of take it or leave it. Any amendment that we bring up is going to be considered to have been old and regurgitated. These are things we have always had a concern for, especially when something is being thrust on States that have specifically addressed the particular issue and said no.

I know the Senator from Ohio had a lot of enthusiasm, but I don't think we can connect collective bargaining with the Clean Air Act and the Clean Water Act. Both sides are using some things that might be a little extraneous to what we are trying to achieve here. I do want everyone to pay particular attention to what is in the bill about the final and unprecedented authority of the Federal Labor Relations Authority. As the Senator from Massachusetts says, there are only four requirements. Those are very vague requirements. There are many people who work with this on a daily basis who have noted the vagueness of these terms and how impossible it would be to deal under that criteria. Not to mention the fact that some of these States have not been subject to such ruled before, and after they make agreements, a Federal agency may say: No, that is not good enough.

That is what we are mandating in this bill, asking a Federal agency that we hardly ever hear about, the Federal Labor Relations Authority, to decide, even if a city and their first responders, police, and firefighters say this is a contract we like, that group can override it. They can say: That is not good enough. I don't think that is the kind of Federal authority we should be trying to give to an agency that hasn't had that kind of authority.

I do have more to say, but the Senator from Tennessee is here. I would love to hear his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4761

Mr. CORKER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. KENNEDY. Reserving the right to object, I don't expect that I will object, but would the Senator withhold that request for a few more minutes?

Mr. CORKER. Yes.

Mr. KENNEDY. I am sure we are going to accede to it, but there is something we want to check out.

Mr. CORKER. If it is OK to continue, I will.

Mr. KENNEDY. Please, I appreciate that.

Mr. CORKER. Mr. President, with the approval of the senior Senator from Massachusetts, at the appropriate time I will send to the desk an amendment to the pending legislation we are discussing. What this amendment would do, in the spirit actually of what our distinguished Senator from Massachusetts said, talking about giving States the ability to do what they wish after this legislation passes, in that same spirit, what this amendment would do is actually give each State or political subdivision the ability within 1 year of enactment of this legislation, should it pass, to be able to override that and not have this legislation apply to their State or to their political subdivision.

I think this is very much actually in keeping with many of the statements the Senator from Massachusetts made. I hope this amendment passes.

Let me say, in giving a background to this, I was a mayor of a city. I don't think I will ever have a job that I loved more than being the mayor of a city, working with citizens right there with the problems they have to deal with, nor do I think there will ever be a group of people I respect more than the firefighters and the men and women of our police departments who serve us so well. Like many people here, I have attended funerals of policemen who have lost their lives in the line of duty. I have attended retirements and other meaningful events for firefighters who spent their entire life giving public service to our cities. I don't think there is anybody in this body who respects more what firefighters and police men and women do in their line of duty to protect each of us and deal with us. But I have also had to deal with those issues at the local level where we have to balance a budget, the same thing at the State level, something we here in Washington don't have to do. We don't have the financial constructs that local municipalities and States have. They actually have to deliver. I find it almost ironic that here in Washington we are going to mandate to the States, we are going to mandate to cities all across America, how they should go about dictating labor agreements in their own cities and States. This is a tremendous overreach by those of us at the Federal level.

I have yet to hear a good policy reason for this to be in place. States and cities throughout our country, should they decide to incorporate collective bargaining in the area of public service, can do so if they wish.

This legislation certainly deserves defeat in its present mode. I hope this amendment, as it will be presented tomorrow, can be accepted and at least cause this legislation to give back to States and cities the right to determine their own destiny as it relates to negotiating with people who work in firefighting and police departments all across the country.

With that, I ask unanimous consent, again, to send the amendment to the desk.

Mr. KENNEDY. We have no objection, Mr. President.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 4761 to amendment No. 4751.

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

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

The amendment is as follows:

(Purpose: To permit States to pass laws to exempt such States from the provisions of this Act)

At the appropriate place, insert the following:

SEC. ___. STATE EXEMPTION.

Notwithstanding any other provision of this Act, the provisions of this Act shall not apply to a State (or political subdivision) that, within 1 year of the date of enactment of this Act, enacts a law that specifically refutes the provisions of this Act.

Mr. CORKER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, very quickly, the effect of the Corker amendment would be to gut or undermine the legislation. What we are trying to do is give workers an opportunity to make a judgment about how to proceed. That choice should be made by workers, not the Federal Government, not us here in Washington, DC, not in the State capitols, not the legislatures, but to let the workers, who are on the frontlines—firefighters, police officers, first responders—make the judgments that are going to make a difference in terms of their lives and in terms of their view of what is in the best interests of the safety and security of fellow citizens. This amendment, of course, will undermine that effort.

Finally, I want to review what this legislation does. We have done this a bit earlier today. I wanted to mention exactly what the requirements would be. First, there are four requirements that the States must meet to establish a framework by which the first responders and the firefighters and the police would make a judgment about whether they want a union. There must be a process allowing workers to form or join a union so they can have a voice in important decisions such as safety; they must be allowed to bargain over working conditions with their employers; they must be able to sign legally enforceable contracts; and they must have access to a neutral third party to help resolve disputes. We don't say whether it is arbitration, mediation, factfinding. All of those options are available. At the end of the day, if the workers say: We don't want that, then the issue is settled. But they have the voice. That is at the heart and the soul of this legislation. Do you have sufficient confidence in these individuals to be able to make that judgment. Those 343 extraordinary firefighters who lost their lives on 9/11, should they have had the opportunity to make judgments with regard to their safety and security? Shouldn't they be the individuals who know what is important in terms of safety and security? They weren't failing or flagging in terms of their resolution or their courage. What we are attempting to do is say: They are the knowledgeable people. They are the trained people. They are the ones who know how to improve safety. They should have a voice at the table, if they want one.

All of this about unfunded mandates, all of this about the Federal Labor Relations Authority, all of the language about volunteer firefighters, all of that is useful to talk about but misses the very basic and important element and thrust of this legislation, which is so important in terms of people who work every day to make our communities and our cities in our country safe and secure.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, again, I appreciate the words of the Senator from Massachusetts and do enjoy working with him on bills. I think I have been pretty cooperative in getting bills through committee, as he was when I was the chairman.

Again, we have not had a chance to work on these amendments or on the bill together. We are having to do it separately, and there is a lot of rhetoric involved in this issue, and a lot of misunderstanding. Those are the kinds of things that get cleared up in a little closer working relationship than you can get by addressing it on the floor of the Senate.

But I too was a mayor, and I was a mayor of a boomtown. Boomtowns attract young people, and young people are vivacious. They are busy. They like to work hard, and they like to play hard. As a result, I had a police department that had to handle some probably unique situations.

I had a volunteer fire department to work with, and we later combined that with the county so we did not have disputes over whether a building that was on fire was inside the city or outside the city. That helped overcome a lot of difficulties there.

So I worked with the firefighters. I have worked with police. I worked with the sheriff's department. Again, we had that same boundary problem when it came to: What is within the city limits and outside the city limits, particularly when you have a fast-growing community; and we did. And we do again. The energy boom is creating a fast-growing community again.

I remember being at a crawfish boil almost a month ago. That is one of the highlights of the year for people who work particularly in the oil patch, but actually people who work all over the community. It was started by some Cajuns from Louisiana who came up to work in the oil patch. They said: We ought to have a crawfish boil. They even figured out a reason for it. They said: If we can get somebody to donate the food, and then we can charge people to come, we can put that in kind of an emergency fund for anything that happens to anybody. They did that. The event still goes on 25 years later. They used to give the beer away. Now they sell the beer. That is worth about another $45,000 in donations. But they did about 11,000 pounds of crawfish this year and fed about 5,000 people. At any one time, there were easily 3,500 people in the building. As you came in, you

had to be approved as being over 21 in order to be able to buy that beer. If you were over 21, you got this bright orange wristband, virtually impossible to take off without cutting.

As I was enjoying my crawfish, I looked around the room and noticed that almost everybody there had on one of these orange bands. But I also noticed that they all looked like they were about 18 or 19. I knew they were 21.

So, once again, we have a very young community of people who are working hard and playing hard. That puts some extra stress on law enforcement. I respect the people who are in law enforcement. In fact, my brother-in-law is a policeman in Gillette. He is the oldest person to ever go through the Wyoming law enforcement academy. He decided to become a policeman at the time most policemen are retiring, and he loves it. He enjoys it, and he does a good job with it. He has seen some interesting situations and even been bitten by a person. But he loves his work. He does it well. But he has not asked me to mandate collective bargaining. Neither did the people who worked for me when I was mayor.

I would not have had the capability to do any particular additional things for them because while it was a boom, it was an energy boom, and all the energy happened outside of the community. So we did not get any tax base off of that business—the business that was growing and causing the city growth. We only got to tax what was inside the city limits. We had to handle things such as sewer and water, streets, garbage, police protection, and electricity. We even had our own electrical utility.

I had to find water for people. They considered that to be the biggest need. The only place we could get enough water to take care of the population—we were already on water rationing when I took office—was to go 42 miles away. The cost of that project—the interest alone on the cost of that project exceeded all the revenue for the city of Gillette. It did not leave me a lot of negotiating capability with anybody. It tied my hands significantly.

I had to come to New York City and prove that we would be able to pay off the water bonds. I had to go to New York to go to the rating agencies so we could get a good enough rating that I could get revenue so we could afford the whole thing. The ironic part of it was, it was when New York City was going broke. New York City was going broke. Mayor Lindsay was having a few problems with the city. The questions I got were very difficult to handle for a small town in Wyoming because they were basing them on a big city in New York. They wanted to know if we were going to run into the same problems New York City had.

Well, the big problem that New York City had was that they bargained early retirement for firefighters and police, so they only had to work 20 years until they could get their retirements. So they worked for 20 years. They were only 40 years old. They had two people retired for every one person who was working. It is hard to provide police protection if you have twice as many people retired as you have working, and you have to pay all of these people who are not working their retirement. It created a huge problem for New York. They did not need us to say: You have to have collective bargaining, because they already had collective bargaining. So we did not have collective bargaining. I was able to explain why our policemen would work a little bit longer and be a productive part of the police force longer than in New York City. I got the rating I needed on the bonds and was able to build the water project. It has been a good source—and still is a good source—of water. But now the town has had another one of those booms where they probably doubled or maybe tripled in size. That will require a lot more water. Water is a basic need for communities. So I do not feel comfortable imposing on them any kind of requirements of how they are supposed to do their business. They are right there where the people are. They are in the best position to know what the community needs and wants the most.

When I was mayor, I used to talk about the ''oh, by the ways.'' That is when you are walking down the street or you are out to dinner, even with your family, and people come up and say: Oh, by the way, I have this little problem. Don't get up and solve it right now. Tomorrow will be fine. But they do intend for you to solve that problem by tomorrow.

Now, the whole discussion today has made it sound as though municipalities are enemies of public service and public safety employees. I do not know of any communities where that is true. To make it sound as though the whole country works against the policeman, against the fireman, against the first responders because there is not a collective bargaining law, is wrong. There is an old expression: You can't fight city hall. My opinion of that is, if you can't, you never tried it. Because the people at city hall are responsive. The mayors and the council keep their job if they take care of the problems the people have. If they do not, they are out of there—probably not just one at a time, but en masse. They do not try to pick out exactly who made the bad decisions; they just get rid of them. So towns have to be responsive to all of their employees.

As I said before, I think there are probably a lot of employees out there who say: How come I am not important? How come just the firefighters, just the police, just the first responders are important? I am important too, and this leaves me out.

So we are trying to make some points while a big public relations event is going on here this week. I finally figured out that is why this bill has been brought up at this time, even though it has not gone through committee or had any hearings in the Senate. On bills that came before this committee before, we tried to avoid the heat of the moment because I have found in legislating, if it is worth reacting to, it is worth overreacting to. I think what we have here is a little bit of an overreaction, and there is not going to be much chance to make any changes in it.

I have been kind of keeping track of time here. I know we had about the same number of speakers, but we certainly did not have the same amount of time to speak. I also know the leader also already sent out the word there were not going to be any more votes today. Well, since we have not gotten to address this bill before with the rest of the body, I have asked all of them to pay attention to the amendments we are doing. But I would hesitate to offer any more amendments when I know everybody has gone home. They are all out to dinner by now.

I do not think this is the way we should try to do business. I do not think it was intentional. But I think it certainly puts us at a disadvantage when we are trying to bring up some things that point out some difficulties with this particular bill—offering some responsible amendments, regardless of how they are portrayed.

So with that, 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. KENNEDY. 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. KENNEDY. Mr. President, I think we have had a good discussion today on this legislation. I hope we will have a chance to look over the RECORD tonight. We have four pending amendments. We understood Members wanted to talk about these measures, and they wanted to give consideration to them. So we will be ready. There is another group of amendments that I believe have been filed, but we are checking with their authors whether they want to call those up. So I think in the totality of things we have made some good progress today.

I understand we will be on this legislation in the mid or late morning tomorrow. We look forward to that opportunity to further respond to questions and to consider other amendments. We would certainly look forward to the authors of these amendments being ready to give consideration to voting on some of these measures. I think they are all—at least the amendments we have seen—pretty straightforward. I have responded to a few this afternoon. We will have a chance to further respond in the morning. But I think we will be prepared to keep the process moving and move ahead. There are matters which should

be discussed and debated. We look forward to that debate and discussion as well tomorrow.

At least now, we have no further speakers on this legislation at this time. I see our friend from Iowa on his feet.

MORNING BUSINESS

Mr. KENNEDY. 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. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 3014 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

SURVIVAL OF THE MIDDLE CLASS

Mr. SANDERS. Mr. President, about a month ago on my Web site, which is sanders.senate.gov, I requested that Vermonters e-mail me about what the collapse of the middle class means to them personally—not in esoteric economic terms but in a sense of what they are going through.

Frankly, we are a small State, and our people are pretty reticent. People in Vermont don't like to open up and tell everybody all of the problems they have. They try to keep it to themselves. We expected that we would receive perhaps a few dozen replies. In fact, over the last month, we have received some 700 e-mails that came into my office talking about how people in the middle class today are trying desperately to survive. About 90 percent of the e-mails came from the State of Vermont. We have had a number from around the rest of the country.

I sometimes think that many of our colleagues here really don't have much of a clue about what is going on in the real world. It is no great secret that the Halls of Congress are filled with lobbyists who make hundreds of thousands of dollars a year representing the energy companies, the coal companies, the oil companies, the drug companies, the insurance companies, the banks, and the credit card companies. They are all over the place, and they try to influence—and are successful in many instances—in influencing Congress to pass legislation that protects the interests of multinational corporations or the wealthiest people in this country. It is far too rare that we hear the pain and the reality of life that is going on among ordinary people, especially people who come from a rural State such as mine.

What I wish to do is spend most of my time doing nothing more than just reading to my colleagues and for the American people some of the reality that takes place in a small, rural State which I think is not radically different from what is taking place today all over this country. All of these are verbatim e-mails that I received from families in the State of Vermont. Let me begin by reading one which says:

I make less than $35,000 a year and work hard to earn it. I am trying to get by with rising costs of fuel. I have a wife and four kids that I love dearly and I am trying to do the best that I can for them. With the cost of gas pushing $4 a gallon and the price of heating oil up to over $4 a gallon, it is hard to make ends meet. On top of that, the furnace that heats the house and keeps my kids warm died today, and while it will not need to run much longer, the nights are still too cold for a 3-year-old. I am not sure how I am going to pay for the repairs. I never thought that I would be classified as poor having grown up in an upper middle class family, but that is where I am now. I don't know what we need to do, but I know we need to do something before the middle class is a thing of the past.

As I read these stories, what you are going to hear today in the year 2008 is that children are going cold in America, and we have to understand that. This is one example. I will read more. Anyone who thinks it is not true doesn't know what is going on in the real world. Here is another e-mail that I received:

I am a teacher with 20 years of experience, and I have a master's degree. As a single parent, I am struggling every day to put food on the table.

This is a teacher with a masters degree.

