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## Senate

The Senate met at 12:45 p.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

### PRAYER

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

Let us pray.

Almighty God, who has given us this good land for our heritage, help us to be a people mindful of Your favor and glad to do Your will. Save us from violence, discord, and confusion, from pride and arrogance and from every evil way.

Lord, defend our liberties and fashion us into one united people. Empower our Senators with the spirit of wisdom that justice and peace may reign. May they serve You with such faithfulness that America will show forth Your praise among the nations of the Earth. In times of prosperity, fill their hearts with thankfulness, and in the day of trouble give them a robust faith in You. May they keep their attention on You as the only one they must please.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 17, 2008.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

Mrs. MCCASKILL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5813.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5813) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; that there be no intervening action or debate; and that any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 5813) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Madam President, this farm bill has been extended for a short period of time. The conferees have worked extremely hard. I hope we can get the conference report to us early next week. It would be a real disappointment if we didn't get this bill done.

### WELCOMING POPE BENEDICT XVI TO THE UNITED STATES

Mr. REID. Madam President, I ask unanimous consent that we now proceed to the consideration of S. Res. 519.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 519) welcoming Pope Benedict XVI to the United States and recognizing the unique insights his moral and spiritual reflections bring to the world stage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas Pope Benedict XVI will travel to the United States for his first pastoral visit as Pope and will visit Washington, DC, and New York;

Whereas Pope Benedict XVI was elected as the 265th Bishop of Rome on April 19, 2005, succeeding the much beloved Pope John Paul II;

Whereas the visit of Pope Benedict XVI will mark the 9th visit of a pope to the United States, recognizing the historical importance of the Catholic Church in American

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



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life, the deep faith and charity of its members, and the responsibilities of the United States in world affairs;

Whereas Pope Benedict XVI has spoken approvingly of the vibrance of religious faith in the United States, a faith nourished by a constitutional commitment to religious liberty;

Whereas Pope Benedict XVI remains committed to ecumenical dialogue and, during his trip to the United States, will meet with leaders of world religions and representatives of other Christian denominations and will visit a synagogue in New York City, all demonstrating his commitment to sincere dialogue and unity among all members of the human family;

Whereas Pope Benedict XVI has authored 2 encyclical letters inviting the world to meditate on the virtues of love and hope, "Deus caritas est" and "Spe salvi";

Whereas millions of Americans have discovered in Pope Benedict's words a renewed faith in the power of hope over despair and love over hate;

Whereas Pope Benedict XVI has been a clear and courageous voice for the voiceless, working tirelessly for the recognition of human dignity and religious freedom across the globe;

Whereas Pope Benedict XVI has spoken out for the weak and vulnerable;

Whereas Pope Benedict XVI seeks to advance a "civilization of love" across our world; and

Whereas Catholics in parishes and schools across the Nation, and countless other Americans as well, eagerly await the visit of Pope Benedict XVI to the United States: Now, therefore, be it

*Resolved*, That the Senate welcomes Pope Benedict XVI on the occasion of his first pastoral visit to the United States and recognizes the unique insights his moral and spiritual reflections bring to the world stage.

#### SCHEDULE

Mr. REID. Madam President, we are going to resume consideration of the highway bill very soon. Yesterday, we filed cloture on the Boxer substitute amendment to the underlying bill.

Under the rule, Senators have until 1 p.m. today to file first-degree amendments. Senator MCCONNELL and I are going to have a consent agreement that we will present to the Senate in the immediate future.

#### RESERVATION OF LEADER TIME

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

#### HIGHWAY TECHNICAL CORRECTIONS ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1195, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Pending:

Boxer amendment No. 4146, in the nature of a substitute.

Coburn amendment No. 4538 (to amendment No. 4146), to create a bipartisan, bicameral special committee to investigate the improper insertion of an earmark for Coconut Road into the conference report of the 2005 highway bill after both Chambers of Congress had approved identical versions of the conference report.

Boxer amendment No. 4539 (to the text of the committee substitute to be inserted), to call for a review by the Department of Justice of allegations of violations of Federal criminal law.

Coburn amendment No. 4540 (to amendment No. 4539), relative to the Coconut Road Investigation.

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

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

Mrs. BOXER. Madam President, reserving the right to object, I wanted to have a minute before to explain the lay of the land.

Mr. CRAIG. I yield to the chairman and leader of the bill.

Mrs. BOXER. Madam President, for the interest of all Members, we have been working now since Monday to pass a technical corrections bill, which, it seems to me, should have been passed very quickly. It basically makes some corrections to the last big highway and transit bill so certain projects that have been held up for technical reasons can go forward, and others that weren't ready, pushed aside, and another can go forward. This will unleash about a billion dollars' worth of important programs for our Nation.

These projects have been vetted, and they have been posted on the Web page of the committee, as we must do according to our new ethics rules. We are very pleased it looks like we might be able to wrap this up in the next few hours.

As far as I am concerned, we are ready to vote. We have the Coburn amendment and the Boxer amendment, which deal with a real problem that occurred at some point during the SAFETEA-LU consideration years ago. We have corrected the problem in the bill. We want to now have some type of investigation to find out exactly what went wrong and if there were any crimes committed. There were two options. Senator COBURN is setting up a complicated select committee of the House and Senate. We believe strongly that it creates constitutional problems, and we think it might interfere with a Justice Department investigation.

And then Senator REID had recommended, I think a far better way to get at the problem, which is a Justice Department investigation. I have written an amendment to go along with that. We are hoping to vote on that and then, hopefully, get to a cloture vote and final passage.

So that is the lay of the land, as best I see it. I wish I had more control over this at the moment. If I did, we would be voting in 5 minutes on the whole

package. Until then, I will see you as soon as we have an agreement and, hopefully, we will get this matter done today.

I yield the floor.

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

#### EXTENSION OF THE FARM BILL

Mr. CRAIG. Madam President, I am on the floor to speak about something the majority leader proposed and that we have accepted by unanimous consent; that is, a 1-week extension of existing farm policy, the existing farm bill.

I come to the floor to speak because last night I put a hold on that UC request. I, similar to many Senators—and especially American agriculture—I am growing very frustrated and restless about the reality that we don't have a farm bill. As we know, across America and in central parts of our country—certainly in the South—spring is here and it is planting season. The farm bill that is current law, which we extended a few moments ago, actually expired on September 30 of 2007.

It was in July 2007 that the House passed their version, and on December 14 we passed ours. Now, we have offered several extensions so the principals—the House and Senate Agriculture committees—could work on their differences with the administration and solve these problems. Yet they have not been able to do it.

Is this symbolic of a dysfunctional Congress that we have been experiencing for the last several years, where we simply cannot grapple with the big and responsible basic public policy issues of our country? It appears to be that way. I will blame both sides on this issue. It is both sides that are at fault that they cannot come together and, if you will, split the difference and solve a problem that is the basic public policy for American agriculture. NANCY PELOSI, the Speaker of the House, opposes the tax provision within the bill. Why? She isn't a member of the Finance Committee or a member of the Agriculture Committee. Yes, she is the majority leader and, therefore, if she opposes it, she could certainly block it, and she can kill farm policy.