Our clothes all come from thrift stores. I have a 5-year-old car that needs work. My son is gifted and talented. I tried to sell my house to enroll him in a school that had curriculum available for his special needs. After two years on the market, my house never sold. The property taxes have nearly doubled in 10 years, and the price of heating oil is prohibitive. To meet the needs of my son, I let the house sit and moved into an apartment near his high school. I don't go to church many Sundays because the gasoline is too expensive to drive there.

Now, I wonder how many people all over this country are facing that same reality. I will read right from her letter:

I don't go to church many Sundays because the gasoline is too expensive to drive there.

Every thought of an activity is dependent on the cost. I can only purchase food from dented can stores. I don't know how I can continue this way for two more years of my son's high school; yet, I am trying to meet his academic and psychological needs. I know that I will never be able to retire on a teacher's retirement with no insurance. I am stretched to the breaking point, with no help in sight.

That is a teacher with a master's degree. This is not somebody who is unemployed, who never graduated high school. This is solid middle class. This is her reality.

Here is another story:

My wife and I live in rural Vermont. We own a home and make about $75,000 a year combined.

That is, in Vermont, not a bad income.

We own two vehicles and travel about 74 miles a day roundtrip to get to our jobs. Not only is the price of gas killing us, I have been displaced from two jobs in the last nine years due to the exportation of jobs overseas. My current job is in jeopardy of being downsized due to the economy. Every job I have had since I moved here in 1999 has paid less, with less benefits. We are spending our life savings just to make ends meet.

When you read these stories, you hear recurring themes: The price of gas and people losing jobs due to outsourcing. Over and over again, these themes appear. I want to reiterate that these are not ''poor'' people, homeless people, people without any education. These are people who once considered themselves to be part of the American middle class. Similar to millions and millions of other people, that middle-class life is rapidly disappearing.

Here is another one:

I work full-time at the largest hospital in Vermont. I am in more debt now than I was 10 years ago as a single mother going full time to college and waitressing to make ends meet. When is something going to be done to lower gas prices, which have exponentially raised the cost of everything? I would love to just tell my children, ''Yes, we can go out to the movies'' and not have it break the bank.

In other words, what you are seeing all over this country is for people who take a ride to church or go to the movies, they can no longer perform these basic joys of life because they cannot afford to do that anymore.

Here is another letter:

My husband and I have lived in Vermont our whole lives. We have two small children (a baby and a toddler) and felt fortunate to own our own house and land, but due to the increasing fuel prices we have at times had to choose between baby food, diapers, and heating fuel. We've run out of heating fuel 3 times so far, and the baby has ended up in the hospital with pneumonia 2 of the times. We try to keep the kids warm with an electric space heater on those nights, but that just doesn't do the trick.

My husband does what he can just to scrape enough money for car fuel each week, and we've gone from 3 vehicles to 1 just to try and get by without going further into debt. We were going to sell the house and rent, but the rent around here is higher than what we pay for our monthly mortgage and property taxes combined. Please help.

This is the story in America in 2008—a family not having enough heat and their child getting pneumonia. This is the United States of America in 2008. She asks, ''Please help.'' Well, let's help.

This is from north central Vermont:

Due to illness, my ability to work has been severely limited. I am making $10 an hour and if I am lucky, I get 35 hours a week of work. At this time, I am only getting 20 hours as it is ''off season'' in Stowe.

That is a major recreation area in Vermont.

It does not take a mathematician to do the figures. How are my wife and I supposed to

live on a monthly take home income of less than $800. We do it by spending our hard-earned retirement savings. I am 50 and my wife is 49. At the rate we are going, we will be destitute in just a few years. The situation is so dire that it is all that I can think about.

Listen to this:

Soon, I will have to start walking to work, an 8 mile round trip, because the price of energy is so high it is that or go without heat.

In the United States of America, in 2008, somebody will be walking 4 miles to work and 4 miles back. The alternative is not having enough money to heat their home.

As bad as our situation is, I know many in worse shape. We try to donate food when we do our weekly shopping, but now we are not able to even afford to help our neighbors eat. What has this country come to?

Imagine that, having to walk 4 miles to work, and they donate food for other people who are worse off than they are.

Here is one from a single mother in a small town in southern Vermont:

I am a single mother with a 9-year-old boy. We lived this past winter without any heat at all.

In Vermont in the wintertime.

Fortunately, someone gave me an old wood stove. I had to hook it up to an old, unused chimney we had in the kitchen. I couldn't even afford a chimney liner (the price of liners went up with the price of fuel). To stay warm at night, my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I'd hang a blanket from the kitchen doorway and we'd sleep right there on the floor. By February, we ran out of wood and I burned my mother's dining room furniture. I have no oil for hot water. We boil our water on the stove and pour it in the tub. I'd like to order one of your flags and hang it upside down at the capital building. We are certainly a country in distress.

This is a gentleman from another town in southern Vermont:

I make less than $35,000 a year and work hard to earn that. I am trying to get by with the rising cost of fuel. I have a wife and four kids that I love dearly and am trying to do the best I can for them. We do receive help from the State, but I would like to be able to make it without that help.

He would like to do it without that help.

With the cost of gas pushing $4 a gallon and price of heating oil up over $4 a gallon, it is hard to make ends meet.

On the top of that, the furnace that heats the house and keeps my kids warm died today, and while it will not need to run much longer this winter, the nights are still too cold for a three year old, and I have next winter to look forward to. I am not sure how I am going to pay for the repairs.

Here is another from a woman from a small town in central Vermont:

My husband and I followed all the rules. He grew up in urban projects and went into the military with Vietnam service so he could get GI Bill benefits and go to college. I grew up picking strawberries as a migrant worker but had a mother who so pressed education that I was able to go to college on scholarship and by working full time nights in a mental hospital. My husband and I worked hard to buy a home, maintain good credit, even taking government jobs because we truly wanted to help others. I became disabled and unable to work, but we managed to live a middle class life on one salary.

Slowly, though, we have sunk back to the ''poor'' days. Our heating oil bill, gas prices, food prices—well, you know the story. Even a pizza is a splurge now. The interest on our meager savings doesn't seem worth keeping the money in the bank. We're so much more fortunate than many others, since we can still meet our bills, but we're scared that we will drop beneath that level soon. It doesn't seem right that after working hard and following all the rules for our lives, now, at 60, we're tumbling down.

Here is an e-mail from a Vermonter from a small town near the New Hampshire border:

Dear Senator SANDERS: First, let me thank you for all of the support and rallying behind the middle class you have done. I, too, have been struggling to overcome the increasing cost of gas, heating oil, food, taxes, etc. I have to say that this is the toughest year, financially, that I have ever experienced in my 41 years on this earth. I have what used to be considered a decent job. I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful that my employer understands that many of us cannot afford to drive to work five days a week. Instead, I work three 15-hour days. I have taken odd jobs to try to make ends meet.

This winter, after keeping the heat just high enough to keep my pipes from bursting (the bedrooms are not heated and never got above 30 degrees), I began selling off my woodworking tools, snowblower (pennies on the dollar), and furniture that had been handed down in my family from the early 1800s, just to keep the heat on.

Today, I am sad, broken, and very discouraged. I am thankful that the winter cold is behind us for a while, but now gas prices are rising yet again. I just can't keep up.

This is from a mother in a town near the Canadian border:

I am a single mother of 4. Each day the struggle becomes more difficult. Thank goodness for Spring. My last oil delivery was $500. I spend over $200 a month on gas just driving back and forth to work (approximately 300 miles a week).

Sometimes what some of my colleagues don't understand is that in rural parts of America, people don't walk to work, they don't take a car ride of 5 minutes. Sometimes people drive 50 miles to work. Sometimes they drive 100 miles to work. When gasoline costs $3.70 a gallon, every nickel of the pay raise they may have gotten goes right into that gas tank.

We have cut our budget again and again. There is little left to cut. Spring and Summer brings a respite from the fuel bills of winter, but I worry what next winter will bring. I will have to dig into my small 401(k) to make some home repairs this summer. Money that had been set aside went to fuel, an electric bill that increased by 14%, and food.

I read these letters because sometimes in the middle of the debates we have here, everybody is spouting off all kinds of facts and figures and ideas. I thought it important to bring a little bit of reality of what is going on in middle-class Vermont. I have to say I doubt very much that it is any different than middle-class New Jersey or any other State in this country. People are hurting. Poverty is increasing. The middle class is collapsing. The only people in our economy who are doing well are the people at the very top, and they are doing extremely well.

Many of the stories we have heard deal with high energy prices. I believe that what happened is that while the middle class has been shrinking for many years now, these high energy prices have resulted in a lot of people now dropping over the cliff. They were struggling and trying to keep their heads above water and, suddenly, out of nowhere, comes $3.70 for a gallon of gas and $4 for home heating oil. That has taken them over the edge.

That is one of the reasons 82 percent of the American people think our country is moving in the wrong direction. What do we do? There is a lot we can do.

Let me focus on energy. The good news is that today, thankfully, 97 Senators voted to stop the Bush administration from continuing the absurd policy of adding 70,000 barrels of oil a day into the Strategic Petroleum Reserve, which is already 97 percent full. Is that going to result in a precipitous drop in gasoline prices? No. Will it help? Yes. I applaud my colleagues for doing that.

I find it interesting that 97 of our colleagues voted for this today, when 2 or 3 weeks ago we were wondering whether we had the votes to get this through. I think many of our colleagues are hearing, when they go home, that people are in trouble. They are hearing the same stories I am hearing, and they are hearing people want them to begin to stand up to the Bush administration, stand up to the oil companies, stand up to the speculators, stand up to the people who are ripping them off while their lifestyle is rapidly declining.

What we did today is a good thought, but, clearly, we have a long way to go. I am onboard legislation, which we discussed a little bit today, which demands that President Bush tell Saudi Arabia it is not acceptable that they have cut back on their oil production, that it is imperative they increase oil production so we can have more oil on the market, which will lower gas and oil prices.

In addition to that, I believe the time is long overdue that we start dealing with the reality that OPEC is, by definition, a cartel designed, created to restrict trade, to collude to limit oil production output, and to make prices higher than they need be. We have to take a hard look at OPEC and begin to demand that this President go to the WTO and break up OPEC.

Furthermore, it is very clear that at a time when oil prices are soaring, it is, in my view, absolutely necessary that we impose a windfall profits tax on the oil and gas industry. The American people do not understand why they are paying recordbreaking prices at the gas pump while ExxonMobil has made more profits than any company in the history of the world for the past 2 consecutive years.

Last year alone, ExxonMobil made $40 billion in profits and rewarded its CEO with $21 million in total compensation. Just a few years ago,

ExxonMobil gave its former CEO a $400 million retirement package—a $400 million retirement package and people in Vermont and all over this country are unable to fill up their gas tanks or heat their homes.

But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over $600 billion in profits since President Bush has been in office.

Last year alone, the major oil companies in the United States made over $155 billion in profits. Believe it or not, these profits continue to soar. Recently, ExxonMobil reported a 17-percent increase in profits, totaling $10.9 billion. Earlier, BP announced a 63-percent increase in profits and on and on it goes. Every major oil company is seeing a significant increase in their profits. Meanwhile, what these big oil companies do with all their revenue is they have the capability of providing their CEOs with lavish compensation. In 2006, Occidental Petroleum gave its CEO, Ray Irani, $400 million in total compensation for 1 year of work.

My friends, when you are going to fill up your gas tanks at $3.75 a gallon, let's remember, the gentleman who runs Occidental managed to survive last year on $400 million in total compensation.

Last year, Anadarko Petroleum's CEO received $26.7 million; Chevron's CEO received $15.7 million; and ConocoPhillips' CEO made $15.1 million in total compensation.

Let's be clear, I believe oil companies should be allowed to make reasonable profits, and CEOs of big oil companies should be able to make a reasonable compensation. But at a time when so many Americans are struggling to make ends meet and when people cannot afford the outrageously high prices they are now forced to pay, these kinds of executive compensations are to me totally unacceptable.

It is not just the oil companies that are ripping off the American people. There is a lot of evidence, and there have been hearings held on this issue, that wealthy speculators and hedge fund managers have been making obscene amounts of money by driving up the price of oil in unregulated energy markets with absolutely no Government oversight. The top 50 hedge fund managers earned $29 billion in income last year.

What we are seeing now is not only oil company greed driving up prices, but we are seeing financial institutions and hedge funds speculating on oil futures also driving up the price of oil. This is an issue that must be dealt with in a number of ways, including repealing the so-called Enron loophole.

I conclude by saying what I think the American people know. They know our middle class is in deep distress, that people who have worked their whole lives hoping to enjoy a secure retirement are not going to have that retirement. We have heard from young people who are very worried about how, if ever, they are going to be able to pay off their very high college loans, and we heard about other people who cannot afford to go to college.

The time is very much overdue for the Congress to stop listening to the oil companies, the speculators, the banks, and the credit card companies and all these people who make huge sums of money and who pay their CEOs obscene compensation packages and start listening to ordinary Americans who, to a great degree, are not having their voices heard. That is what our job is. That is what we swore to do when we swore to uphold the Constitution. I think we swore to uphold the needs of the American people.

I hope we can move forward in addressing the energy crisis short term. Long term, of course, we need to transform our energy system away from fossil fuels and foreign oil into energy efficiency and sustainable energy. I know you and I, Mr. President, have worked on a number of pieces of legislation that will move this country in that direction, and that is what we have to do.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS LAWRENCE D. EZELL

Mr. SALAZAR. Mr. President, I rise today to honor the life of a soldier whose work defusing bombs and traps in Iraq and Afghanistan saved countless American, Iraqi, and Afghani lives. Army SFC Lawrence Ezell, of Fountain, CO—a hero by all standards—was killed on April 30 when a roadside bomb detonated near his unit. Assigned to the 62nd Ordnance Company, 71st Ordnance Group, out of Fort Carson, Sergeant Ezell was 30 years old.

I know of no words that can properly honor Lawrence Ezell's sacrifice or measure the depth of his courage. Serving in an ordnance company requires a fortitude, a strength of mind, and a professionalism that few possess and even fewer are brave enough to summon for the task. It is a job with no room for error and no respite from danger. It demands a steady hand. It requires even steadier wits.

Sergeant First Class Ezell performed his job day in and day out in the most dangerous places in the world. In 2003 and 2004, he was in Iraq. In 2005 and 2006, he was in Afghanistan. And this time he was back in Baghdad, trying to bring a measure of calm to its violent streets.

We cannot know how many American servicemembers are alive today thanks to Sergeant Ezell's work, or how many Iraqi or Afghani citizens were saved from a devastating blast. We do know, however, how talented Sergeant Ezell was, and what a gifted leader he proved to be. He was highly decorated for his service. His awards included the Bronze Star, the Army Commendation Medal, the Army Achievement Medal, and the Senior Explosive Ordnance Disposal Badge.

He was the type of soldier who has earned the admiration and praise of our Nation, generation after generation. He was the type of soldier who Douglas MacArthur hailed in a 1962 address to cadets at West Point. The type of soldier who ''prays for peace, for he must suffer and bear the deepest wounds and scars of war.'' The type of soldier who typifies the creed of ''duty, honor, and country.''

''In twenty campaigns,'' General MacArthur told the cadets, ''on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statue in the hearts of his people. From one end of the world to the other, he has drained deep the chalice of courage.''

Sergeant Ezell's chalice of courage must have been bottomless. There is no other way to explain how a man can rise each morning, thousands of miles from his family, step into streets torn by sectarian strife, and put his life on the line to defuse bombs, day after day. He was a peacemaker in a land of great turmoil.

To Sergeant Ezell's wife Christina, his parents Rebecca and Lawrence, and all his family and friends, our thoughts and prayers are with you. Sergeant Ezell's humbling service was beyond anything a nation can expect from its citizens. You can be certain that his country will never forget him, and never cease to honor his sacrifice.

NATIONAL POLICE WEEK

Ms. LANDRIEU. Mr. President, 10 Louisiana law enforcement officers were killed in the line of duty this past year, and they are being recognized in Washington this week as part of National Police Week. I welcome their families and colleagues to the Nation's Capital. These officers lost their lives while serving their communities and are being honored for their courage and the ultimate sacrifice they made to serve and protect the citizens of Louisiana.

National Police Week is collaborative effort to honor the service and sacrifice of America's law enforcement community and includes the National Law Enforcement Officers Memorial Fund, NLEOMF, the Fraternal Order of Police/Fraternal Order of Police Auxiliary, FOP/FOA, and the Concerns of Police Survivors, COPS.

Officers from around the country and the families of fallen officers travel to Washington, DC, for events including the Peace Officers Memorial Day Service at the U.S. Capitol and the National Police Survivor's Conference. In addition, the names of our 10 Louisiana heroes will be engraved on the National Law Enforcement Officers Memorial along with 348 other names from around the country. The names will also be read at a candlelight vigil at the memorial this week.

The following brave police officers and Sheriff's deputies gave their lives

to protect our Louisiana communities: Patrolman Brian Keith Coleman, Alexandria Police Department; Detective Thelonious Anthony Dukes, Sr., New Orleans Police Department; Sergeant R. Alan Inzer, Calcasieu Parish Sheriff's Office; Deputy Hilery Alexander Mayo, Jr., St. Tammany Parish Sheriff's Office; Deputy Joshua E. Norris, Jefferson Parish Sheriff's Office; Sergeant Linden Albert Raimer, St. Tammany Parish Sheriff's Office; Chief David Gerald Richard, Port Barre Police Department; Sergeant John Russell Smith, Bastrop Police Department; Detective Charles Douglas Wilson, Jr., Bastrop Police Department; and Deputy Yvonne D. Pettit, Washington Parish Sheriff's Office.

The sacrifices of our heroic law enforcement officers remind us that it is Congress's responsibility to ensure the Federal Government looks after our disabled officers and firefighters, as well as the families of our fallen and disabled first responders. They put themselves in harm's way each day so that the rest of us may live safely and peacefully in a free society. There is no group more deserving of our full support, and the truth is, our Federal Government has not done enough to care for and honor these officers, their families, and their sacrifice.

National Police Week provides an opportunity for us to reflect on our law enforcement officers' contributions to building safe and productive communities in Louisiana and across the country. I ask the Senate to join me in honoring these 10 Louisiana fallen officers, their families, and their colleagues across the country for their unwavering service and dedication to keeping us safe.

Mr. DOMENICI. Mr. President, I wish today to commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many officers have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

In 1962 President John F. Kennedy first declared the annual celebration of Peace Officers Memorial Day and National Police Week in ''recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws.''

Since then, many men and women have paid the ultimate price for our security, including many brave New Mexicans. This year, two New Mexico police officers will be honored and remembered by having their names added to the National Law Enforcement Officers Memorial in Washington, DC.

The first, Patrolman Germaine F. Casey of Albuquerque, was tragically killed in a motorcycle accident while he was a part of the police escort for President George W. Bush's trip to Albuquerque, NM, on August 27, 2007. Patrolman Casey was an officer with the Rio Rancho Police Department and had previously served as an officer with the University of New Mexico Police for 2 years.

Also being honored this week is Officer Christopher M. Mirabal of Alamogordo, who passed away as a result of injuries sustained in a motor vehicle accident while on duty as a New Mexico State police officer on July 13, 2007. Officer Mirabal was a lifelong resident of Alamogordo and like Patrolman Casey, worked to protect New Mexicans, including the families they left behind.

This week we remember the dedication of Patrolman Casey and Officer Mirabal and all of our fallen police men and women who protect and serve our communities, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their life in the line of duty. To those who continue to serve, we are grateful. You have my utmost admiration.

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Ms. MIKULSKI. Mr. President. This month we are celebrating one of the greatest achievements of the 20th century—the founding of the modern State of Israel.

The story of Israel is unique. A people forced into exile, who endured centuries of persecution, rebuilt their ancient homeland. They forged a nation where they could practice their ancient faith and traditions. They created an open and free democratic society. And always, they offer a home to Jewish immigrants from around the world.

The founding of Israel followed the most incomprehensible and evil event of the 20th century, when the Nazis—with the complicity of so many others—sought to exterminate a people. The survivors of the Holocaust helped to build modern Israel. Never again will the Jewish people be dependent on anyone else for their security.

At first Israelis envisioned an agrarian society. But today, Israel is a center for technology and science. American scientists and engineers are working as partners with Israelis to develop the innovations of the future. Our great Federal Laboratories, like the National Institutes of Health, are now working with Israeli scientists on a cure for cancer and other deadly diseases. Together America and Israel are working toward a future that is safer, stronger, and smarter.

America's relationship with Israel is also unique. We share common goals, values, and interests. We stand by each other in good times and bad.

Israel has had to endure many wars and live in constant readiness for battle. They live with the constant threat of terrorism. Yet the people of Israel are strong and resolute. They are committed to building a safer and more peaceful future.

On this anniversary, all friends of Israel should recommit ourselves to ensuring the survivability and viability of the State of Israel, now and forever. Our friendship is based on shared values, shared interests, and strategic necessity. My support for Israel is unabashed and unwavering. I will continue to be a voice for Israel and a vote for Israel in the United States Senate.

Mr. President, I salute the people of Israel as they celebrate 60 years of independence, and I look forward to a future of peace, prosperity, and friendship.

FAA REAUTHORIZATION

Mr. ENSIGN. Mr. President. I wish to speak about Government barriers to competition in the aviation sector. Like many of my colleagues, I am disappointed that the Senate was unable to pass the legislation reauthorizing the Federal Aviation Administration last week. This is a difficult and dynamic time for the aviation industry, and it is important that Congress review and update our Nation's aviation policies.

Rising ticket prices and increasing delays have made the flying experience more unpleasant for many travelers. Any inefficiencies introduced into the system only serve to exacerbate such problems. Therefore, I believe it is important that Congress reduce barriers to competition whenever possible so that the marketplace can best serve consumers and the public interest.

One issue that needs to be addressed is how Government-imposed slot controls at a handful of U.S. airports effectively bar the entry of new airline competitors at those airports. These federally regulated slot controls are intended to reduce congestion-related delays; this congestion mitigation, however, comes at the expense of open competition.

Once slots at an airport have been doled out to the airlines, it becomes very difficult for new entrant carriers to break into the airport because the market has essentially been closed. Airlines with limited operations at these airports face similar problems should they wish to increase their presence in an effort to compete with the larger airlines. Because the marketplace has been artificially constrained, this leads to higher ticket prices and fewer flight options for travelers.

It has been proven time and again that prices go down and flight options go up when airlines are allowed to freely compete. The Department of Transportation and the Federal Aviation Administration should take every step possible to ensure that competition can flourish at these slot-controlled airports. As these agencies administer congestion programs, I hope that they will develop mechanisms that will allow for new entrants to compete with

the more entrenched airlines at these airports. If they are unable to do so, it may be up to us in Congress to provide them with legislative guidance to ensure a more open marketplace.

Another arbitrary barrier that Congress should address is the outdated perimeter restriction at Ronald Reagan Washington National Airport. For over 40 years, Federal law has restricted flights at Reagan National and delayed the arrival of competition at the airport. With Senator BOXER and Senator MCCAIN, I introduced an amendment to the FAA reauthorization bill to revise Reagan National's outdated perimeter restriction.

The American flying public has shown strong demand for more flights between the Western United States and the Washington, DC, area. Unfortunately, the perimeter rule prevents airlines from responding to that demand by largely prohibiting flights to western cities such as San Francisco, Las Vegas, Phoenix, Denver, and Seattle. Revising the Reagan National perimeter restriction would help free-market competition, directly benefiting consumers. While I am disappointed that the FAA reauthorization bill was pulled from the floor before my amendment could be considered, I will continue to work with my colleagues to find a way to revise the perimeter restriction so that air service between the West and Reagan National is increased in a market-based manner.

We owe it to the American flying public to squeeze every last bit of efficiency out of our aviation system. As the Senate considers aviation issues in the future, I hope my colleagues will work together to reduce the artificial barriers to competition created by well-intentioned yet burdensome Government regulations.

TRIBUTE TO LARRY TRIBE

Mr. KENNEDY. Mr. President, most of us in Congress know Larry Tribe as the highly regarded expert on constitutional law at Harvard Law School who has been so helpful to us for decades on the many important constitutional issues we often deal with in the Senate and the House of Representatives.

But another side of Larry came to light last month in a very moving front-page article of the ''Scope'' section in the April 16 Shanghai Daily newspaper in China.

Shanghai is Larry's birthplace and he recently returned there for the first time for the Harvard Alumni Association's ''Global Conference in Shanghai.'' He was interviewed by a reporter for the newspaper during the visit.

As the article states, Larry was born in Shanghai in October 1941. His father was a Russian American who had been living in northeastern China where he had met his wife. When war broke out between China and Japan in the 1930s, they moved to Shanghai to be safer, because the city welcomed Jewish refugees. The Japanese occupied Shanghai, however, and after Pearl Harbor, Japanese soldiers arrested Larry's father and held him in a concentration camp because of his American citizenship. Larry and his mother were not allowed to visit him until near the end of the war, and after the war, the family came to the United States.

During those early years in China, Larry attended kindergarten at the Shanghai American school. He remembers that when he finally saw the concentration camp, he was shocked by its harsh conditions, and he says the experience may have influenced his decision years later to become a lawyer involved in fighting for justice and human rights.

As the author of the article, Yan Zhen, writes, ''Who would have thought a frightened little boy who once ran through the streets of Shanghai during World War II would go on to become one of the most revered legal minds in the United States?''

Mr. President, I believe all of us who know and work with Larry Tribe will have even greater respect for him because of this extraordinary part of his life. He truly has lived the American Dream. I ask unanimous consent that the article be printed in the RECORD.

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

[From Shanghai Daily, Apr. 16, 2008]

A LIFE SPENT IN SEARCH OF JUSTICE—AMAZING LEGAL MIND FORGED IN OLD SHANGHAI

Laurence Tribe is regarded as one of the foremost constitutional law experts in the United States. The Jewish professor's books on the subject are compulsory reading for aspiring—and practicing—lawyers.

He was once voted the most admired living alumni of the Harvard Law School where he is a professor while one of his former research assistants was none other than US presidential hopeful Barack Obama.

Tribe's life has been filled with achievements and accolades—and much of it may have to do with his early years in Shanghai. He may have lived here for just five and a half years, but all of these years later Tribe readily acknowledges it was a special experience that helped shape his life.

After more than six decades, the premier scholar and lawyer recently returned to his birthplace for the first time during the Harvard Alumni Association's Global Conference in Shanghai.

It was an incredible return to the city, he tells Shanghai Daily in an exclusive interview. ''It was an amazing homecoming,'' he says with some emotion.

Tribe was born in Shanghai in 1941 and remained here until his family moved to the United States at the end of World War II.

His father George Israel Tribe was a Russian American who had lived in Harbin, capital of China's northeastern Heilongjiang Province, where he met his wife Polia Diatlovitsky during the war.

For safety reasons, the family moved south to Shanghai. But just one day after the Japanese occupation of the city, George Tribe was taken away by Japanese soldiers due to his American citizenship and thrown into a concentration camp.

Only as the end of the war approached were young Tribe and his mother allowed to visit his father at the camp which he recalls was located on Suzhou Creek, near a tobacco factory.

''I was quite struck by physical features of the camp,'' Tribe recalls. ''My sense of justice rose . . . he didn't do anything wrong, why should he be in such a place?''

Obviously Tribe was too young to understand what American citizenship meant at the time and, being a little boy, he simply felt it was unfair that his father had been thrown behind bars.

''Maybe that influenced my decision many years later to become a lawyer interested in human rights,'' he says.

Tribe, 66, is widely regarded as the leading practitioner and scholar of US constitutional law. He has helped draft the constitutions of countries including Russia, South Africa, the Czech Republic and the Marshall Islands.

At Harvard, where he has taught since 1968, Tribe achieved a tenure professorship before the age of 30 and he was ranked the most admired law professor still living in a survey of more than 13,000 Harvard Law School alumni.

Tribe, who is also a fellow of the American Academy of Arts and Sciences, says he has taught more than 25,000 students over the past 40 years. Among them are John Roberts, the US chief justice, and Obama, a current US presidential candidate who worked as Tribe's research assistant for a year.

''Amazing'' seemed to be the most frequent word used by Tribe during his visit to Shanghai last month. Not just because of the extraordinary development of the city but more importantly, because he got the chance to track down the residences where he once lived.

While having dinner at a friend's house, Tribe came across a lady who helped his vague recollections of Shanghai when she produced the 1941 Shanghai Directory.

The historic document recording members of the Jewish community in Shanghai clearly showed that the Tribe family had lived on Lafayette Avenue (now Fuxing Road) before later moving in to the Picardie Apartments (now the Hengshan Hotel) on Hengshan Road.

Records also showed Tribe attended kindergarten at the Shanghai American School at that time—all places he visited.

''It's so amazing to find buildings are still there in a city of such dynamic development,'' the Jewish scholar says after visiting his former residences.

''Some of the things are a little bit familiar, but I was very small at that time (to remember everything).

''Many things have changed at Picardie but I definitely remember the balcony. I remember standing there looking at the street when I was about four,'' Tribe adds, his eyes lighting up.

What is even more amazing is that Tribe even managed to find the name of his grandfather in the old Shanghai directory and got the chance to visit his grandparents' former home on Seymour Road (now Shaanxi Road N.), where he would often visit.

Tribe says he would have liked to have brought his son and daughter and grandchildren to Shanghai, but sadly their busy schedules prevented them from doing so. Both children are accomplished artists and art theorists.

Before coming though, Tribe's daughter gave him a digital camera and asked him to take pictures of the places where he grew up so that he could share the memories with the rest of his family.

''It would still be nice to bring my grandchildren here one day,'' he says. ''I am enormously grateful to Shanghai. I would not exist but for Shanghai. Not only because I was born here but this city welcomed Jews and other refugees at a time when no one else would take them.''

TRIBUTE TO CONGRESSMAN WILLIAM LOUIS ''BILL'' DICKINSON

Mr. SESSIONS. Mr. President, today I pay tribute to my friend, former Congressman William Louis ''Bill'' Dickinson, who recently passed away after an extended illness. He represented the Second District of Alabama as a Member of Congress from 1965 to 1993.

Bill was born in Opelika, AL, on June 25, 1925. After graduating from Opelika public schools, he enlisted in the Navy, serving from 1943 to 1946 and then joined the Air Force Reserves.

After graduating from the University of Alabama Law School, Bill returned to Opelika where he practiced law before becoming an Opelika city judge. He later served as a judge of the Lee County Juvenile Court, and as a judge for the Fifth Judicial Circuit of Alabama.

In 1964, Bill was elected as a Republican to Congress for the Second District of Alabama. He was known to his colleagues on both sides of the aisle as an honest and collegial statesman and a first-rate legislator. The people of southeast Alabama were proud of Bill's work in representing them in Congress, as evidenced by his election to 14 terms in the U.S. House of Representatives. Bill never wavered from his conservative principles. It would be difficult to count the ways that Alabama and our Nation benefited from Bill's time in Congress. Though we did not serve together, I knew him well, campaigning for him when I was in college and benefiting from his strong support and wise advice since I have been in the Senate.

As a long standing member of the House Armed Services Committee, he worked arduously for our men and women in uniform. His work was decisive in supporting military bases in Alabama that have become strong, enduring installations like Maxwell Air Force Base and Fort Rucker. He was a fixture on the Armed Services Committee, serving 10 years as ranking member. Indeed, it was ironic that if he had chosen to seek another term, he would have been the chairman of the House Armed Services Committee. As the committee's leading Republican, he gave his support to President Reagan's defense buildup in the 1980s which helped to bring down the Soviet Union. Our Nation's military continues to reap the benefits of programs and policies adopted under his watch.

There are times when our Nation has to defend itself and Bill Dickinson fully understood that reality. That knowledge made him a steadfast advocate for the proposition that the best way to peace was through strength.

Finally, despite all of his accomplishments, Bill's family and his many friends will miss his wit and humor. As we say in the South, he was ''good company''. People loved to hear him speak. The smiles on the faces of the audience would start even before he reached the podium. His humor and a realistic approach to life were surely great assets to his work.