I have worked with Senator HARKIN and Senator SAXBY CHAMBLISS for the last month, and I know they have worked overtime. This is not a criticism of our colleagues; it is a criticism of a dysfunctional system that no longer can cut a deal and make basic and important public policy. So here we are, with one more extension. SAXBY CHAMBLISS called me this morning and said: LARRY, would you give us another week? I said I would give them 1 more week, but, frankly, this is it; I will not accept another extension next week on the farm bill, unless the deal has been cut, unless the agreement has been made and it is simply the procedure of putting it in writing and getting it to print and to the President.

The President, when he signed the extension last time, said: "Enough is enough." Even this week, he softly talked about vetoing an extension. So I guess the point I am trying to make is, what is at stake? Why are we bickering over the fine points, when the fundamental policy points are in place?

Let's look at what we have done, because we ought to be proud of the work of the new farm bill: Significant increases in conservation funding for our working farmlands, including conservation, stewardship, and environmental quality incentive programs. These are programs that encourage farmers and ranchers to incorporate better tillage practices, thereby sequestering more carbon and doing their part as it relates to reducing greenhouse gas emissions. We have added, for our dairies, better manure management practices to reduce methane gas emissions. Here we are talking about climate change. The President spoke to climate change yesterday. Yet we cannot come to an agreement on something that would allow American agriculture to advance their practices to make it work, in their instance, and allow a contribution to the climate change carbon emissions issue.

There is a provision within the new farm bill that I and Senator STABENOW have worked on—literally for 5 years—to get a new provision in the farm bill to recognize the near 50 percent of gross revenue coming out of agriculture today, known as specialty crops. For the first time, we have a new title on specialty crops. If I say at the end of the week—and their work is not done—I am not going to extend it any more, I am going to have to forgo this. I am going to forgo it and say to the farmers in Idaho and across America: Let's do a 2-year extension on existing policy, or at least 1-year extension so you know where you are when you get to planting season, instead of watching Congress fall all over itself because they cannot cut a deal.

Isn't it about time we settle our differences and show America we can function, that we can work the process? Have we truly become so dysfunctional and partisan on these fundamentally bipartisan issues that they simply cannot be resolved? On our side, there is a bipartisan effort. I cannot speak to the House side. I have not been in the negotiations. I can only see the results. The results simply don't exist. That is why this Senator is on the floor today speaking with considerable frustration over why we have a Congress that, months after the expiration of the law, simply cannot get its work done. Commodity programs maintain a safety net. Yes, commodity prices are high today and farmers are profiting. What goes up clearly can, and does, come down in the commodity markets. A property safety net for wheat and barley was in there. It is extremely important we do that.

There are nutritional program increases, making the school snack pro-

gram nationwide to deal with better health, and fresh fruit availabilities for our schoolchildren. That is different and better. The disaster assistance program will help aid our farmers and ranchers in a more efficient fashion in periods of serious drought and fire and other whole farm types of disasters.

There is an issue in agriculture and beef production that has been an issue of considerable contention over time. It is called country-of-origin labeling. The American consumer today, when they go to the shelf and pick up a commodity and look at it, wants to know where it comes from. Is it a domestic U.S. product or was it produced somewhere else in the world?

We know we have concern today about certain types of products coming out of China and other areas, and the consumer's right to know the marketing certainly is important in country-of-origin labeling. We finally acquiesced to implement country-of-origin labeling by September of this year. I don't know if we can do it if we keep shoving the farm bill out, keep extending it and not allowing the operative language to come in place.

There are critical tax provisions within this bill. My colleague, Senator MIKE CRAPO, has an Endangered Species Act compliance in reduction and credits. There are wind energy credits and production tax credits for cellulosic ethanol. Once again, as a nation that has grown increasingly dependent on foreign energy sources, we are saying to American agriculture in this farm bill: Here are some incentives for increased production.

I was recently in Ottawa, Canada, looking at a cellulosic ethanol production plant, hoping it will be brought south of the border into the United States so we can begin to use agricultural residues for the purpose of making ethanol, lessening the pressure on some of our grain crops, especially our corn crops.

There are provisions in the bill to incentivize biodiesel. Yet those incentives are the kind Speaker PELOSI says are nonstarters, they are deal breakers. How can making our country energy independent, how can incentivizing the promotion of the Endangered Species Act within private lands and giving folks the benefit of doing that be a deal breaker? It simply demonstrates how this Congress cannot function today. We are basically on hold right now. We are not getting our work done in a variety of areas, and agriculture and the farm bill is simply a very tragic example of that type of effort, or lack thereof.

As I have said, September 30 of last year the policy expired. Current law was extended until March 15 and then again until tomorrow, and that is why the leader was on the floor today advancing it for 1 more week so that agriculture is not without policy in place.

This is the 17th. The work has not been done. This Monday, Chairman HARKIN said he was fed up. If he is fed

up and he is a prime negotiator, what do we get? How do we deliver an ultimatum? I am not sure. But I am sure we will not, nor should we, allow American agriculture to be without policy.

All of the gains I have talked about, all of the gains that were negotiated inside the Senate Agriculture Committee and inside the House Agriculture Committee could simply be wiped away because there is no willingness or ability to come together and work together in behalf of American agriculture.

So I agreed on a 1-week extension. This is not an ultimatum, this is simply a statement of fact. I cannot agree any longer. American agriculture and Idaho's farmers need to know. They deserve to know. They should not be kept in limbo bouncing on the end of a string because the politicians in Washington cannot get their act together and simply cannot agree. We have always come to an agreement on agriculture. It has always been a bipartisan policy. I hope that practice of the past is a practice that ultimately can dominate the negotiations over this coming week.

I hope my colleagues will keep their lights on during the weekend. It is time we work a little overtime to get this done because I am one of several Senators who are simply at a point of saying: Can't go there anymore; time to finish it; time to tell American agriculture: Here is the new policy. And if we cannot, then let's extend the old policy and give them certainty for a minimum of at least 1 year.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WICKER. I request permission to speak as in morning business for no more than 7 minutes.

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

#### TANKER REPLACEMENT PROGRAM

Mr. WICKER. Mr. President, on February 29, 2008, the U.S. Air Force announced its award of the KC-45A air refueling tanker program, a replacement to the aging KC-135 fleet. The two competitors in this process were Northrop Grumman-EADS on the one hand and the Boeing Company on the other. After a 13-month-long process, the Northrop Grumman proposal was selected as the better product for the American soldier and also the better value for the American taxpayer. It should come as no surprise that this decision amounted to a major disappointment for Boeing. Their employees and executives would understandably have appreciated the economic benefit such an award would have brought to them.

The award of the tanker program to Northrop Grumman was not the first setback to the Boeing Company in this regard.

In 2004, Congress intervened, in the fiscal year 2005 Defense bill, to terminate the Air Force tanker lease agreement. This agreement would have been costly and simply bad public policy. Afterward, the Air Force responded with one of the clearest and most transparent acquisition processes in history. The Air Force is now able to purchase and own 179 KC-45s for the same price it was going to spend to lease 100 Boeing 767s.