He is survived by his wife, Barbara, four children, and grandchildren. They have all been superb citizens, and I am proud to say that his son, Bill, worked for me when I was attorney general doing a great job for the people of the State of Alabama.

Our State and our Nation are better places because of Bill Dickinson's leadership. Let his service be an example for those of us who continue to serve in public office.

TRIBUTE TO SANDER LURIE

Ms. STABENOW. Mr. President, today I pay tribute to a truly remarkable person. Sander Lurie came to my office as legislative director in 2001, and was an integral member of my staff for 7 years, including serving as my chief of staff.

Sander was pivotal in getting my office up and running as I made the transition from the U.S. House of Representatives to the U.S. Senate in 2001. I could not have asked for a better person to direct my legislative efforts; with his support I was able to hit the ground running and work for the great people of the State of Michigan from the very start.

Prior to joining my staff in 2001, Sander spent 10 years working for the honorable Senator from the State of New Jersey, Mr. FRANK LAUTENBERG, including serving as his chief of staff prior to Senator LAUTENBERG's retirement in 2000. When I asked Senator LAUTENBERG about Sander and his contributions to his office, Senator LAUTENBERG told me, ''Sander was an integral part of my team for many years and played a large role in our successes during that time. He is a smart, natural leader with a real dedication to public service.'' I could not agree more. For the 7 years he spent on my staff no one was more tireless, more hardworking, or more dedicated to helping the citizens of Michigan and the citizens of the United States. He was a constant source of motivation and inspiration.

Sander has always been the kind of person whose first priority is to improve the lives of those around him. This was clearly evident during his time in Senator LAUTENBERG's office. He was instrumental in assisting Senator LAUTENBERG's push for major reforms in tobacco and was very helpful to the state attorneys general who took on the tobacco industry. Sander played a key role in the Senator's successful battle to reduce drunken driving deaths by making the .08 blood alcohol level the law of the land. Amidst all this, Sander was able to work with Senator LAUTENBERG and help craft the historic 1997 Balanced Budget Agreement that helped to produce the budget surpluses of the late 1990s.

As he made his way to my office, Sander used his experience with the balanced budget agreement to become the go-to person on my staff regarding the budget, and all of us here in the Senate can attest to the complexity that comes along with it. Sander always prided himself in knowing the ins and outs of the budget process and he never ceased to amaze me with his ability to recall rules and regulations at will. His work and knowledge was a pivotal part of my ability to be a leader and contributor to the budget committee, and I cannot thank him enough.

Sander was born in Warwick, RI, and raised for most of his early life in Milwaukee, WI. He earned his bachelor's degree from the University of Wisconsin-Madison, and following that he earned his master's degree in public administration from the Lyndon B. Johnson School of Public Affairs at the University of Texas-Austin. Sander's priority of working for the people in his community and his commitment to public service began at a young age before he ever made his way to Washington. He spent time working for both the Wisconsin State Assembly and the Texas Employment Commission, making sure to give back to the States that he called home. This selflessness followed him to Washington as he spent the last 17 years of his life serving the citizens of Michigan and New Jersey.

Sander has now begun a new chapter in his life. And though everyone in my office and those that know him best were saddened to see him leave, we are all incredibly proud of the work he has done and are deeply grateful for the positive impact he has had on all of our lives.

Today, Sander resides in Washington, DC, with his wonderful wife Dorian Friedman, and their beautiful daughter Mara. As Sander continues on in what will certainly be an illustrious career, I wish him well. He is sorely missed, but I, and everyone around him, know that the same selflessness that brought him to public service will follow him to whatever path he chooses, and he will undoubtedly continue to improve the lives of those around him. I am honored to have had Sander serve as my chief of staff, and I wish him only the best in the years ahead.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE CITY OF BURLINGAME

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Burlingame, located in San Mateo County, CA.

The city of Burlingame was incorporated into the State of California on June 6, 1908. This year, we celebrate its centennial anniversary. Also known as the ''City of Trees'' because of its 18,000 public trees, the city of Burlingame has fascinated and charmed visitors for decades.

Situated in eastern San Mateo County near San Francisco Bay, Burlingame is named after diplomat Anson Burlingame, the former U.S. Minister to

China who stopped in the bay area on his way to China in 1866 and purchased 1,043 acres in what is currently Burlingame and Hillsborough. In the mid-1860s, a railroad line was built down the Peninsula, with many wealthy San Franciscans building secondary homes south of San Francisco. When the great earthquake devastated much of San Francisco in 1906, many people looking to escape the dangers and hardships of the city also moved south, this time permanently.

In 1894, the Burlingame Train Station was built to service the Burlingame Country Club, which was founded in 1893. This station, which was financed largely by country club members, was built to resemble the style of California's missions. Today, the Burlingame Train Station is on the National Register of Historic Places and has also been designated a State historic landmark.

For 100 years, the city of Burlingame has not only served as a historical wonderland for those visiting the city but a place to call home for its more than 28,000 residents. I commend Burlingame for maintaining the natural beauty and historical significance of this fine city.

The city of Burlingame's vision and commitment to protecting its small piece of California history should be commended. I congratulate the city of Burlingame for its hard work on this special occasion and I look forward to future generations having the opportunity to visit and enjoy this unique city for another 100 years.●

125TH ANNIVERSARY OF JAMESTOWN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. From June 28 to July 6, the residents of Jamestown will come together to celebrate their community and its historic founding.

Founded in 1883 on the intersection of the Pipestem and James Rivers, Jamestown was named by GEN Thomas La Fayette Rosser whose hometown was Jamestown, VA, which was also located on a James River. In 1883 and again in 1932, the city of Jamestown made an attempt, though unsuccessful, to become the capital of the State. Jamestown is known as the ''Pride of the Prairie''—and it has much to be proud of.

The city's dedication to promoting both conservation and tourism resulted in the construction of the World's Largest Buffalo. This massive 60-ton monument, which began as an art project of students from Jamestown College, draws visitors from all over the country. The buffalo is the center of the Frontier Village, a gathering of genuine Frontier-era buildings and the National Buffalo Museum—all of these together attracting over 100,000 visitors a year.

Adding to Jamestown's celebrity is the presence of two of only a few albino bison in North America. The first, known as White Cloud, gave birth to an albino calf this last year, bringing another albino bison to the herd tended by the National Buffalo Museum. The rarity of this occurring is immense and has added to interest in the city.

Jamestown has also helped shape the direction of North Dakota. And, for many, as the city that brought us Louis L'Amour and Peggy Lee, Jamestown has helped shape a generation. Coming into its 125th year, I am certain that Jamestown will continue in its role to provide leadership to many of our communities for years to come.

Jamestown will be commemorating this special occasion with over a week of fireworks, car shows, races, banquets, socials, air shows, golf tournaments, school reunions, presentations, and parades.

Mr. President, I ask the U.S. Senate to join me in congratulating Jamestown, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Jamestown we keep the pioneering, frontier spirit alive for future generations. It is places such as Jamestown that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Jamestown has a proud past and a very bright future.●

125TH ANNIVERSARY OF VALLEY CITY, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 11–15, the residents of Valley City will gather to celebrate their community's history and founding.

Founded by the Northern Pacific Rail Road in 1872, this community went through an assortment of names before settling on Valley City. After being known as Second Crossing, Fifth Siding, Wahpeton, and Worthington, Valley City was chosen to describe this beautiful town located in the Sheyenne River Valley.

Because the community was developed around the winding Sheyenne River, its eight historic bridges have become an integral part of Valley City's rich history. This ''City of Bridges'' offers many one of a kind and original bridge designs, including the Valley City State University suspension footbridge and the concrete arched Rainbow Bridge.

Valley City has a lot to offer its residents and visitors alike. With its antiques, crafts and collectables Valley City offers a distinctive shopping experience. Some of its hidden treasures include a visitor's center, the Barnes County Museum, and the Sheyenne River Valley National Scenic Byway. The scenic byway stretches 63 picturesque miles along the Sheyenne River, following ancient Native American foot paths. The area has become a magnet for hunters, fisherman, and outdoor enthusiasts of all kinds. It is also the proud hometown of our Congressman, EARL POMEROY.

Valley City is the ideal location for its residents to grow and prosper together. To celebrate its 125th anniversary, the city will hold a rubber duck race, a street dance, a craft fair, a parade and fireworks.

Mr. President, I ask the U.S. Senate to join me in congratulating Valley City, ND, and its residents on their first 125 years and in wishing them well in the future. It is places such as Valley City, North Dakota that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Valley City has a proud past and a bright future.●

TRIBUTE TO LINDA NELSON

● Mr. HARKIN. Mr. President, there is an old saying that no exercise is better for the human heart than reaching down to lift up a child. Whenever I think about Linda Nelson, that saying comes to mind because she had devoted her life to nurturing and educating and lifting up children.

Likewise, for the past 4 years, as president of the Iowa State Education Association, Linda Nelson has devoted herself to lifting up the teaching profession in the State of Iowa. She has fought for better pay and professional development, for more generous funding for public education, and for commonsense reforms to the No Child Left Behind Act. She has done an exceptional job for Iowa's teachers and education support professionals. However, I know that she is looking forward to returning next fall to her real love, which is the classroom at Carter Lake Elementary School and the students she has missed so much.

Linda Nelson has led and served ISEA with true distinction. Under her leadership, membership has increased and local associations have been strengthened. She tirelessly crisscrossed the State of Iowa to visit schools and to consult with teachers and support professionals. I am told that she has been away from home so much that her cats no longer recognize her.

Mr. President, I have always loved what Lee Iacocca said about teachers. ''In a completely rational society,'' he said, ''the best of us would be teachers, and the rest would have to settle for something less.'' Fortunately, in Iowa, so many of our best do go into teaching. And Linda is one of those truly outstanding classroom professionals.

She graduated from the University of Nebraska at Lincoln and has taught for more than 30 years. She has been an active member of ISEA throughout her career. She has held leadership positions at the local, State, regional, and national levels. In 1992, the National Education Association recognized her outstanding contributions to public education with the Charles F. Martin Award.

As I said, Linda's first love is the classroom. But she is committed to securing a quality education for every child, not just those in her classroom, and this has led her to activism in the broader public and political arenas. She was elected to the Iowa House of Representatives in 1992 and served for 4 years as an outspoken champion of quality public schools for all of Iowa's children.

As a teacher, Linda Nelson is a consummate professional, and she speaks with that special authority that can only come from decades of classroom experience. She has been an association president, a mentor, a leader, a legislator. But of the many titles she has worn during her long and distinguished career, she prizes none more highly than the simple title of ''teacher.''

Linda Nelson is one of the many reasons why Iowa public schools are among the most respected and highest achieving in the Nation. We are blessed with an extraordinary cadre of talented teachers, and this is a real point of pride among Iowans. We honor our teachers. We are grateful for their keen minds and generous hearts. We appreciate the long hours they devote to their work—their service above and beyond the call of duty.

Linda Nelson has made a very real difference for the good as president of the Iowa State Education Association. As she returns to Carter Lake, I join with educators across Iowa in thanking Linda for her service, and wishing her the very best in the years ahead.●

IN HONOR OF DR. JERRY BEASLEY

● Mr. ROCKEFELLER. Mr. President, we all know that college can be a wonderful, eventful, and sometimes overwhelming time in the life of a young person. With new doors opening and a plethora of choices ahead, the years that young people devote to their college education shape the person they grow to be. We should all hope that when our loved ones set out on this journey that they encounter role models and mentors like Dr. Jerry Beasley. He has steered Concord University since 1985, in which time he has had an immeasurable impact on the institution and its students. In the time I have been allotted, I cannot do justice to the great service Dr. Beasley has dedicated to Concord University, but through the examples I can provide I hope to at least honor these selected accomplishments.

From the beginning of his career at Concord, Dr. Beasley has embodied the university's mission of learning and service. Traditionally, university presidents hold elegant ceremonies and inauguration parties in order to celebrate themselves and their achievements before beginning work. Dr. Beasley is not one of these presidents. He preferred to donate the funds usually allocated for such ceremonies to the support of student scholarships, setting a precedent of selflessness he continued throughout his tenure. He taught his students that giving and service were the foundation of citizenship, and renewing Concord's commitment to social responsibility.

As many of you know, access to technology is an issue of particular importance to me. I have committed myself to the enhancement of technology resources for students in West Virginia, a commitment which Dr. Beasley and I share. During his tenure as president and thanks, in part, to his oversight, the $13.9 million Rahall Technology Center is now complete and open for student use. Its 24-hour facilities provide students with access to technology ranging from high-speed internet to computer science courses.

Our society today is becoming increasingly dependent on technology. As we become integrated into a global marketplace, the values of knowledge and service have become even more important. The expansion of our resources and influence demands that we all develop a greater understanding of the world we live in and the people we share it with. Under Dr. Beasley's leadership, Concord University has met these challenges headon. The student body has grown significantly reaching an all-time peak enrollment of 3,055 students in the fall of 2001. The student body has also become incredibly diverse, with representatives from 27 States, 22 countries, and the District of Columbia. The diversity of faces and backgrounds at Concord is also complemented by a diverse range of study abroad opportunities, with scholarships available for study in Europe, South America, and around the world.

Dr. Beasley not only enhanced the diversity of the Concord student body, but also broadened the resources available on campus. Since the early 1930s, a goal of an interfaith chapel has been kept alive on the Concord campus, but, for many years, the project was left unfinished. Dr. Beasley has shepherded the project, which is now nearing completion. The building will mark not only the campus's concern for multicultural understanding, but also of Dr. Beasley's ambition to this end.

Concord University students can now enjoy a wealth of opportunities without fearing the exorbitant financial burdens of education. Financial aid and scholarships are now more available than ever with more than 90 percent of Concord's students receiving some form of educational assistance. Dr. Beasley was instrumental in the effort to bring programs such as the Bonner Scholars program to campus.

What I admire the most about Dr. Beasley, though, is his personal commitment to public service, and the inspirational example he has set for his children, his students, and all of us. He has dedicated his career to improving education, and for that we owe him our sincerest thanks. Dr. Beasley, I am very grateful for your contributions to Concord University, and I wish you well in a peaceful retirement.●

STOWE WEEKEND OF HOPE

● Mr. SANDERS. Mr. President, the State of Vermont is proud of the people in our state who organize the annual Stowe Weekend of Hope, one of the most inspiring and educational events for cancer survivors in the United States.

''We believe that the Stowe Weekend of Hope is unique, as it covers all cancers, reveals the generosity of an entire community, and has enhanced the lives of thousands of past attendees and their loved ones,'' said Jo Sabel Courtney, the chair and cofounder of the uplifting event. ''Our mission,'' she explained, ''is to inspire, educate, and celebrate the lives of people living with cancer.''

Altogether, some 900 participants from 21 States, the U.S. Virgin Islands, and Canada participated in this year's events presented by the Stowe Area Association and the Vermont Cancer Center. The Stowe Area Association's lodging properties donated 312 complimentary rooms to cancer survivors and their loved ones.

Jo Sabel Courtney would be the first to tell you that making the weekend a tremendous success is a team effort. The Stowe Weekend of Hope Organizing Committee she chairs includes Leslie Anderson of Stowe; Trine Brink, Stowe; David Cranmer, Shelburne; Sandy Devine, Stowe; Jenn Ingersoll, Burlington; Kimberly Luebbers, Burlington; Kathleen McBeth, Stowe; Valerie Rochon, Stowe; Susan Rousselle, Elmore; Terry Smith, Stowe, and emeritus member and cofounder, Patti O'Brien, M.D.

We in Vermont are very proud of the efforts that all of these people put into organizing this annual event for the education and enlightenment of cancer patients, cancer survivors and their families, and I have very much enjoyed visiting with them over the last several years.

This year's participants in the Stowe Weekend of Hope included people with 46 different cancers, people who are confronting complex physical, emotional, spiritual, and financial challenges.

Nationally renowned oncology specialists from around New England, as well as leading oncologists and researchers from the Vermont Cancer Center, and the University of Vermont and Fletcher Allen Health Care Division of Hematology and Oncology were present at this year's eighth annual Stowe Weekend of Hope to provide up-to-date information to both the patients and their loved ones.