Compared to the reactions in States where Boeing has a presence, the selection of Northrop Grumman was greeted with enthusiasm in Mobile, AL, and along the gulf coast of my State of Mississippi, where thousands of jobs will be created locally. The tankers will be built in Mobile, but the economic impact will be felt throughout the gulf coast and, in reality, throughout the Nation. Such is the nature of the competitive process. One contestant is selected, and the other must deal with disappointing news.

It is important for Senators to understand that the Air Force and the Defense Department utilized an extremely fair and open acquisition process. The Government requested and received proposals for the tanker in early 2007 and then continued with an open review process until Northrop Grumman was announced as the winner in February of this year.

In winning this contract, Northrop Grumman simply did a better analysis and provided a better solution for the Air Force. The KC-45A carries more fuel, more passengers, and more cargo. It will also cost less to produce, passing along savings to the American taxpayers. By utilizing a broad base of suppliers in 49 of our 50 States, the Northrop Grumman tanker will create 48,000 direct and indirect jobs across our country.

Despite this, some want to stop this process from going forward. I have been disturbed by the words and actions of Boeing and its supporters. The level of misinformation injected into this process with the clear intent of derailing the award is troubling for many reasons—not the least of which is the precedent that would be set by Congress should it overturn this decision. The Air Force should be allowed to make this acquisition decision based solely on the facts and the merits of the two competing proposals, and that is exactly what it did in choosing the Northrop Grumman tanker.

Let's look at some of the claims made by Boeing and its supporters—first, that the competition was somehow unfair. The Air Force and the Defense Department testified recently to the Senate Armed Services Committee that the KC-45A tanker competition was perhaps the most rigorous, fair, and transparent acquisition in DOD history. This open process allowed for a

significant amount of dialog among the Air Force, the Department of Defense, and the two bidders. This included weekly teleconferences with the Air Force, which, during the review process, sent Northrop Grumman 295 evaluation notices. They sent approximately 250 notices to Boeing.

Furthermore, following the formal request for proposals in January 2007, the Air Force received no complaints from Boeing or anyone else that the proposal request was somehow unfair. There were ample opportunities for those concerns to be aired, but no one said a word in this regard. Considering this, it is very hard to make a straight-faced claim that the process was not open or fair.

There has also been a high level of misinformation about the so-called exportation of American jobs. Some erroneously claim the Northrop Grumman award will outsource thousands of U.S. jobs to Europe. This is simply not true. No jobs are being exported to Europe. On the contrary, the KC-45A will create thousands of new jobs in America and will support a total of 48,000 direct and indirect jobs in 49 States, as I have said.

More than 230 suppliers across the United States helped make up the 60 percent U.S. content in the KC-45A tanker. This will truly be America's tanker, assembled in America by American workers and for the protection of the American military. The KC-45A will be fully assembled and militarized for U.S. Air Force operations by American workers in two separate facilities in Mobile.

No sensitive military technology will be exported to Europe in connection with this program. Instead, a new aerospace corridor will continue to grow and flourish along the gulf coast region.

The KC-45A tanker will join the Global Hawk, Fire Scout, joint cargo aircraft, and the light utility helicopter production facilities that are already successfully producing high-reliability defense systems for our Nation. The light utility helicopter, for example, is being built by EADS North America in Columbus, MS. It is a true success for the Army and for our economy. The Lakota, as the helicopter is known, was delivered to the Army 3 months ahead of schedule. To date, 24 Lakota helicopters have been delivered on or ahead of schedule. The Lakota has over 2,000 flight hours, with over a 90-percent full mission capable rate. In addition, EADS North America completed a 314,000-square-foot expansion to its Mississippi facility to manufacture this helicopter. Perhaps most importantly, the program is on budget and on schedule to deliver a critical platform to the American warfighter—just another example of EADS North America producing a product for our country's defense, using American workers.

There should be no doubt that the workforce in the gulf coast region is up

to the task of building these complex systems. The results to date on the systems I just mentioned speak for themselves.

Our workforce is second to none in the Nation. So this debate, as much as some would make you believe otherwise, is not about American jobs versus European jobs. It is about where in the United States those jobs will be.

A recent full-page ad in newspapers across the country represented the worst of the misinformation. The ad claimed the Air Force selection “penalized the warfighter and the taxpayer.”

The facts tell another story. The KC-45A was evaluated to be a superior product for the warfighter. It was also judged by the Air Force to be a better value for the taxpayer, providing superior military capability across the board at a lower total cost than the competing KC-767 aircraft.

The U.S. Air Force is not alone in choosing the KC-45A. Our friend and ally, the United Kingdom, recently announced the selection of this same aircraft frame as the best solution to meet their national security requirements. The U.K. selection is the fifth tanker competition in a row where the EADS platform was chosen as the winner over all other competitors. Australia, Saudi Arabia, and the United Arab Emirates have also recently placed orders for this tanker.

Some are calling for tighter restrictions on the level of international content in U.S. defense systems. That, to my mind, would be a mistake and would amount to changing the rules in the middle of the game. The U.S. economy is tightly integrated into the global economy, and the aerospace sector is no exception.

There are numerous examples of transatlantic cooperation on vital U.S. military programs where foreign suppliers do play essential roles. Some of the more visible programs include the F-35 Joint Strike Fighter produced by Lockheed Martin, Northrop Grumman, and British Aerospace; the VH-71 Presidential helicopter produced by Lockheed Martin and Augusta Westland, a European consortium; and the Joint Cargo Aircraft produced by L-3, Boeing, and Alenia, built in Florida from an Italian airframe.

I don't recall anyone in this Chamber or from Boeing expressing concern about the level of European participation in the Joint Cargo Aircraft, which has only about 60 percent U.S. content, nor did anyone complain about possible interruption of supplies of spare parts, which some have suggested would be a likely outcome of buying the KC-45A.

To repeat, Boeing's Joint Cargo Aircraft is 60 percent U.S. content and 40 percent international. When this contract was awarded, no one raised a single complaint about that. Now, when Boeing loses a competition to a partnership with a similar domestic-foreign ratio, they make it sound as if the world is coming to an end.

It seems to me the level of noise depends on whose ox is being gored. I

must stress this point. Any further delay of this contract would put at risk the brave Americans flying the current Air Force fleet of KC-135 tankers. These aircraft, on average, are more than 45 years old. Replacement has been the Air Force's top modernization priority for several years.

If the GAO upholds the Air Force selection and denies Boeing's protest, that should be the end of it. At that point, no Member of this body should stand in the way of the program moving ahead. Any further efforts to delay the program would not only be harmful to our national security but would be viewed by many of our foreign partners and allies as a major shift in U.S. policy.

From an economic point of view, potential retaliation by our European allies could have a negative impact on the current \$6 billion in annual purchases of defense systems from the United States.

In closing, I would like to acknowledge that Boeing has every right to protest this decision to the Government Accountability Office. Beyond that, however, if this decision is not overturned by GAO, any attempt to alter this decision through the appropriations process or any other legislative maneuver would be dangerously shortsighted, in my opinion.

It would set a damaging precedent that would destroy our contract process now and in the future. Frankly, I would view such a move as an attack on the competition process itself, not only this award.