The weekend also included hands-on workshops, informational and support group gatherings, recreation opportunities, inspirational music, ecumenical services, motivational talks designed to heighten the emotional experience of healing and growth, and a time for relaxation and reflection.

On Sunday morning, participants gathered to dedicate the Flags of Hope and Healing that they had created. The

closing ceremony also included prayer, dance, song and remembrances.

The Stowe Weekend of Hope was founded in 2001. Since its inception, the event has grown locally and nationally to continue its focus its mission of support, education and inspiration.

It makes me proud of Vermont.●

HONORING SAFE HANDLING, INC.

● Ms. SNOWE. Mr. President, today I wish to celebrate the remarkable achievements of a small Maine company that is doing business in an incredibly forward-thinking way. Safe Handling, Inc., of Auburn, is a cutting-edge transporter of industrial products, and both the firm and its president, Ford Reiche, have earned significant recognition, culminating in Mr. Reiche being named the U.S. Small Business Administration's 2008 Maine Small Business Person of the Year.

Founded in 1989, Safe Handling offers businesses the convenience of both bulk product transportation and logistics, as well as toll processing, to enable them to more efficiently move their goods. Significantly, Safe Handling is responsible for both sensitive and hazardous materials. To safely handle these products, the firm runs the largest rail-to-truck transloading facilities in both New England and western Pennsylvania, where it has an additional transload yard and warehouse. Safe Handling presently manages roughly a half million tons of products every year which translates to nearly 4,000 railcars and 12,000 truckloads of raw materials annually. It also operates the only ethanol terminal in Maine.

Transporting such perilous materials requires Safe Handling to be mindful of many concerns, and the company has risen to the top as a leader in environmental safety by exceeding Federal and State requirements on a regular basis. Most recently, the company became the first Maine-owned business to earn both the ISO14001 and Responsible Care certifications, which address a host of health, safety, environmental, and security concerns. Of all its initiatives, Safe Handling has most visibly led the way in reducing transportation emissions. The company ships dry products that it transfers into liquids, uses tri-axle trucks, provides long-haul rail services, and utilizes biodiesel fuel, all of which reduce discharge. Not surprisingly, the firm placed first in the Governor's Carbon Challenge, by voluntarily reducing its carbon emissions by 75 percent. Safe Handling has additionally instituted an Employee Green Idea Reward Program that gives $100 to each employee who saves the company money through an environmentally friendly idea.

Because of its innovative practices and proven track record, Safe Handling has garnered three prestigious awards this year alone. In March, Mainebiz magazine declared Ford Reiche its Executive of the Year in its large business category. Less than a month later, the Maine International Trade Center recognized Safe Handling as its Maine Innovative Company of the Year Award for the company's energy saving methods and customer savings. Additionally, the U.S. Small Business Administration presented Mr. Reiche with its prestigious 2008 Maine Small Business Person of the Year for his ''business expertise, commitment, creativity and community involvement.'' Mr. Reiche's dedication and knowledge inspire the nearly 100 employees of Safe Handling, and the company is a better place for his profound leadership skills.

Safe Handling is truly a company of which all Mainers can be proud. Consistently seeking greater energy efficiency while never sacrificing its loyalty to its customers, Safe Handling promises to make the Lewiston-Auburn area—and Maine—a better place in every way. I am particularly impressed with the passion and enthusiasm of Mr. Reiche, who I was fortunate enough to meet with just a few weeks ago. His desire to create jobs and opportunities in Central Maine truly shined through during our time together. I congratulate Ford Reiche and everyone at Safe Handling for their amazing accolades and pioneering enterprises, and wish them more of the success that they have already demonstrated.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

TEXT OF A PROPOSED AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY—PM 48

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 Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and a Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement (in accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately). The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear non-proliferation. It has a term of 30 years, and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, and permits transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities by amendment to the Agreement. In the event of termination, key non-proliferation conditions and controls continue with respect to material and equipment subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Like the United States, it has a ''voluntary offer'' safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful nuclear facilities on a Russia-provided list. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding Guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and

in the classified annex to the NPAS submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House Foreign Affairs Committee as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 12, 2008*.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53), the Minority Leader appoints Mr. Henry Sokoloski of Arlington, Virginia, and Mr. Stephen Rademaker of McLean, Virginia, to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

The message further announced that the House agrees to the amendment of the Senate to the title of 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, with amendments, in which it requests the concurrence of the Senate.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 32. Joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 13, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

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–6133. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Pesticide Tolerances'' (FRL No. 8364–6) received on May 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6134. 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 ''Interstate Movement of Fruit from Hawaii'' (Docket No. APHIS–2007–0050) received on May 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6135. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus firmus isolate 1582; Exemption from the Requirement of a Tolerance'' (FRL No. 8362–7) received on May 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6136. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert D. Bishop, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6137. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Christopher A. Kelly, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6138. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Kevin J. Cosgriff, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6139. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Mark J . Edwards, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6140. A communication from the Principal Deputy, Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the use of Aviation Continuation Pay during fiscal year 2007; to the Committee on Armed Services.

EC–6141. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Excessive Pass-Through Charges'' (DFARS Case 2006–D057) received on May 12, 2008; to the Committee on Armed Services.

EC–6142. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, an annual report on the National Guard Challenge Program for fiscal year 2007; to the Committee on Armed Services.

EC–6143. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Bruce A. Wright, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6144. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the Department's evaluation of the TRICARE Program Fiscal Year 2008 Report; to the Committee on Armed Services.

EC–6145. A communication from the Assistant Secretary of State, transmitting, pursuant to law, a report relative to the measures that are being taken to successfully complete the mission in Iraq; to the Committee on Armed Services.

EC–6146. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to military spousal benefits; to the Committee on Armed Services.

EC–6147. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Secretary, received on May 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6148. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of President of the Government National Mortgage Association, received on May 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6149. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to Pemex projects in Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6150. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to an export to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6151. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–6152. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Secretary, received on May 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6153. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (73 FR 20807) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6154. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–AU32) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6155. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Recreational Red Snapper Fishery in the Gulf of Mexico'' (RIN0648–XG40) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6156. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year'' (RIN0648–XG34) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6157. A communication from the Acting Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Approval of Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of GB Cod Total Allowable Catch'' (RIN0648–AW17) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6158. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XH35) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6159. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands'' (RIN0648–XH36) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6160. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–AW58) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6161. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Trip Limit Reduction for Georges Bank Yellowtail Flounder in the U.S./Canada Management Area'' (RIN0648–XH45) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6162. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category C to Directed Tilefish Fishing'' (RIN0648–XF92) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6163. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Postponement of Effective Date of Portions of Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–AU32) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6164. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 5 to the Monkfish Fishery Management Plan'' (RIN0648–AW33) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6165. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2008 Management Measures and a Temporary Rule for Emergency Action'' (RIN0648–AW60) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6166. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final List of Fisheries for 2008'' (RIN0648–AV54) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation .

EC–6167. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for calendar year 2007; to the Committee on Energy and Natural Resources.

EC–6168. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Annual Report relative to its health and safety activities during calendar year 2007; to the Committee on Energy and Natural Resources.

EC–6169. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–6170. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the status of the reports of the Chief of Engineers that have not received recommendations from the Secretary yet; to the Committee on Environment and Public Works.

EC–6171. A communication from the Assistant Secretary of Commerce (Legislative and Intergovernmental Affairs), transmitting a draft bill entitled, ''Economic Development Administration Reauthorization Act of 2008''; to the Committee on Environment and Public Works.

EC–6172. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision'' ((RIN2060–AO89)(FRL No. 8564–3)) received on May 7, 2008; to the Committee on Environment and Public Works.

EC–6173. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; States of South Dakota and Wyoming; Interstate Transport of Pollution'' (FRL No. 8563–6) received on May 7, 2008; to the Committee on Environment and Public Works.

EC–6174. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2008–50) received on May 12, 2008; to the Committee on Finance.

EC–6175. 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 ''Amendment to Transfers of Assets or Stock Following a Reorganization'' ((RIN1545–BH52)(TD 9396)) received on May 12, 2008; to the Committee on Finance.

EC–6176. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the export of defense articles to India to provide Operational Support and Maintenance of F404 Aircraft Engines; to the Committee on Foreign Relations.

EC–6177. A communication from the Director, Office of Standards, Regulations and Variations, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Sealing of Abandoned Areas'' (RIN1219–AB52) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6178. A communication from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a study on the inclusion of toll-free adverse event reporting numbers in advertisements; to the Committee on Health, Education, Labor, and Pensions.

EC–6179. A communication from the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Condition Applications for E-3 Visas in Specialty Occupations for Australian Nonimmigrants'' (RIN1205–AB43) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6180. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Publication of UIPL 9–08 in the Federal Register'' (UIPL–9–08) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6181. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled ''Use of Materials Derived from Cattle in Human Food and Cosmetics'' ((RIN0910–AF47)(Docket No. 2004N–0081)) received on May 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6182. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Publication of UIPL 14–08 in the Federal Register'' (UIPL 14–08) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6183. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, two reports on Occupational Safety and Health Inspections; to the Committee on Homeland Security and Governmental Affairs.

EC–6184. A communication from the Secretary of Commerce, transmitting a draft bill relative to the 2010 Decennial Census; to the Committee on Homeland Security and Governmental Affairs.

EC–6185. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Deputy Director for State, Local and Tribal Affairs, received on May 12 , 2008; to the Committee on the Judiciary.

EC–6186. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of U.S. Attorney (Southern District of Indiana), received on May 12, 2008; to the Committee on the Judiciary.

EC–6187. A communication from the Principal Deputy Under Secretary (Policy), transmitting, pursuant to law, a report relative to National Guard Counterdrug Schools Activities; to the Committee on the Judiciary.

EC–6188. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, received on May 12, 2008; to the Committee on the Judiciary.

EC–6189. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal (Eastern District of Wisconsin), received on May 12, 2008; to the Committee on the Judiciary.

EC–6190. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Community Oriented Policing Services for fiscal year 2007; to the Committee on the Judiciary.

EC–6191. A communication from the Director of Regulations Management, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Veteran-Owned Small Business Verification Guidelines'' (RIN2900–AM78) received on May 12, 2008; to the Committee on Small Business and Entrepreneurship.

EC–6192. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Seal and Insignia'' (RIN3245–AF68) received on April 29, 2008; to the Committee on Small Business and Entrepreneurship.

EC–6193. A communication from the Director, Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Provision of Hospital Care and Medical Services During Certain Disasters or Emergencies'' (RIN2900–AM40) received on May 12, 2008; to the Committee on Veterans' Affairs.

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. DOMENICI:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 3011. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. SPECTER, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, and Mr. OBAMA):

S. 3012. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI):

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. VITTER):

S. 3014. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. DORGAN, Mr. CASEY, Ms. KLOBUCHAR, and Mr. SANDERS):

S.J. Res. 32. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. BENNETT, Mr. CRAPO, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. Res. 561. A resolution commemorating the 50th anniversary of the North American Aerospace Defense Command; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BIDEN, Mr. BROWN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CRAIG, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. DODD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. PRYOR, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, Mr. TESTER, and Mr. THUNE):

S. Res. 562. A resolution honoring Concerns of Police Survivors as the organization begins its 25th year of service to family members of law enforcement officers killed in the line of duty; considered and agreed to.

By Mr. ALLARD (for himself and Mrs. CLINTON):

S. Res. 563. A resolution designating September 13, 2008, as ''National Childhood Cancer Awareness Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 449

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 449, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 675

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1102

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1102, supra.

S. 1107

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1186

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1186, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 1332

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors 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. 1906

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maine (Ms. COLLINS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2154

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2154, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 2188

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2300

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2300, a bill to improve the Small Business Act, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Maine (Ms. SNOWE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2414

At the request of Mr. ENSIGN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2414, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 2433

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

At the request of Mr. OBAMA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2433, supra.

S. 2460

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

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Idaho (Mr. CRAIG), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2645

At the request of Mr. STEVENS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from New York

(Mr. SCHUMER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2860

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2860, a bill to diminish predatory lending by enhancing appraisal quality and standards, to improve appraisal oversight, to ensure mortgage appraiser independence, to provide for enhanced remedies and enforcement, and for other purposes.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2912, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2921

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2921, a bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes.

S. RES. 520

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 520, a resolution designating May 16, 2008, as ''Endangered Species Day''.

S. RES. 559

At the request of Mr. GRAHAM, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 559, a resolution designating May 15, 2008, as ''National MPS Awareness Day''.

AMENDMENT NO. 4737

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 4737 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 4737 proposed to S. 2284, supra.

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WEBB), the Senator from Arkansas (Mr. PRYOR) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 4737 proposed to S. 2284, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, today I rise to introduce legislation to continue the restoration and preservation of the unique cultural resources along the famous Route 66. Passage of the Route 66 Corridor Preservation Reauthorization Act would carry on the wonderful work of the Park Service's Route 66 program over the past decade. As in the past, I am joined in this effort by my colleague from New Mexico, Senator BINGAMAN.

In 1990, I introduced the Route 66 Study Act, which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I later introduced legislation authorizing the National Park Service to join with Federal, State and private efforts to preserve various aspects of historic Route 66, the Nation's most important thoroughfare for east-west migration during the 20th century.

The Route 66 program is a collective effort by private property owners; nonprofit organizations; and local, State, Federal, and tribal governments to identify and address preservation needs along the historic route. The program offers grants for the restoration of significant properties dating all the way back to the mid 1920s.

The bill authorizes funding over 10 years and supports grassroots efforts to preserve aspects of this historic highway. Designated in 1926, the 2,200-mile stretch from Chicago to Santa Monica, California, the Mother Road, as it was called, rolled through eight American states, and in New Mexico, it passed through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and rich heritage. Route 66 allowed travelers to see firsthand previously remote areas and experience the traditions and natural beauty of the Southwest and West.

The bill authorizes the National Park Service to support State, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. Since 1990, the Park Service has acted as a clearinghouse for communication among Federal, State, local, private and American Indian entities interested in the preservation of America's Main Street. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, has introduced a similar bill in the House of Representatives, and I hope Congress will act promptly in passing this important legislation.

I thank my colleagues for considering the Route 66 Corridor Preservation Reauthorization Act.

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

S. 3010

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Route 66 Corridor Preservation Program Reauthorization Act''.

SEC. 2. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking ''2009'' and inserting ''2019''.

By Mr. LEAHY (for himself, Mr. SPECTER, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, and Mr. OBAMA):

S. 3012. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to introduce a bill today to reauthorize the Bulletproof Vest Partnership Grant Act for 3 years, through 2012. This legislation has enjoyed strong bipartisan support in Congress since it was enacted in 1998, and I thank Senators SPECTER, MIKULSKI, SHELBY and HATCH for joining me in today's introduction. I am also glad to be joined by Congressmen VISCLOSKY who will introduce this bill in the House of Representatives today as well.

Since 1999, the Bureau of Justice Assistance at the Department of Justice has distributed $234 million to State and local jurisdictions. Those grants have resulted in the purchase of an estimated 818,000 vests. Since its enactment, over 11,900 State and local jurisdictions have participated in this program. Congress can be proud of the fact that this legislation has directly provided life-saving equipment to so many law enforcement officers. I know that when State and local jurisdictions receive the matching grants through this program, their budgets can go farther in fighting crime in their communities.

Today, the Senate Judiciary Committee held a hearing on the importance of the Bulletproof Vest Partnership Program. We heard from a law enforcement officer who was shot in the

chest at pointblank range during an auto theft investigation. He lived to tell the committee and others his story, thanks to the bulletproof vest he was wearing. In my home state of Vermont, the program has allowed the Vermont police to purchase over 350 sets of armor in the last 10 years. The program has had a tremendous impact on the ability of States and localities to give our law enforcement officers the protection they deserve while serving the needs of our communities.