The workers along the gulf coast in Alabama and Mississippi and this entire corridor are ready to proceed with this work for our national defense. We would all do well to step back and let the facts in this situation speak for themselves. That is what the Air Force did when choosing the Northrop Grumman tanker as the best option for our warfighters' terms and the American taxpayer and their decision should be allowed to stand.

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.

Mrs. BOXER. 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. BOXER. Mr. President, I ask unanimous consent that no further amendments be in order to H.R. 1195, and that at 3:30 p.m. today, the Senate proceed to vote in relation to Boxer amendment No. 4539, and that the amendment be modified to be to amendment No. 4146; to be followed by a vote in relation to Coburn amendment No. 4538, and that Coburn amendment No. 4540 be withdrawn once this agreement is entered; that each of those two amendments be subject to a 60 affirmative vote threshold, and that

if neither achieves that threshold, then it be withdrawn; that if either or both achieve the 60-vote threshold, that it be agreed to and the motion to reconsider be laid upon the table; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form, and upon disposition of these listed amendments, the Senate proceed to vote on the motion to invoke cloture on the Boxer substitute, amendment No. 4146; that if cloture is invoked on amendment No. 4146, then the substitute, as amended, if amended, be agreed to, the committee-reported substitute, as amended, be agreed to, and the bill then read a third time; and without further intervening action or debate the Senate proceed to vote on passage of H.R. 1195, as amended; that the cloture motion on the bill be withdrawn; provided further that after the first vote, all subsequent votes in the sequence be limited to 10 minutes each.

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

The Senator from Arizona.

#### GAS TAX RELIEF

Mr. KYL. Mr. President, about almost 24 hours ago I had asked the chairman of the committee about offering an amendment to this legislation. It is clear that as a result of the agreement that has been worked out and the filing of cloture and so on that it is not going to be possible to get a vote on the amendment I was speaking about.

But I would like to talk briefly about that amendment and indicate that it would be offered on behalf of Senator McCain, my colleague from Arizona, as well as other Senators, some of whom may want to also speak to it briefly.

We all know gasoline prices have risen dramatically. And the amendment Senator McCain and I and others would offer would provide a temporary tax holiday from Memorial Day to Labor Day, preventing the Federal Government from collecting the 18.4-percent tax, the gasoline tax, that otherwise motorists would pay.

I assure my colleagues that the highway trust fund, which that tax goes into, would be kept whole with Federal revenues from the General Treasury. So the money we use to build highways and bridges and so on would not be affected by this amendment.

Briefly, I think we all feel the pinch when we fill up our cars and trucks. But listen to these statistics. According to economy.com, gasoline prices at the pump have increased from \$2.22 to \$3.33 a gallon, up 50 percent since the start of 2006.

I checked in my home State of Arizona yesterday. It was \$3.38. There is very little that Congress can do in the near term to reduce gas prices other than this gas tax holiday. In the long term, we know we have to add more production and refining capacity in our country and that we have to encourage supplies to increase. But for right now, the one thing that Congress can do, and do virtually immediately, is to provide

this short-term relief from the Federal gas tax.

At \$3.33 a gallon, prices are the highest on record. Nearly 50 cents of the cost of each gallon of gas is due to taxes. According to the Bureau of Labor Statics 2005 Consumer Expenditure Survey, families with two cars spent, on average, \$2,013 on gasoline. Since that study was released prices have increased dramatically. Gasoline price increases imply families are now paying at least \$3,065 on gasoline in a year.

A big chunk of that is Federal, State, and local taxes. In fact, the average family pays nearly \$170 in Federal gas taxes. With the growing financial strains placed on so many Americans' rising food prices and falling home prices, the additional hit of rising fuel prices is becoming a breaking point.

That is why my colleague, Senator JOHN MCCAIN, talked about the need to do something, and do something quickly, and proposed this gas tax holiday in comments he made to the Nation a couple of days ago, and why he has asked this amendment be introduced on his behalf, as well as Senators WARNER, BURR, MARTINEZ, LIEBERMAN, and GRAHAM.

In an effort to ease some of the hardship caused by the higher fuel prices that I have indicated, the amendment would merely suspend the 18.4-percent-per-gallon tax on gas and the 24.4-percent tax on diesel fuel from Memorial Day to Labor Day.

As I said, the amendment would not deplete the highway trust fund balance. The amendment would offset any revenue loss from the suspension of this tax with Treasury revenues. So the highway trust fund will remain whole.

We all agree that our roads and highways must be maintained to ensure the safety of the road-traveling public, and this amendment would in no way impact highway construction.

It is interesting, last Memorial Day alone, approximately 32 million Americans traveled by car 50 miles or more from home. So suspending the Federal excise tax during the summer when fuel prices have historically been at their highest level would allow millions of Americans to keep a few more of their hard-earned dollars and help them better make ends meet.

Two final comments: There is an argument that this loss should be offset somehow by programs raising taxes somewhere else. Of course, I have never understood why, if you are going to provide tax relief to Americans, you would want to provide the tax relief and then tax them in some other way.

The Congressional Budget Office, former Council of Economic Advisers, Chairman Martin Feldstein, and Clinton Treasury Secretary Robert Rubin are three of the entities or individuals who have said it is unnecessary to offset temporary tax cuts when an economy is slowing.

The \$150 billion stimulus bill that passed the Senate by a vote of 81 to 16

in early February was not offset. The \$15 billion-plus housing bill that passed the Senate 84 to 12 last week was not offset. Most of the revenue losses associated with the housing bill benefited companies and other businesses, not consumers. If offsets were not needed to offset the benefit to private firms, I ask why our amendment would need to be offset since it aids struggling American families.

Finally, I heard rumors that Senators would like to propose an alternative to what we have produced, a Democratic alternative that was developed yesterday afternoon, that would effectively raise corporate income taxes on oil and gas companies.

Now, I suppose everyone likes to pick on oil and gas companies, though we sure want to have some gasoline in the pumps when we decide we need to fill up our cars and trucks, but this proposal eliminates or curtails the so-called section 199 domestic production deduction for oil and gas companies.

What that means in regular English is effectively raising the corporate income tax rate by 3 percentage points. That is exactly the wrong medicine at a time when our economy is not doing well. Let me repeat that. The elimination of this tax incentive is designed to encourage oil and gas companies to produce oil and gas in the United States so we do not have to go abroad and buy it from somewhere else.

I don't agree with this approach. Rather than raising taxes on oil companies, we should be encouraging them to explore for oil and to produce oil and gas in the United States, to improve our energy security and, importantly, to reduce prices for American consumers. Why on Earth would anyone actually want to limit domestic production? Reducing domestic production would only make the United States more dependent on foreign oil imports and would likely cause consumers to pay even more at the pump. Besides, a tax increase of the type being proposed would have the effect of raising prices at the pump, as costs obviously would be passed on to consumers. That would obviously have a reverse impact, the exact opposite of what we are trying to do with a reduction of the gas tax on consumers of gasoline products.

Finally, there is a significant problem with the proposal to repeal section 199 for U.S. oil companies. A proposal to do this passed the House of Representatives earlier this year. But this very same provision that passed the House would have the effect of keeping the 199 tax incentive for CITGO, the oil company owned by the Venezuelan Government; obviously, not a good idea while we are repealing it for American companies, to leave that tax incentive for a competitor of our oil companies owned by the Venezuelan Government. I don't know whether that was unintentional, but that is the effect of the amendment. Clearly that is not something we would want to do. I don't think we want to hold consumer relief hostage to a tax increase.

AMENDMENT NO. 4540, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 4540 is withdrawn.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague, because we need to move this bill along. There are 500 important projects in it. I have colleagues who want to add more projects. I want to say, for the benefit of everyone, there are some very legitimate technical corrections that still need to be done. I have committed to my colleagues, both Democratic and Republican—I have spoken to Senator LINCOLN, Senator LANDRIEU, Senator BEN NELSON, Senator HUTCHISON, only a few moments ago—that our committee, myself working with Senator INHOFE and our colleagues, is going to come up with a follow-on technical corrections bill with the time to ensure it is put together right. We do have some different ethics rules these days. We want to make sure we vet everything and everything is put up on the Web site. We have a number of very important technical corrections still to be done, but we are going to do it in the next 3 weeks in committee. We look forward to it.

I read a very complex unanimous consent request, and I don't think anyone within the sound of my voice could possibly follow all of it. So I thought in plain English, for the good of myself as well as my colleagues, I would say where we are. We are going to have a couple of votes on the issue of Coconut Road, which is a real problem for us, and it has been straightened out in this bill. We fix the problem. But there are colleagues who want to have an investigation, and we have two alternatives. One is the Coburn amendment which sets up what I consider a very complicated special select committee with Members from both bodies. It will have public hearings. It will review things in public. It will do all of that. At the end of that time, what the committee will do is refer something to Justice, if they have found a problem. That is the whole point of the select committee.

The problem is, if you read the Constitution, you see the debate clause. We believe, from our constitutional scholars on this side, that that whole committee will fall. It will not be able to do its job. The House has told us they don't see how Senators can investigate House Members and House Members can investigate Senate Members. We think the best way to go, Senator REID and I and others, is to have the Justice Department get right in there. Ours is not a sense-of-the-Senate approach. We require the Justice Department to move forward. Instead of having a big Senate-House committee, with the press flashing pictures and all the rest, just get to it and ask Justice to investigate. We also worry, if there is a big committee—and there won't be, because the House won't accept it anyway—irony of all ironies, the Coconut Road fix will fall, because we fix it in this bill. If this bill falls because of

this committee—because it is unconstitutional—there won't be a fix to Coconut Road. It is going to go back to the terrible change that somebody made in the dead of night. We don't want that to happen.

I hope my colleagues will reject that approach and support the Boxer-Reid approach which I believe is straightforward. It makes sense. It gets right to the heart. If there is a crime, let's find out about it.

On the McCain amendment, I actually was looking forward to debating it. I hope we will be able to, because there is a lot of dispute about how it would actually work in the real world. There is nothing in the McCain amendment that tells the oil companies they can't pocket the 18 cents that is going to come off. We have seen the oil companies. In California, in some places, we are over \$4. This hurts our hearts. We see oil company profits soaring. If it were only the cost, they would be having the same profit and passing on the cost. But, no, their profits have gone up. We know about the CEO salaries and all the rest.

There is nothing in the McCain amendment—I would love to talk to JOHN about that—that would say to the oil companies: Don't use this as a moment to raise 18 cents. So where might we be?

We might do this, and we would have to now go to the general fund. All taxpayers would have to pay for this. Let's be clear. There is no pay-for in the McCain amendment—none at all. It goes to the Treasury. Who puts money in the Treasury? My taxpayers, your taxpayers, all taxpayers. So taxpayers are now going to pay for this one way or the other. We take it away from the users and the taxpayers pay, and there is nothing in it that will ensure that the cost won't be nabbed and grabbed by the oil companies. Then they get the extra 18 cents, and we have blown a \$9 billion hole in the Federal budget. It is amazing how my colleagues could say, it is a time of stress. We have to do this. We need to be a little bit more responsible.

I am looking forward to this debate. I like to pay for things. Maybe I am old-fashioned. I am an old economics major. I think it is good to pay for things. I think we could figure out a way to pay for things. But to say nobody gets hurt when the tab in the McCain amendment is picked up by all taxpayers is faulty. We will have to make up that \$9 billion. We Democrats think there is a way to do it. We see the profits of the oil companies. We say to the oil companies: Good for you, but there is a point at which, when Americans are suffering, you have to do a little bit more.

I, for one, look forward to debating the McCain amendment soon. We will have that debate. But it isn't going to be on this bill. For that, I am grateful for this reason: We are bringing this to a close, and this package is in many ways a ministimulus. It will unleash \$1



billion into the economy. It will unleash some of these projects that are so important for our people who got stuck for technical reasons or had to have minor changes for other reasons. This \$1 billion, when it is unleashed, will create tens of thousands of good jobs, jobs building highways, bridges, transit systems. We are very happy, and we expect to have this vote at 3:30. We will have first the Boxer amendment, then the Coburn amendment, then a cloture vote, and then a vote on final passage. We should be doing very well.

I ask unanimous consent that Senators GRAHAM, MARTINEZ, and WICKER be recognized for a total of up to 10 minutes and that following their remarks, Senator KENNEDY be recognized for up to 20 minutes.

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

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, there are a lot of things going on in Washington that people probably don't understand and wonder about. How could my Government not do better than it is doing. This is one of the areas where most people understand what we are trying to do and would appreciate any effort on their behalf to accomplish relieving the gas tax for a period of time when a lot of Americans are traveling. If you believe that a \$600 check to Americans that comes from the Treasury, that is not offset, is a good thing to help the economy, like 81 of us do, this builds on that concept.

The Senator from California asks what we are trying to do. We are trying to build on some concepts that have already passed the body. We are injecting the economy with money so that people, consumers can buy more to help stimulate the economy. We have all agreed on that being a good idea. What is this doing? This is trying to take a Federal tax that affects every American who drives a car during a window of time when many Americans are going to be on the road doing a lot of things they have looked forward to and planned, to reduce the burden of traveling, to energize the economy, whether it is in terms of recreational travel or business dealings. That will build on the concept we have already agreed on. Now is the time to put money back into the pockets of consumers, and relieving the gas tax during this critical time and during this window of time makes perfect sense. I congratulate Senators MCCAIN and KYL. This will not be a hard sell to anybody out there who is paying taxes and driving a car. I hope we can find a way to make this happen. The public would appreciate it. They are going to appreciate the checks they get. The money will go to good use. If we could relieve the tax burden on traveling by 18.6 cents per gallon of Federal gas taxes during this window of time, people would appreciate it. They understand why we need to do it. It would be a good thing for the Congress, and I appreciate Senators MCCAIN and KYL putting this concept

on the floor. It is sad we can't get it passed today, but I hope we do it sooner rather than later.