As a Nation, we ask much of our law enforcement officers. Men and women who serve face constant and unknown risks, and too often make the ultimate sacrifice. During this week in Washington, law enforcement officers from around the country will remember those officers who died in the line of duty while protecting their fellow citizens. Unfortunately, an ongoing trend of rising violent crime in the U.S. underscores the continuing need of this program that has had such a positive impact on the safety of law enforcement officers. Reauthorizing and funding this program is the right thing to do, and it is something I hope all Senators will support. Every additional officer who is able to put on a vest today as a result of this grant program means that one more officer may survive a violent attack. Protecting the men and women who protect all Americans should be a priority for Congress and we have a chance to advance that priority with the continuation of this important program.

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. 3012

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Grant Act of 2008''.

SEC. 2. REAUTHORIZATION.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2009'' and inserting ''2012''.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI):

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I join with my good friends Senators TED STEVENS, DANIEL INOUYE, and LISA MURKOWSKI to introduce legislation to ensure retirement equity for Federal workers in Hawaii, Alaska, and the U.S. territories. For years, Federal employees in my home state of Hawaii and in other non-foreign areas have been disadvantaged when it comes to their retirement due to a lack of locality pay. Federal workers in those areas may receive a nonforeign cost of living allowance, COLA, based on the differences in the cost of living between those areas and the District off Columbia, but this amount does not count for retirement purposes. Furthermore, while locality rates generally increase, nonforeign COLAs have been gradually declining. This lack of retirement equity has resulted, in several lawsuits against the Federal Government and hinders efforts to recruit and retain Federal workers in those areas.

On August 17, 2000, the U.S. District Court of the Virgin Islands approved the settlement of Caraballo v. United States, which was a class-action lawsuit in which employees in the nonforeign areas contested the methodology used by the Office of Personnel Management to determine COLA rates. However, on January 30, 2008, Judge Phillip M. Pro in the U.S. District Court in Honolulu ruled against the Federal employees in Matsuo v. the Office of Personnel Management, which held that excluding Alaska and Hawaii from locality pay did not violate the equal protection clause and substantive due process under the Fifth Amendment. Judge Pro acknowledged the disparity in his ruling saying that Congress ''discharged its legislative responsibilities imperfectly'' and recommended that Congress ''correct the incongruity made so evident by this case.''

While this issue has been discussed for years, a solution seemed out of reach given the lack of support for various proposed solutions. Last year, the Administration announced a legislative proposal to phase-out non-foreign COLA and phase-in locality pay. In May 2007 the Administration's draft bill was submitted. The draft bill would freeze nonforeign COLA rates at their current rates at their current rates and OPM would no longer conduct COLA surveys. Over the 7 years following the enactment of the proposal, locality pay would be phased in for General Schedule, GS, employees while nonforeign COLA is phased out. According to OPM, preliminary data indicates that the locality pay rate for Hawaii would be 20 percent. At the end of the 7 year period, if the locality pay rate is less than the amount of nonforeign COLA for a particular area, employees would continue to receive the difference in nonforeign COLA and locality pay until the locality rate reaches the COLA amount. Only at that time would employees no longer receive non-foreign COLA. However, the proposal did not address the impact such a change would have on postal employees, employees who receive special rates, members of the Senior Executive Service, and others who are in agency specific personnel systems or those who do not receive locality pay, such as employees under the National Security Personnel System at the Department of Defense.

Knowing of the growing interest in this proposal, I sent staff from my Federal Workforce Subcommittee to Hawaii last July to meet with employees and hear their questions and concerns about the Administration's proposal. Based on the questions and comments I have received, I submitted questions to OPM and other Federal agencies to obtain additional information. I also posted information on the Administration's proposal on my website, a link to a calculator created by OPM for Federal employees to determine exactly how their pay and retirement will be impacted by the proposal, and the agencies' response to my questions. Since then, I have received numerous letters and phone calls from constituents and Federal employees in the nonforeign areas about this issue. While there are still divergent views on this proposal, the vast majority of employees who I have heard from are supportive of a change to locality pay.

The legislation I introduce today is a collective effort of Senators STEVENS, INOUYE, MURKOWSKI, and myself to find an equitable solution to a difficult and divided issue. The Non-Foreign Area Retirement Equity Assurance Act is not to be seen as the last word, only the latest step forward toward determining the best way to ensure retirement equity for Federal workers in the nonforeign areas. Our bill seeks to provide answers to the questions raised by the administration's proposal and to cover all employees. Most importantly, our bill seeks to protect employee's take home pay. During this current economic climate, we must be careful to do no harm.

Over the Memorial Day recess my subcommittee plans to hold a series of meetings in Hawaii on the Administration's proposal and this bill to hear remaining questions and concerns. I also plan to hold a hearing on these proposals in Honolulu on May 29, 2008. I continue to encourage employees in Alaska, Hawaii, and in the territories to write us with their questions and concerns on these proposals. My ultimate goal remains to ensure that Federal workers in the nonforeign areas are not disadvantaged when it comes to their pay and retirement.

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. 3013

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2008 or the Non-Foreign AREA Act of 2008''.

SEC. 2. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304(f)(1) of title 5, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section

5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands shall be included within a pay locality; and''.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2009; and

''(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 4(2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 4(1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 3. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 4 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 9 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under section 7455 of title 38, United States Code, and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the Secretary of Veterans Affairs that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2011, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 4. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this Act or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this Act, for each nonforeign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2009, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2010, by using ⅔ of the otherwise applicable comparability payment approved by the President for each nonforeign area; and

(3) in calendar year 2011 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each nonforeign area.

SEC. 5. SAVINGS PROVISION.

(a) IN GENERAL.—The application of this Act to any employee may not result in the amount of the decrease in the amount of pay attributable to special rate pay and the cost-of-living allowance as in effect on the date of enactment of this Act exceeding the amount of the increase in the locality-based comparability payments paid to that employee.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the application of this Act to any employee should not result in a decrease in the take home pay of that employee.

SEC. 6. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on—

(I) the day before the date of enactment of this Act—

(aa) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(bb) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(II) or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(ii) except as provided under paragraph (2), is not covered under—

(I) section 5941 of title 5, United States Code, (as amended by section 2 of this Act); and

(II) section 4 of this Act; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any provision of title 5, United States Code, for purposes of this Act (including the amendments made by this Act) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code, (as amended by section 2 of this Act) and section 4 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this Act shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this Act including section 5941 of title 5, United States Code, (as amended by section 2 of this Act) may be reduced on the basis of the performance of that employee.

(b) POSTAL SERVICE EMPLOYEES IN NONFOREIGN AREAS.—Section 1005(b) of title 39, United States Code, is amended by inserting ''and the Non-Foreign Area Retirement Equity Assurance Act of 2008'' after ''Section 5941 of title 5''.

SEC. 7. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 4 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2009 through December 31, 2011; and

(3) who files and election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a)(1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2011.

(c) COMPUTATION OF ANNUITY.—For purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2009 through the first applicable pay period ending on or after December 31, 2011, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if that subsection had been in effect during that period; and

(ii) employee contributions that were actually deducted and withheld from pay under

section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 8. ELECTION OF COVERAGE BY EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, an employee may make an irrevocable election in accordance with this section, if—

(1) that employee is paid an allowance under section 5491 of title 5, United States Code, during a pay period in which the date of the enactment of this Act occurs; or

(2) that employee—

(A) is a covered employee as defined under section 6(a)(1); and

(B) during a pay period in which the date of the enactment of this Act occurs is paid an allowance—

(i) under section 1603(b) of title 10, United States Code;

(ii) under section 1005(b) of title 39, United States Code; or

(iii) based on section 5941 of title 5, United States Code.

(b) FILING ELECTION.—Not later than 60 days after the date of enactment of this Act, an employee described under subsection (a) may file an election with the Office of Personnel Management to be treated for all purposes—

(1) in accordance with the provisions of this Act (including the amendments made by this Act); or

(2) as if the provisions of this Act (including the amendments made by this Act) had not been enacted, except that the cost-of-living allowance rate paid to that employee shall be the cost-of-living allowance rate in effect on December 31, 2008 for that employee without any adjustment after that date.

(c) FAILURE TO FILE.—Failure to make a timely election under this section shall be treated in the same manner as an election made under subsection (b)(1) on the last day authorized under that subsection.

(d) NOTICE.—To the greatest extent practicable, the Office of Personnel Management shall provide timely notice of the election which may be filed under this section to employees described under subsection (a).

SEC. 9. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this Act, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2011; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2011.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this Act with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 10. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 2 and the provisions of section 4 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2009.

Mr. STEVENS. Mr. President, I join my friend from Hawaii in introducing the Non-foreign Area Retirement Equity Act. I thank Senator AKAKA for his hard work on this important legislation that finally brings retirement equity to the thousands of Federal employees in Alaska and Hawaii.

Alaska and Hawaii are the only States in which Federal employees do not receive locality pay. Instead, they receive what is called a nonforeign cost of living allowance, or COLA. COLA was put in place in 1949, before Alaska and Hawaii were States. It is based on the cost of living in an area compared to the cost of living in Washington, DC. COLA was not available to employees in the lower 48 States.

When locality pay was established to benefit Federal employees in the lower 48, Alaska and Hawaii were not included because they were already under the COLA system. Locality pay brings Federal salaries closer to private industry salaries in an area.

The key difference between these two systems is how it affects a Federal employee's retirement. As you know, a Federal employee's retirement is based on their ''high 3'' years of service, usually the final 3 years of their base pay salary.

COLA is nontaxable income that cannot exceed 25 percent of the base pay. It is currently being reduced in Alaska and Hawaii by 1 percent each year. Because COLA is not taxed, it is not considered as part of an employee's base pay for retirement purposes. This means an employee in Alaska retires with a much lower ''high 3'' than an equivalent position in the lower 48.

Locality pay is taxable income, but is also considered part of an employee's base pay for retirement purposes. This makes a big difference in the amount of retirement benefits an employee receives.

Alaska has one of the highest costs of living in the Nation. Our Federal employees need to know they can continue to afford living in the State they call home on the money they receive in their retirement benefits. Many Alaskan Federal employees nearing retirement relocate to the lower 48 in order to receive locality pay for their ''high 3.'' This puts my State at a disadvantage because we are losing highly skilled, seasoned employees.

This is an inequitable and outdated system. It is time to bring retirement equity to all States. The bill Senator AKAKA and I introduce today with Senators INOUYE and MURKOWSKI will do just that. Simply put, this bill will convert Federal employees in our States from the COLA system to the locality pay system. This conversion will not only benefit the Federal employees in these States, it will also save the Government money.

The COLA system requires that a survey be conducted every 3 years to determine an area's COLA. Our bill would eliminate these expensive and time consuming surveys. By changing to a locality pay system, employees will pay taxes on income they now receive tax free. Federal employees in Alaska and Hawaii have filed lawsuits to fight the inequity of the COLA system. With this change, the Government will not have to spend time and resources defending against this litigation.

The Office of Personnel Management supports replacing COLA with locality pay for all of these reasons.

This bill addresses several employee groups with unique circumstances, including postal employees. I am confident we can work closely with the U.S. Postal Service and the postal employee unions to ensure that postal employees in Alaska and Hawaii are protected.

Senator AKAKA and I hope that all groups affected by this change will contact us so that we can ensure this bill takes everyone's concerns into consideration. Senator AKAKA will be holding a hearing on this issue in Hawaii this month. Feedback from that hearing will be vital to improving our bill.

It is important we pass this bill before the end of this Congress to bring equality in retirement to all of our Federal employees. I urge Senators to support this bill.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. VITTER):

S. 3014. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I come to the floor to discuss with my colleagues an issue that has hit home over the last few years for all Americans, and that issue is crimes against children. We have all heard stories of children, our most innocent population, being victimized and abused by predatory criminals. While it is true we have made great strides passing Federal legislation against criminal predators, more work needs to be done. That is why I am here today to introduce a bill that I entitled the Prevention and

Deterrence of Crimes Against Children Act of 2008. I am pleased to be joined by Senator KYL and Senator VITTER who have cosponsored this bill with me.

This is a very important bill that will protect our children from the vilest forms of abuse and will send a strong signal to criminals that we as a society will not tolerate such behavior and that their predatory actions have real significant consequences.

I wish to take a moment to talk about the murder of a girl from my home State of Iowa, Jetseta Marrie Gage. On March 24, 2005, Jetseta, a 10-year-old girl from Cedar Rapids, IA, went missing from her home. Within 12 hours of her disappearance, Iowa law enforcement agents arrested a registered sex offender, Roger Bentley, for the crime. He had been previously convicted of committing lascivious acts with a minor.

Regrettably, this criminal served just over a year in prison for his previous sex crime conviction. Two days after her disappearance, an AMBER Alert tip led officials to the location of her body. She was found stuffed in a cabinet in an abandoned mobile home. The autopsy revealed she had been sexually assaulted and suffocated with a plastic bag.

I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks everybody's heart to hear about cases such as this, but it is even more demoralizing when you know that it might have been prevented with adequate sentencing.

Last week, I honored two extraordinary law enforcement officers who helped put away another one of Jetseta's abusers: James Bentley. Unbelievably, James Bentley is the brother of Roger Bentley who was responsible for the rape and murder of Jetseta. A year prior to her murder, James Bentley took nude photos of 9-year-old Jetseta and her 13-month-old little sister Leonna.

After the child abuse prosecution of James Bentley stalled in State court due to sixth amendment concerns, U.S. Postal Inspector Troy Raper and Cedar Rapids Police Department Investigator Charity Hansel followed up on child pornography allegations that eventually led to James Bentley's conviction on Federal child pornography charges.

These investigators worked tirelessly to find nine previous victims of James Bentley. Only two of the nine victims testified, but their courage and their accounts of abuse by this man were very powerful. As a result, these testimonies influenced the district court's decision to use higher sentencing guidelines to put him away in Federal prison for 100 years. I am truly thankful for the public service that Inspector Troy Raper and Investigator Charity Hansel have done for Iowa's kids.

In doing our part, we in Congress have not sat idly by. Two years ago we passed into law the Adam Walsh Child Protection Safety Act. This important legislation made great strides in protecting America's children against violent sexual predators. Among its many components, this act standardized the National Sex Offender Registry, eliminated the statute of limitations for sex crimes against children, provided grants for electronic devices used for monitoring sex offenders and, lastly, established more severe criminal punishment for certain crimes committed by sex offenders.

As part of the Adam Walsh Act, we were able to include the Jetseta Gage Assured Punishment for Violent Crimes Against Children amendment. The amendment created mandatory minimum terms of imprisonment for criminals who commit murder, kidnapping, or serious bodily harm against children.

We are on the right path, but I still say this is not enough—not enough punishment for people who commit these despicable crimes. There is still a lot of work that needs to be done on this serious issue.

This bill I am introducing today will help change this by protecting children in four ways. It will increase mandatory minimum sentences, boost penalties for certain crimes against children, control the use of passports by convicted sex offenders, and strengthen the process for removing criminal aliens who commit sex offenses.

The first section of the bill increases the penalties for child pornography offenses and elevates the mandatory minimum punishment for criminals who commit exploitation crimes against children. I know some of my colleagues have concerns about mandatory minimums, especially in the context of drug sentences. I understand that concern, but in light of the Supreme Court's decision in the Booker case, something must be done to ensure that sexual predators receive the type of sentences appropriate for their crimes.

In Booker, the Court held that the Federal Sentencing Guidelines are no longer mandatory, thus Federal judges have unfettered discretion in sentencing. I am very worried judges are not doing their job to protect children. As a matter of fact, Deputy Attorney General Laurence E. Rothenberg testified to the Senate Judiciary Committee last year that since the Booker decision, Federal judges have significantly increased the number of downward departures for those convicted of possession of child pornography.

To counter this trend, my bill establishes the following mandatory minimums for exploitation crimes against children: One, where a crime involves child pornography, the offender will receive 20 years to life; two, where the crime deals with sexual exploitation of a minor by a parent or guardian, the offender will receive no less than 3 years to life.

The second section of the bill increases penalties for child sex trafficking and child prostitution. The penalties for these crimes need to be adjusted to adequately reflect the gravity of these crimes and the damage that they do to children.

The third section of the bill will ensure harsh penalties for criminals convicted of child sex offenses resulting in death, repeated child sex crimes, and forcible rape of children. These crimes involve the most violent types of sex offenders, and justice for these crimes should be dealt out with the strongest available prison sentences.

The final section of the bill has to do with not permitting these sex offenders to travel outside the country. If we know someone is a convicted child molester, we have the responsibility to not allow them travel to Asia or Europe or anywhere to exploit and harm other kids in other lands.

The bill provides for the following: When the sex offender has been convicted of a sex offense, the issuance of passports shall be refused. Secondly, if a passport has already been issued, the use of a passport may be restricted if the passport was used in the furtherance of a sex offense. Lastly, any alien convicted of a sex offense shall be placed immediately in removal proceedings.

The provisions of this bill are designed to protect our children by locking up violent sexual predators. I doubt that the Members of this body, many of whom have young children of their own, will have any objection to ensuring that violators of crimes against children receive tougher penalties for their acts.

It is unfortunate that it took the murder of girls such as Jetseta Gage for a law with severe penalties to be proposed, but I strongly believe a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizens, including our most vulnerable populations, and we have an obligation as adults to protect our young people. We have a commitment as parents to protect our children and ensure that they are given the opportunity to grow up free from the dangers that violent sex offenders pose. I urge my colleagues to join me and Senator KYL and Senator VITTER in strengthening our laws so that no child becomes a victim of a repeat offender.

By Mr. SCHUMER (for himself, Mr. DORGAN, Mr. CASEY, Ms. KLOBUCHAR, and Mr. SANDERS):

S.J. Res. 32. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; read the first time.

Mr. SCHUMER. Mr. President, I rise to discuss rising energy prices. I remind President Bush, as he leaves for his trip to the Middle East, his ally, Saudi Arabia, holds the key to reducing gasoline prices at home in the short term.

I, along with my colleagues, Senator DORGAN of North Dakota, Senator CASEY of Pennsylvania, Senator KLOBUCHAR of Minnesota, and Senator SANDERS of Vermont plan to submit a Senate resolution that would block all four pending arms deals to Saudi Arabia, which together total $1.4 billion, unless Saudi Arabia shows that our friendship is a two-way street and increases its oil production by 1 million barrels per day above the January 2008 output levels.

Because these weapons have not yet been delivered to Saudi Arabia, Congress still has the power to block these four deals as leverage to get the world's larger oil producer to bring its production back to historical levels, an action that would have the single greatest impact of lowering gas prices in the short term.

I am very proud that we today voted to prevent continued oil going into the SPR as Senator DORGAN, the sponsor and somebody who has pushed this issue a long time and done it well, has noted that will probably reduce prices about a nickel. There is more. It is a good first step, as he would be the first to say, but we can do more.

If Saudi Arabia would increase production by 1 million barrels a day, the price of gasoline would go down 50 cents a gallon almost immediately. It is a short-term fix.

As my colleagues across the aisle and the administration continue to side with big oil, we have no other choice because, right now, it is Big Oil and OPEC that are benefitting and American families are losing. It is unfortunate we are at this point. Eight years of poor stewardship over our Nation's energy policy has left us with alternatives. And my Republican colleagues have blocked every attempt at real energy reform that would help alleviate the rising energy prices in this country.

In the 110th Congress alone, my colleagues on the other side of the aisle have blocked four different attempts by Democrats to extend the alternative tax provisions, and not only for a year or two but many.

On June 21 of last year, the extension of energy credits received 57 votes; on December 7, it received 53 votes; on December 13, it received 59 votes; and on February 6, 58 votes.

Each time, Republicans put up roadblocks requiring 60 votes in order to pass the bill. Each time the overwhelming majority of Democrats voted for the bill, the overwhelming majority of Republicans voted against.

President Bush opposed the bills because each would have ended tax breaks for big oil, as if they needed more tax breaks given their record profitability.

Meanwhile, Americans continue to spend more and more on gasoline, as prices at the pump have skyrocketed upward to record heights. Although our President was not aware that gasoline prices were predicted to top $4 a gallon this summer, American households already faced with rising fiscal burdens incurred as a result of the subprime foreclosure crisis and the financial credit crunch are being squeezed further by record-high prices at the pump.

In a sign that high prices will continue unabated, the Department of Energy recently forecasted that gasoline prices would average $3.66 per gallon across the U.S. this summer, 25 percent higher than last summer's average.

So I, along with several of my colleagues, think it is time to get the President's attention and the attention of the leaders of Saudi Arabia. The resolution we have introduced today, which Senator REID will rule to move on to the calendar this afternoon, requires Saudi Arabia to increase their oil production by 1 million barrels a day or jeopardize their $1.4 billion of pending arms deals with the United States.

One of those deals includes the sale of JDAMs, Joint Direct Attack Munitions, which makes conventional bombs into smart bombs that can be aimed through the window of a house. The administration has warned us that Saudi Arabia needs to use these weapons in their fight against terrorism.

But how are they going to use laser-guided bombs to fight terrorists in their midst? Saudi Arabia very much wants these smart bombs. So our resolution sends a strong signal to the administration and to Saudi Arabia that friendship with the United States is a two-way street. If the Saudis want to see their weapons, we need to see an increase in crude oil production within the next 30 days. As we all know, the principal cause underlying the rise in gasoline prices has been a spike in crude oil prices, now over $120 a barrel, a 100–percent increase over the crude price at this point last year. A significant portion of this price rise is due to supply decisions made by OPEC. The largest member of OPEC, Saudi Arabia, controls one-fifth of the world's crude reserves and constitutes more than 10 percent of daily production of crude oil.

In the past, Saudi Arabia has kept crude oil prices high by limiting supply, producing anywhere from 1 to 5 million barrels per day below capacity. Currently, they are producing 2 million barrels a day below capacity. Why? Why right now, when crude prices are at an historic high, are the Saudis continuing to cut back on production? Does it make any sense? It does if you are a member of OPEC. It does if you are ExxonMobil. But it doesn't if you are almost everybody else. With crude oil at the highest price ever, Saudi Arabia and other members of OPEC are making record profits, and Saudi Arabia is not alone. Last month big oil companies announced some of the best profits in recorded history. Exxon made almost $11 billion in profit last quarter. So we know OPEC has no incentive to increase their production right now, since that would decrease their profits. In fact, if Saudi Arabia were to increase its production by 1 million barrels per day, that translates to a reduction of 20 percent to 25 percent in the price of crude oil. Crude oil prices would fall by more than $25 a barrel from the current level of $126. In turn, that would lower the price of gasoline between 13 and 17 percent or by more than 62 cents off the expected summer price, if the Saudis would simply produce the amount of oil they used to produce when they were far more responsible. Yet Saudi Arabia's oil minister said there was no need to increase supplies by even one barrel of oil.

But even as they are saying no, no, no to the United States, they are saying yes, yes, yes to China. They are doubling oil production for China. This is galling. When the President goes to Saudi Arabia and acts as if the Saudi King and the Saudi leadership are our good friends, he ought to look the American family in the eye and say that and say Saudi Arabia is a loyal ally. To most Americans, a well-armed Saudi Arabia is far less important than a reasonable price for gasoline, heating oil, and all other products upon which oil is based.

The Saudis have to understand this is a two-way street. The President has to understand that the one-way street relationship with Saudi Arabia has to end. We provide them weapons. Our troops provide them protection. Then they rake us over the coals when it comes to the price of oil. Just as Saudi Arabia feels a need to protect itself with high-tech, laser-guided missiles, American consumers and our economy need protection from record high oil prices, exacerbated by OPEC's stranglehold on supply. The administration needs to use all of the leverage it has to influence the OPEC cartel to stop manipulating the world's oil supply to its member nations' own wealth advantage. It is time we stop treating a cartel that would be illegal in the United States with kid gloves. That is what our resolution does. It reminds the Saudis there are consequences for keeping oil prices high at a time when American families are hurting. It reminds Saudi Arabia that it can't take American support for granted. They can choose record oil profits or American weapons, but they can't have both.

I would like any Member of this Chamber and President Bush to look the average American family in the eye and say: There is nothing we can do to get Saudi Arabia to be responsible.

There are things we can do; we just refuse to do them. This resolution has us step to the plate. The resolution is not the final answer, of course, to the problem of rising gas prices. That is why I am a proud cosponsor of S. 2991, the Consumer First Energy Act of 2008 that we Democrats will offer on the floor before Memorial Day. That bill addresses underlying causes that are

driving up energy prices and forces big oil to reinvest some of their record-breaking profits into alternative and renewable sources of energy that are both good for the environment, the consumer, and break our dependence on foreign oil.

Our bill will also attack the broader bill's speculation, punish price gouging, and put additional pressure on the OPEC cartel. I urge my colleagues on both sides of the aisle to support it. I am hopeful we can move on this resolution as soon as possible so American consumers no longer have to carry the heavy burden of high energy prices all by themselves.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 561—COMMEMORATING THE 50TH ANNIVERSARY OF THE NORTH AMERICAN AEROSPACE DEFENSE COMMAND

Mr. ALLARD (for himself, Mr. SALAZAR, Mr. BENNETT, Mr. CRAPO, Mr. HAGEL, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 561

Whereas, on May 12, 1958, the United States and Canada signed an official agreement creating the bi-national North American Aerospace Defense Command (NORAD) and formally acknowledged their mutual commitment to defending their citizens from air attacks;

Whereas 2008 marks the 50th anniversary of the creation of the North American Aerospace Defense Command and the outstanding efforts of American and Canadian service men and women defending North America;

Whereas the North American Aerospace Defense Command is a unique and fully integrated bi-national United States and Canadian command;

Whereas the North American Aerospace Defense Command is headquartered at Peterson Air Force Base in Colorado Springs, Colorado, and administered by the United States Air Force, with 3 subordinate regional centers located at Elmendorf Air Force Base, Alaska, Tyndall Air Force Base, Florida, and Canadian Forces Base, Winnipeg, Manitoba;

Whereas the mission of the North American Aerospace Defense Command is to ''prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within those airspaces, and provide aerospace and maritime warning for North America'';

Whereas, through joint support arrangements with other commands, the North American Aerospace Defense Command, including United States Strategic Command at Offutt Air Force Base, Nebraska, detects, validates, and warns of attacks against North America whether by aircraft, missile, or space vehicle;

Whereas the North American Aerospace Defense Command and United States Northern Command (USNORTHCOM) joint command center serves as a central collection and coordination site for a worldwide system of sensors designed to provide the commander and the governments of Canada and the United States with an accurate picture of any aerospace threat;

Whereas the commander of the North American Aerospace Defense Command provides integrated tactical warning and attack assessments to the governments of the United States and Canada;

Whereas the North American Aerospace Defense Command uses a network of satellites, ground-based and airborne radar, fighters and helicopters, and ground-based air defense systems to detect, intercept, and, if necessary, engage any air-breathing threats to North America;

Whereas North American Aerospace Defense Command assists in the detection and monitoring of aircraft suspected of illegal drug trafficking;

Whereas the Alaskan NORAD Region located at Elmendorf Air Force Base is supported by both the Eleventh Air Force and Air National Guard units;

Whereas the May 2006 North American Aerospace Defense Command Agreement renewal added a maritime warning mission to its slate of responsibilities, which entails a shared awareness and understanding of the ongoing activities conducted in United States and Canadian maritime approaches, maritime areas, and inland waterways;

Whereas the horrific events of September 11, 2001, demonstrated the North American Aerospace Defense Command's continued relevance to North American security;

Whereas, since 2001, the Continental NORAD region, which is divided into 2 defense sectors–the Western Defense Sector, with its headquarters located at McChord Air Force Base, Washington, and the Eastern Defense Sector, with its headquarters located at Rome, New York–has been the lead agency for Operation Noble Eagle, an ongoing mission to protect the continental United States from further airborne aggression from inside and outside of America's borders;

Whereas, in the spring of 2003, North American Aerospace Defense Command fighters based at Tyndall Air Force Base, Florida, intercepted 2 hijacked aircraft that originated in Cuba and escorted them to Key West, Florida;

Whereas the continued service with valor and honor of American and Canadian men and women serving at the North American Aerospace Defense Command is central to North America's ability to confront and successfully defeat threats of the 21st century; and

Whereas the continuation of the long-standing and successful relationship between the United States and Canada through the North American Aerospace Defense Command is paramount to the future security of the people of the United States and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by the North American Aerospace Defense Command to the security of North America; and

(2) commemorates 50 years of excellence and distinctive service to the United States and Canada.

SENATE RESOLUTION 562—HONORING CONCERNS OF POLICE SURVIVORS AS THE ORGANIZATION BEGINS ITS 25TH YEAR OF SERVICE TO FAMILY MEMBERS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Ms. MURKOWSKI (for herself, Mr. BIDEN, Mr. BROWN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CRAIG, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. DODD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. PRYOR, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, Mr. TESTER, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 562

Whereas Concerns of Police Survivors has showed the highest amount of concern and respect for tens of thousands of family members of officers killed in the line of duty;

Whereas those families bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors is starting its 25th year as a bedrock of strength for the families of the Nation's lost heroes;

Whereas it is essential that the Nation recognize the contributions of Concerns of Police Survivors to those families; and

Whereas National Police Week, observed each year in the week containing May 15, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and thanks Concerns of Police Survivors for assisting in the rebuilding of the lives of family members of law enforcement officers killed in the line of duty across the United States;

(2) honors Concerns of Police Survivors and recognizes the organization as it begins its 25th year of service to the families of the fallen heroes of the Nation;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors; and

(4) recognizes with great appreciation the sacrifices made by police families and thanks them for providing essential support to one another.

SENATE RESOLUTION 563—DESIGNATING SEPTEMBER 13, 2008, AS ''NATIONAL CHILDHOOD CANCER AWARENESS DAY''

Mr. ALLARD (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer and the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and 1 in every 640 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as ''National Childhood Cancer Awareness Day'';

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer; and

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4750. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4751. Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 980, supra.

SA 4752. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4753. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4754. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4755. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4756. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4757. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4758. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4759. Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CARDIN, and Mr. OBAMA) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4760. Mr. ALEXANDER (for himself and Mr. CORKER) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4761. Mr. CORKER proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

TEXT OF AMENDMENTS

SA 4750. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their subdivisions; which was ordered to lie on the table; as follows:

In section 8(b), insert after ''under this Act,'' the following: ''individuals employed by the office of the sheriff in States that do not provide the rights and responsibilities described in section 4(b) for law enforcement officers prior to the date of enactment of this Act''.

SA 4751. Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2008''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term ''person'' means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a

subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this Act or the regulations promulgated under this Act shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this Act or the regulations promulgated under this Act shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this Act; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to employees of a State or political subdivision of a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 4752. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—RIGHT TO WORK

SEC. __01. SHORT TITLE.

This title may be cited as the ''National Right-to-Work Act''.

SEC. __02. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

(a) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(b) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(B) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(3) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

SEC. __03. AMENDMENT TO THE RAILWAY LABOR ACT.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SEC. __04. PUBLIC SAFETY OFFICER RIGHT-TO-WORK.

Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

''(6) Forbidding any public safety employer from negotiating a contract or memorandum of understanding that requires the payment of any fees to any labor organization as a condition of employment.''.

SA 4753. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SECRET BALLOT PROTECTION

SEC. __01. SHORT TITLE.

This title may be cited as the ''Secret Ballot Protection Act of 2008''.

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. __03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: ''or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking ''Representatives'' and inserting ''(1) Representatives'';

(2) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the National Labor Relations Board in accordance with this section''; and

(3) by adding at the end the following:

''(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2008.''.

SEC. __04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SEC. 5. PUBLIC SAFETY SECRET BALLOT.

Section 4(b)(2) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by inserting before the period the following: ''*Provided*, That the labor organization is selected by a majority of employees in a secret ballot election supervised by a governmental body or agency''.

SA 4754. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in section 8(a) of the amendment, insert the following:

''(__) to apply to a public safety agency that is established prior to the date of enactment of this Act under applicable State law that has a chief law enforcement officer who has the authority to, in a manner independent of other State and local entities, establish and maintain its own budget and levy taxes for the operation of such agency (the term 'chief law enforcement officer' as used in this paragraph means an elected sheriff who is identified in State law as the ex-officio Chief Law Enforcement Officer of a law enforcement district);''.