With that, being from South Carolina and Florida and Mississippi, where people travel to destinations that are attractive to come to, I hope we can pass this and help the American consumer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I am pleased to follow my colleague from South Carolina. I understand where we are. This amendment has been withdrawn. However, let me touch on this issue for a few moments, because it is so very important that we give this concept due consideration. In fact, at some point, the Senate should give it an up-or-down vote. A gas tax holiday from Memorial Day to Labor Day, which has a number of cosponsors, would allow American taxpayers to suspend the gas tax during that period of time. The fact is we are not in easy times in America today. We have rising gas prices, falling home prices, which is resulting in falling home equity opportunities for families to utilize their home as a means of defraying other costs in their family's life. As food prices go up, home prices are going down.

The price of gasoline has gone up tremendously. Unleaded regular has increased 53 cents per gallon this year. As a matter of fact, a tax holiday of 18 cents a gallon gas tax and 24 cents a gallon on diesel fuel from Memorial Day to Labor Day will help American families, will help those who make a living driving on the road, moving and hauling things through the trucking industry.

Why is it important to me as a Senator from Florida? We are a tourism State. A lot of tourists travel to Florida by car. In fact, the overwhelming majority of tourists come to Florida by car.

This is the average working family—the same people we are trying to help with this economic stimulus. This is allowing a family to throw their kids in the car and get on one of the interstate highways and come down to Florida and visit the attractions, visit the beaches this summer, and do what people do to bring families together, to be able to recreate, to be able to vacation as families together.

This is an economic stimulus to the State of Florida. The State of Florida is in hard times today because of the downdraft in the housing economy. So this would act as a tremendous boost, and it would help tremendously the families who are traveling in Florida and coming to Florida.

Gas is about \$3.38 a gallon for regular in the State of Florida right now. It is a 51-cent increase from what it was a year ago. We get about 75 million tourists a year who come to the State of Florida. As a result of that, a great deal of economic activity is generated. Over the course of a year, about 25 mil-

lion families are paying an additional \$68 million in Federal gas tax for just one fill-up. That is on top of the fluctuating prices for a barrel of oil.

At the end of the day, we have to recognize this is an opportunity to provide a stimulus to our economy, to help the Florida economy, and to help the American family to be able to vacation this summer.

The Department of Treasury would transfer funds under this amendment to make the highway trust fund whole. So, in other words, it is not going to create a hole in the highway trust fund. It will not mean a diminution in our commitment to maintaining our infrastructure. It is simply going to give families a break between Memorial Day and Labor Day. What a great thing. What a great time of year. For the 4th of July we know millions of American families are going to set to the road—hopefully, set to the road—if they do not have to break to their kids the bad news because of the situation today. Because of difficult family budgets, that kitchen table conversation may also include saying: Children, guess what. We have to cancel our vacation to Florida this summer. We can't afford to take the family car. The price of gas is too high.

This would be a way to give the American family a break.

AMENDMENT NO. 4538

Mr. President, I want to take a moment and comment on something else. The distinguished Senator from California, Chairman BOXER, commented on the issue of Coconut Road. It is in my State of Florida. I am very concerned about what occurred in the situation there, which I think is well known to my colleagues in the Senate.

The fact is, what happened here is, at best, a questionable procedure. So the reason for Senator COBURN's amendment, which I have cosponsored, and Senator NELSON has cosponsored—so it is a bipartisan amendment—is to try to get at the bottom of it. It is not to try to create a Justice Department investigation. I do not know if there is any criminal wrongdoing that has taken place. These are congressional actions which are, frankly, in many ways reprehensible in my view but which may not rise to criminality.

So the issue is, why not just investigate? Let's find out: How did this happen? Because what I would hope we would all want to do is prevent this from happening in the future. Do we need to change rules, do we need to change procedures, or do we need to simply allow the public to know who did something like this and what their motivations were? I am not sure it rises to criminality. That is what the Justice Department does. They investigate criminal conduct. I do think it rises to the level of conduct that is not becoming to public officials that is not designed to enhance the public trust.

The people of southwest Florida, who have tremendous traffic problems—that I-75 is dramatically important to

their lives, frankly, as to the cost of fuel, the cost of how much time they spend idling on the highways—want to know what occurred here.

All I want to do is allow, through this process, to provide some clarity so they can know some answers. I believe the Coburn amendment is appropriate. I do not want to see this be created into some inquisition by the Justice Department but simply to get some Members to come together around a table and say: How did this happen? What happened here?

Let's give the people of southwest Florida the kind of answers they deserve, they demand, and give confidence to the American people that the Congress is acting in the people's best interests and not at the behest of special interests.

With that, Mr. President, I appreciate the opportunity to comment on both of these items, and I yield the floor.

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

Mr. WICKER. Mr. President, might I inquire, how much of the 10 minutes is remaining from the request of the Senator from California?

The PRESIDING OFFICER. A minute and a half.

Mr. WICKER. I will do my best.

Mr. President, I thank Senator MCCAIN and Senator KYL for putting forward this proposal. I was delighted to see it. I would, frankly, hope that Democrats and Republicans could come together on this issue in a bipartisan manner and provide this temporary relief for hard-pressed Americans during the summer months.

Many people ask us, why are gas prices so high? Why is this continuing to happen? As we know, there are many complex factors involved in that: worldwide demand, countries such as China and India increasing their demand for oil and gas at this point; also, unstable governments in oil-producing regions; and Americans' continued reliance on foreign sources of oil.

But, also, I must confess the problem being experienced by Americans, in large measure, is due to Federal policies. In the mid-1990s, President Clinton vetoed a proposal to drill in ANWR, even though the residents of the State of Alaska have asked us for permission to drill there and have told us they are satisfied it can be done in an environmentally friendly manner. Also, we have had the refusal to produce energy in America when we know it can be done in an environmentally safe way, whether that be the production of more crude oil, oil shale, or liquefied coal.

So the Federal Government and this Congress bear a good bit of the responsibility. In light of that, I think we have to ask ourselves—Mr. President, might I have an additional 1½ minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WICKER. Thank you, Mr. President.

I think this Senate—Republicans and Democrats—needs to ask: We have a choice. Do we ask the Federal Government to tighten its belt a bit and adopt this summer-long Federal gasoline tax holiday or do we continue to require American families to tighten their belts and pay higher gasoline prices? Do we continue to require American farmers and small businesses, who have to use transportation to earn a living, to tighten their belts?

I think the better answer there is to provide 18 cents per gallon of relief for American families, 24 cents per gallon of relief to those who are required to use diesel to earn their livelihoods, and for the Federal Government to tighten its belt and absorb this \$8 billion to \$9 billion that the Senator from California talked about.

The Senator from South Carolina mentioned we have already passed a much more expensive economic stimulus measure because we are concerned about the economy. This economy could go either way. We can take action to prevent it from sliding into a recession. We have already adopted one a few months ago. The McCain plan is another one. I enthusiastically support the concept. I think it is time we give Americans a break at the pump. This would do so during an important period as our economy teeters on the edge.

I hope we continue to have this debate, as the Senator from California suggested, and adopt it on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### LILLY LEDBETTER FAIR PAY ACT

Mr. KENNEDY. Mr. President, the Senate must act to pass the Lilly Ledbetter Fair Pay Act, and we must do so now. The House has already acted on this bill to restore the basic protection against pay discrimination as part of our Nation's commitment to equal justice and full civil rights for all.