SA 4755. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the end of section 2, add the following:

(5) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law

(6) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(7) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. 2A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the intended and actual use of such funds, and without the public safety officer's written consent.

(b) APPLICABILITY OF DISCLOSURE REQUIREMENTS.—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this Act, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4756. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in section 6, insert the following:

(__) The term ''chief law enforcement officer'' means an elected sheriff who is identified in State law as the ex-officio Chief Law Enforcement Officer of a law enforcement district.

At the appropriate place in section 8(a), insert the following:

''(__) to apply to a public safety agency that is established prior to the date of enactment of this Act under applicable State law that has a chief law enforcement officer who has the authority to, in a manner independent of other State and local entities, establish and maintain its own budget and levy taxes for the operation of such agency;''.

SA 4757. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''Notwithstanding any provision of the law of any State or political subdivision thereof:

''(1) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State and which permits the person to carry a concealed firearm, may carry in any State a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.

''(2) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State in which the person resides, may carry in any State a concealed firearm in accordance with the laws of the State in which the person resides, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SA 4758. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ___—LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2008

SEC. 01. SHORT TITLE.

This title may be cited as the ''Law Enforcement Officers Safety Act of 2008''.

SEC. 02. AMENDMENTS TO LAW ENFORCEMENT OFFICERS SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.''.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking ''was regularly employed as a law enforcement officer for an aggregate of 15 years or more'' and inserting ''served as a law enforcement officer for an aggregate of 10 years or more'';

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or, if the State has not established such standards, a law enforcement agency within the State in which the officer resides;''; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or'' and inserting ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or'';

and

(B) in paragraph (2)(B), by striking ''that indicates that the individual has, not less recently than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.'' and inserting ''or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less recently than 1 year before the date the individual is carrying the concealed firearms, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

''(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

''(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.''; and

(3) by adding at the end the following:

''(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.''.

SA 4759. Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CARDIN, and Mr. OBAMA) proposed an amendment to amendmend SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the end of the amendment, insert the following:

TITLE ___—BULLETPROOF VEST PARTNERSHIP GRANT AND HARDSHIP WAIVER FOR MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 01. REAUTHORIZATION OF BULLETPROOF VEST PARTNERSHIP GRANT .

(a) SHORT TITLE.—This section may be cited as the ''Bulletproof Vest Partnership Grant Act of 2008''

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2009'' and inserting ''2012''.

SEC. 02. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

''(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

SA 4760. Mr. ALEXANDER (for himself and Mr. CORKER) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the appropriate place, insert the following:

SEC. ___. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 5, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 4761. Mr. CORKER proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE EXEMPTION.

Notwithstanding any other provision of this Act, the provisions of this Act shall not apply to a State (or political subdivision) that, within 1 year of the date of enactment of this Act, enacts a law that specifically refutes the provisions of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Tuesday, May 20, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Gina Weinstock at (202) 224–5684 or Jonathan Black at (202) 224–6722.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to advise you that the hearing scheduled before the Senate Committee on Energy and Natural Resources, for Tuesday, May 20, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building regarding the Territorial Energy Assessment as updated pursuant to EPACT 05 has been postponed.

For further information, please contact Allen Stayman at (202) 224–7865 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. 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, May 13, 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 ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 13, 2008, at 9:45 a.m., in room SD366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 13, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Hearing on Mercury Legislation.''

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 13, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Cracking the Code—Tax Reform for Individuals''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 13, 2008, at 10:15 a.m., in room 407 of the Capitol Building, to conduct a closed briefing titled ''U.S. Policy Towards Sudan.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 13, at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Successes and Shortfalls of Title IV of the Indian Self-Determination and Education Assistance Act: Twenty Years of Self-Governance''.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Bulletproof Vest Partnership Program: Protecting Our Nation's Law Enforcement Officers'' on Tuesday, May 13, 2008, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 13, 2008, at 2:30 p.m. to hold a closed hearing.

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

50TH ANNIVERSARY OF THE NORTH AMERICAN AEROSPACE DEFENSE COMMAND

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 561, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 561) commemorating the 50th anniversary of the North American Aerospace Defense Command.

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

Mr. ALLARD. Mr. President, I rise to commemorate the 50th anniversary of the signing of the North American Aerospace Defense Command Agreement between the United States and Canada. For my State of Colorado, today is an especially proud and gratifying occasion as it is home to the headquarters of the North American Aerospace Defense Command, located at Peterson Air Force Base in Colorado Springs.

On May 12, 1958, the United States and Canada signed an official agreement creating the unique and fully integrated binational North American Aerospace Defense Command, commonly known as NORAD. Administered by the United States Air Force in conjunction with Canadian Forces, NORAD is a premier military command that uses the most innovative technology and equipment to secure our skies. Today, 50 years after its inception, we honor NORAD and pay tribute to the men and women who have served and continue to serve NORAD's mission with humility and distinction. To these American and Canadian servicemembers, I say thank you.

For five decades, NORAD's mission has been to prevent air attacks against North America and safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted and unauthorized air activity approaching or operating within our airspaces. In more recent years, NORAD's mission has evolved to include collaborative efforts with civilian law enforcement officers to detect

and monitor aircraft suspected of trafficking illegal drugs to North America. In addition, NORAD has developed a system to help our homeland defense and security partners observe North American seas and to warn of encroaching maritime threats. In pursuit of these missions, NORAD has achieved remarkable success.

Over the years NORAD has strengthened the venerable relationship between the United States and Canada. It has been a source of stability for our two nations during good times and bad. Throughout the turbulent Cold War, and now in the midst of the war on terror, NORAD is responsible for continually bringing together bright and courageous minds to help detect, deter and defend against lethal threats to the North American continent. Furthermore, NORAD has become a model for international defense cooperation. It has allowed for the necessary enhancement of information and intelligence sharing between Canadian and American militaries, intelligence agencies, and other security organizations. Twenty four hours a day, 7 days a week, NORAD units all over North America are alert, prepared and equipped to take action to defend our continent and to safeguard our freedoms.

Throughout my nearly 18 years in the U.S. Congress, I have spent quite a bit of time with the commanders at NORAD, and each time we visit I am encouraged by their efforts and reminded of why America is, and will always be, great. With the safety and security of America entrusted to institutions like NORAD and to the brave men and women of our armed forces, I am confident that America will be protected for generations to come.

Especially since the horrific events of September 11, 2001, and the launch of the war on terror, the continued resolve of the United States and Canada to pay any cost to face any foe is more relevant than ever. If we are to remain sovereign and free, America and Canada must continue to adapt to a changing world and respond effectively to evolving threats. I am confident in our ability to do so. Through NORAD and other binational partnerships, America and Canada will jointly and efficiently combat any threat we confront in the 21st century.

Today, as a nation, we honor the legacy and achievements of the North American Aerospace Defense Command, and we look forward to another half century of this successful partnership so that NORAD can continue to provide for the protection of our airspace and our homeland. I offer my sincere congratulations to the North American Aerospace Defense Command for 50 years of extraordinary service to the United States and Canada.

Mr. SANDERS. 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. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas, on May 12, 1958, the United States and Canada signed an official agreement creating the bi-national North American Aerospace Defense Command (NORAD) and formally acknowledged their mutual commitment to defending their citizens from air attacks;

Whereas 2008 marks the 50th anniversary of the creation of the North American Aerospace Defense Command and the outstanding efforts of American and Canadian service men and women defending North America;

Whereas the North American Aerospace Defense Command is a unique and fully integrated bi-national United States and Canadian command;

Whereas the North American Aerospace Defense Command is headquartered at Peterson Air Force Base in Colorado Springs, Colorado, and administered by the United States Air Force, with 3 subordinate regional centers located at Elmendorf Air Force Base, Alaska, Tyndall Air Force Base, Florida, and Canadian Forces Base, Winnipeg, Manitoba;

Whereas the mission of the North American Aerospace Defense Command is to ''prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within those airspaces, and provide aerospace and maritime warning for North America'';

Whereas, through joint support arrangements with other commands, the North American Aerospace Defense Command, including United States Strategic Command at Offutt Air Force Base, Nebraska, detects, validates, and warns of attacks against North America whether by aircraft, missile, or space vehicle;

Whereas the North American Aerospace Defense Command and United States Northern Command (USNORTHCOM) joint command center serves as a central collection and coordination site for a worldwide system of sensors designed to provide the commander and the governments of Canada and the United States with an accurate picture of any aerospace threat;

Whereas the commander of the North American Aerospace Defense Command provides integrated tactical warning and attack assessments to the governments of the United States and Canada;

Whereas the North American Aerospace Defense Command uses a network of satellites, ground-based and airborne radar, fighters and helicopters, and ground-based air defense systems to detect, intercept, and, if necessary, engage any air-breathing threats to North America;

Whereas North American Aerospace Defense Command assists in the detection and monitoring of aircraft suspected of illegal drug trafficking;

Whereas the Alaskan NORAD Region located at Elmendorf Air Force Base is supported by both the Eleventh Air Force and Air National Guard units;

Whereas the May 2006 North American Aerospace Defense Command Agreement renewal added a maritime warning mission to its slate of responsibilities, which entails a shared awareness and understanding of the ongoing activities conducted in United States and Canadian maritime approaches, maritime areas, and inland waterways;

Whereas the horrific events of September 11, 2001, demonstrated the North American Aerospace Defense Command's continued relevance to North American security;

Whereas, since 2001, the Continental NORAD region, which is divided into 2 defense sectors—the Western Defense Sector, with its headquarters located at McChord Air Force Base, Washington, and the Eastern Defense Sector, with its headquarters located at Rome, New York—has been the lead agency for Operation Noble Eagle, an ongoing mission to protect the continental United States from further airborne aggression from inside and outside of America's borders;

Whereas, in the spring of 2003, North American Aerospace Defense Command fighters based at Tyndall Air Force Base, Florida, intercepted 2 hijacked aircraft that originated in Cuba and escorted them to Key West, Florida;

Whereas the continued service with valor and honor of American and Canadian men and women serving at the North American Aerospace Defense Command is central to North America's ability to confront and successfully defeat threats of the 21st century; and

Whereas the continuation of the longstanding and successful relationship between the United States and Canada through the North American Aerospace Defense Command is paramount to the future security of the people of the United States and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by the North American Aerospace Defense Command to the security of North America; and

(2) commemorates 50 years of excellence and distinctive service to the United States and Canada.

HONORING CONCERNS OF POLICE SURVIVORS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 562, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 562) honoring Concerns of Police Survivors as the organization begins its 25th year of service to family members of law enforcement officers killed in the line of duty.

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

Ms. MURKOWSKI. Mr. President, our Nation is blessed by the selfless service of more than 26 million Americans who come to the aid of their fellow citizens through countless volunteer organizations at the national, State and local levels. Some of these organizations are household names, like the American Legion, Scouting, the American Red Cross, and the American Cancer Society. Others perform their good work in relative obscurity.

This week, on the occasion of National Police Week, I rise to acknowledge the good work of a voluntary organization that few outside the law enforcement community may ever have heard of. But for those in the law enforcement community, it is the organization to which families turn in times

of tragedy. I am referring to Concerns of Police Survivors, C.O.P.S. It serves some 15,000 surviving family members of law enforcement tragedies.

Last year, 181 law enforcement officers were killed in the line of duty. Their names are being added to the National Law Enforcement Officers Memorial on Judiciary Square this week, bringing the total number of names on that memorial to 18,274. This evening, the annual candlelight vigil is being held at the memorial to honor our fallen law enforcement officers and on Thursday, Peace Officers Memorial Day, another ceremony will be held at the Capitol. These ceremonies are visible to all of us. They are attended by law enforcement officers from around the Nation and the surviving family members of our fallen law enforcement officers.

But there is another event that occurs every year during National Police Week that few know about. That event is the National Police Survivors Seminar which is underway at a hotel in Alexandria, VA. I had the privilege of visiting the National Police Survivors Seminar one Saturday morning in 2006. It is a peaceful place and a safe place where families of fallen law enforcement officers can laugh, cry, grieve, and heal in the presence of others who have suffered similar losses. There are special programs for children of fallen law enforcement officers known as ''C.O.P.S. Kids'' and ''C.O.P.S Teens.''

The National Police Survivors Seminar is the outgrowth of a dinner that occurred 25 years ago on May 14, 2003. At this dinner 10 widows of fallen law enforcement officers came together to ask the question, ''What about us?'' During the National Police Week gatherings, everyone focuses on the loved one whose life is lost, but it also is important to focus on the needs of survivors who must rebuild their lives from the ashes.

One year later, the first National Police Survivors Seminar was convened. It drew 110 law enforcement survivors. Concerns of Police Survivors was created at that first seminar. Suzie Sawyer was selected to be the first Executive Director of Concerns of Police Survivors, a position she still holds today. Some things have changed though. The National Police Survivors Seminar no longer draws hundreds now it draws thousands. That is both a tragedy and a blessing. It is a tragedy that so many law enforcement families have been touched by a line of duty death. It is a blessing that the volunteers of Concerns of Police Survivors are there looking out for them. This is but one of many programs that Concerns of Police Survivors offers to survivors throughout the year.

Tomorrow marks the 25th anniversary of that dinner meeting that launched Concerns of Police Survivors. I rise today to offer a resolution commemorating the 25th anniversary of that meeting and to honor Concerns of Police Survivors for the quarter century of service it has provided to law enforcement families that have suffered a line of duty death.

I know first hand of two Alaska families whose lives have been touched by the good works of Concerns of Police Survivors. They have touched families in every one of our States. Concerns of Police Survivors does not seek recognition for its good works and it's not a household name. But it has certainly earned our respect and admiration. On the occasion of its 25th anniversary I am pleased to call this organization's fine work to the attention of the Senate and the American people.

Mr. SANDERS. 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. 562) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 562

Whereas Concerns of Police Survivors has showed the highest amount of concern and respect for tens of thousands of family members of officers killed in the line of duty;

Whereas those families bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors is starting its 25th year as a bedrock of strength for the families of the Nation's lost heroes;

Whereas it is essential that the Nation recognize the contributions of Concerns of Police Survivors to those families; and

Whereas National Police Week, observed each year in the week containing May 15, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and thanks Concerns of Police Survivors for assisting in the rebuilding of the lives of family members of law enforcement officers killed in the line of duty across the United States;

(2) honors Concerns of Police Survivors and recognizes the organization as it begins its 25th year of service to the families of the fallen heroes of the Nation;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors; and

(4) recognizes with great appreciation the sacrifices made by police families and thanks them for providing essential support to one another.

MEASURE READ THE FIRST TIME—S.J. RES. 32

Mr. SANDERS. Mr. President, I understand that S.J. Res. 32, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S.J. Res. 32) limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

Mr. SANDERS. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 14, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, May 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business for up to 1 hour, with the time to be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, I ask that following morning business, the Senate resume consideration of H.R. 980, collective bargaining.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. 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 6:39 p.m., adjourned until Wednesday, May 14, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JOHN R. BEYRLE, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

CAROL ANN RODLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JEFFREY R. PLATT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

EILEEN M. LUTKENHOUSE

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MARY J. BERNHEIM
KIMBERLEY W. COLEMAN
KELLI C. MACK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JAMES E. OSTRANDER

To be major

LEE A. BAGGOT
RICHARD B. BRINKER
SCOTT L. DIERING
CURTIS W. GALES
RAYMOND R. GILBERT
BRUNO KALDE
FRANK J. NOCILLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JAMES K. MCNEELY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID R. EGGLESTON

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KATHERINE A. ISGRIG

To be commander

ROBERT W. STOUSE
PAUL J. TECH

To be lieutenant commander

DANEIL K. CLOUSER
JOHN D. DOTSON
JASON C. KEDZIERSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ROBERT D. YOUNGER

To be lieutenant commander

KENNETH A. FORD
MATTHEW T. GEISER
KAREN L. LITTLE
NANCY H. OSBORNE
JEFFREY W. WILLIS