Protecting these fundamental rights and ending discrimination in all forms are essential to our success as a nation. Republicans and Democrats worked together to enact our civil rights laws, and the American people want and deserve these protections to be implemented in full.

The guarantee of equal pay was first enacted in 1963. When President Kennedy signed the Equal Pay Act in 1963, he emphasized that protection against pay discrimination is "basic to democracy," and those words are still true today.

In the years that followed, Congress passed other strong, bipartisan laws to strengthen the guarantee of equal pay for millions of Americans. Over the years, the Senate has gone on record time and again in favor of fairness and against discrimination.

The Civil Rights Act of 1964 was enacted after long, difficult, and contentious debate, but the cause of justice eventually prevailed. That landmark legislation included many important

protections, including, for the first time, protection against pay discrimination on the job because of race, national origin, gender, and religion. That is title VII of the Civil Rights Act of 1964. Public accommodations is another very major part of that legislation. But title VII provided these kinds of protections against discrimination. That legislation passed 73 to 27.

We went on record again when the Age Discrimination in Employment Act was passed in 1967, with unanimous support in the Senate. Equal pay for those who are older; you are not going to be able to discriminate against the elderly. It was passed unanimously.

The consensus in favor of the Rehabilitation Act of 1973, which outlaws discrimination based on disability in federally funded programs and activities, was so strong it passed the Senate by a voice vote.

All of us are familiar with the fact that if there is going to be a dispute or major differences, people are going to call for a rollcall vote, even if there is going to be only a handful of people against it. In this situation, with regard to fair pay, equal pay, in the areas of those people who are working with the disabled, the guarantee was going to be fair pay. It, effectively, in the Rehabilitation Act of 1973, passed the Senate by a voice vote.

In 1990, the Senate passed the Americans with Disabilities Act 91 to 6, and it was signed into law by the first President Bush. The first President Bush has stated—and I have heard him eloquently say it was the most important piece of legislation that passed and he signed into law. It had protections against discriminating against those who are disabled individuals.

We passed the Civil Rights Act of 1991 by an overwhelming margin of 93 to 5. That was a clear vote in favor of fairness. It too was signed into law by the current President's father.

On this chart is the list where the Senate has addressed this issue of equal pay for equal work. Going back to 1963, these are the different Presidents who signed legislation—including President Johnson, President Nixon, President Reagan, President Bush. Look at the overwhelming votes: a clear indication of what the intention has been by this Congress in terms of fairness and justice, and correctly so.

Each time we have considered the issue, the Senate has taken the high road. Once again, we must demonstrate that we mean what we say. These important laws established the bedrock principle of equal pay for equal work, and they have made our Nation a stronger and better and fairer land.

In these times of economic hardship, working people deserve more than ever the chance to earn a fair day's pay for an honest day's work. Yet, as a result of the Supreme Court's 5-to-4 decision—5 to 4: one vote—last May in *Ledbetter v. Goodyear Tire & Rubber Company*, more American workers will have to endure pay discrimination, without the means to stop it.



Let me show what is happening with regard to women at the present time. We have serious economic challenges we are facing today. But look at the overall economic challenges, the downturn in our economy, and how it is playing out in terms of women. Women's earnings are falling faster than men's. We all hear about the falling of purchasing power among working families across this country. We can see it is falling a good deal faster in terms of the decline in median wages in the year 2007 for women.

As I mentioned, this legislation also applies in terms of African Americans, the disability community, age discrimination, national origin quotas—all of them. Look what is happening with the current economic crisis. Minorities are hit hardest by the economic downturn. So we have the economic downturn going on, and we have this decision which said the employers are going to be able to discriminate against workers on the basis of race, gender, national origin. It is unbelievable that a Supreme Court of the United States, 5 to 4, would overturn 5 to 6 major pieces of legislation that were decided overwhelmingly by this body over a 30-year period which say we want equal pay for equal work.

The list goes on. We know, basically, women make 77 cents for every dollar paid to men. That is existing. These are the current data of the U.S. census in 2007. So this is the current situation, generally. What we are trying to do is change this; to get equal pay for equal work. But inherently, this is where we are in 2007, and unless we change this, it is going to continue or probably even grow worse.

It is reflected, as we would expect, in family income. This chart shows we are talking about equal pay for women, and this legislation also applies to African Americans and national origin. Here we have African-American men receiving 21 percent less pay than White men. We find the same for Latinos. They are affected by this decision as well. Latinos receive 72 cents for every dollar earned by White workers. This shows the distinction, the annual distinction, about \$8,000 a year. This has been true.

So we know we are facing a difficult economic time. We also know the people who suffer the most are the people—whether it is women, whether it is African Americans, whether it is Latino, whether it is disability or whether it is elderly, all those groups are affected by the Ledbetter decision, and in the face of 30 years of this Congress saying time and time and time again, in a bipartisan way, we are going to insist on equality of pay for equal work. That is the issue. That had been the law. This legislation we are talking about with Ledbetter, we are trying to go back to what the law was.

This chart indicates—the light green is what we would go back to, and the dark green is where the EEOC held the same as we are proposing in this legis-

lation. This had worked and worked effectively. That is why the CBO said this isn't any further additional burden on industry or business. We are going to hear that argument. We have the CBO study which says that, because basically most employers want to do the right thing. They understand it, they respect it, and they want to do the right thing. So they are not going to be penalized; it will be others who will be penalized.

On this final point, as I mentioned the different groups affected, this shows pay discrimination hurts all kinds of Americans. This orange depicts the disabled, this is national origin, 760. These are cases of pay discrimination charges, including 2,470 in terms of the gender; and on race, 2,352; on age discrimination, 978. So this is 7,000—these are the cases that are brought. Most estimates are it is in the hundreds of thousands of actual cases that are out there that people don't know about.

Lilly Ledbetter didn't know about the fact that she was being short-changed for years and years and years because people keep the payroll secret. Finally, she hears from others who are working and who are doing comparable work, and she gradually puts it together that she has been shortchanged. Sure enough, she had been short-changed for years and years and years. The local jury made the decision to pay the damages and the Supreme Court overruled it and said: You are out of luck, Lilly Ledbetter. You should have brought your case within 180 days of the time you were employed. Even though you didn't know about it, you still should have brought it. Even if you didn't know about it, tough luck. You have no remedies. No remedies. No remedies. It has been going on for years. None. That is fundamentally and basically wrong, and that is what we are changing.

We have very strong support for this legislation. We have the support of various groups, including the American Association of People With Disabilities; the AARP, obviously, because of discrimination of the elderly; Business and Professional Women, the NAACP, United Auto Workers, National Congress of Black Women, the Religious Action Center, U.S. Women's Chamber of Commerce. They understand it and see it. The list goes on. I will include a more complete list with my remarks for the RECORD.

Many people give speeches on fairness and the need to help people in these tough economic times. An important way we can do so is by proving we still stand strongly against pay discrimination, that we would not allow the rights workers thought they had to be undone by misguided court decisions. Fair treatment for all employees is especially important now. As I mentioned, our faltering economy is hitting working families hard. There were 230,000 jobs lost in the first 3 months of this year. Unemployment rates

climbed. Over 1 million working men and women have joined the unemployed since this past year.

Few doubt that we are now in a serious recession. It has been particularly hard on women and minorities and on workers—particularly hard. Of the 80,000 jobs that were lost in this last month, 50,000 were construction workers. The unemployment rate among women has risen sharply in the past year. Minorities are suffering more. Unemployment for African Americans is now well over 9 percent, almost twice the national average.

The impact of unfair pay practices is staggering. Today, as I mentioned, women still earn 23 percent less than men; African Americans, 21 percent less than White men; and Latinos earn 72 cents for every dollar paid to White workers.

In fact, the financial security of all working men and women is undermined by this recession. Workers are suffering already, and millions increasingly find their paychecks do not go far enough. They don't deserve to bear the additional burden of discrimination in their pay. The cost of this discrimination becomes more and more intolerable over time. Lilly Ledbetter lost tens of thousands of dollars over the course of her career because every paycheck made the burden of the discrimination even greater.

There is no doubt that the Supreme Court's decision in the Ledbetter case has left employees without one of the fundamental protections against pay discrimination that Congress intended them to have. The Court decision undermined their ability to hold employers accountable for such discrimination by imposing serious and unnecessary obstacles to ending the discrimination against them.

Under the Ledbetter case, the time limit for filing of pay discrimination claim begins to run, as I mentioned, when an employer decides to discriminate—not when the worker finds out about the discriminatory paycheck. Employers who conceal their illegal action for 180 days are free to discriminate. They can pay women less than men. They can pay African Americans less than Whites. They can pay older Americans less than younger ones and pay religious minorities and persons with disabilities less than other workers. These employees can never, ever obtain relief. Paycheck after paycheck can keep implementing the discrimination, and workers have no way to hold employers accountable.

Clearly, the decision has opened up a flagrant loophole in our civil rights, and the Congress cannot let it stand. Under this bill, the 180-day clock restarts with every discriminatory paycheck, so employees can challenge ongoing discrimination, even if their employer successfully hides its true motives at first.

Lilly Ledbetter was one of the few women supervisors at the Goodyear Tire and Rubber Company in Gadsen,

AL. She worked at the plant for almost two decades, constantly fighting to prove that women could do a job traditionally done by men. She endured insults from her male supervisors. She was told the plant didn't need women. Yet she persevered and gave the company a fair day's work. She had children and both she and her husband were working hard to support them. She had no idea Goodyear was not living up to its responsibility to pay her fairly.

For almost two decades, the company discriminated against her by using discriminatory evaluations to pay her less than her male colleagues who performed exactly the same duties. Many of those male colleagues had less seniority and experience than she had, but they were still paid more than she was for identical work.

The jury saw the injustice of Goodyear's mistreatment of Ms. Ledbetter and awarded her full damages. Five members of the Supreme Court ignored that injustice and ruled Ms. Ledbetter was entitled to nothing at all—nothing at all—because she filed her claim too late. The Court's decision gives countless employers a free hand to conceal and continue illegal discrimination and leaves workers powerless to stop it.

The bipartisan Fair Pay Restoration Act will restore the clear intent of Congress when we passed the important laws I mentioned earlier. It would restore the fair and reasonable rule that applied in the vast majority of the country until May 29 of last year. If we pass this bill, we can go back to the longstanding rule that the clock begins to run for filing a pay discrimination claim on the day a worker receives a discriminatory paycheck, rather than the day the employer first decides to discriminate.

By enacting this law, we will restore a rule that reflects how pay discrimination actually occurs in the workplace, and it will give all workers a fair means to stop ongoing discrimination and obtain fair compensation for the discrimination they have endured. By doing so, we will also be helping to prevent employers from engaging in such discrimination in the first place.

There is nothing radical about the changes this bill will make. It simply restores the law employers and workers had lived with for many years, until last May 29, the date of the Supreme Court's distressing decision.

I urge my colleagues to join me in restoring the full strength of the antipay discrimination laws we have enacted in the past. Let's take a clear stand for all working men and women and pass the Lilly Ledbetter Fair Pay Act.

Mr. President, I ask unanimous consent that this list of supporters be printed in the RECORD.

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

ORGANIZATIONS IN SUPPORT OF THE FAIR PAY RESTORATION ACT (S. 1843)

LCCR; 9to5, National Association of Working Women; Advocacy, Inc.; Alliance for Dis-

abled in Action; Alliance for Justice; American Association of People with Disabilities (AAPD); AARP; American Association of University Women; American Civil Liberties Union; American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); American Federation of State, County and Municipal Employees (AFSCME); American Federation of Teachers (AFT); American Humanist Association; American Library Association; Anti-Defamation League; Asian American Justice Center; Association for Women in Science; Bazelon Center for Mental Health Law; Business and Professional Women.

Center for Inquiry; Center on Women and Policy; Clearinghouse on Women's Issues; Coalition of Labor Union Women (CLUW); Consortium of Citizens with Disabilities Rights Task Force; Educational Foundation of America; Easter Seals; Equip for Equality; Equal Rights Advocates; Federally Employed Women; Feminist Majority; Healthy Teen Network; International Union, United Auto Workers (UAW); Jobs with Justice; Lawyers' Committee for Civil Rights Under Law; League of United Latin American Citizens (LULAC); Legal Momentum; Let Justice Roll Living Wage Campaign; MANA—A National Latina Organization; Mexican American Legal Defense and Educational Fund (MALDEF).

NAACP; NAACP Legal Defense & Educational Fund, Inc.; National Academy of Engineering; National Association for Girls and Women in Sports; National Association of Collegiate Women Athletic Administrators; National Associations of Commissions for Women; National Center for Lesbian Rights; National Center on Domestic and Sexual Violence; National Coalition for Disability Rights; National Committee on Pay Equity; National Congress of Black Women, Inc.; National Council of Jewish Women (NCJW); National Council of Women's Organizations; National Disability Rights Network; National Education Association; National Employment Lawyers Association; National Fair Housing Alliance; National Gay and Lesbian Task Force; National Organization for Women (NOW); National Partnership for Women & Families; National Senior Citizens Law Center.

National Women's Conference Committee; National Women's Law Center; National Women's Political Caucus; NETWORK, A National Catholic Social Justice Lobby; OWL—The Voice of Midlife and Older Women; Paralyzed Veterans of America; People For the American Way (PFAW); Religious Action Center; Sargent Shriver National Center on Poverty Law; Service Employees International Union (SEIU); The Disability Law Center of Massachusetts; The Impact Fund; The WAGE Project, Inc.

U.S. Women's Chamber of Commerce; USAction; Veteran Feminists of America; Wider Opportunities for Women; WIN Group International; Women Employed; Women Work! Women Work! The National Network for Women's Employment; Women's Institute for a Secure Retirement; Women's Law and Policy Project; Women's Law Project; Women's Research & Education Institute (WREI); Women's Sports Foundation; YWCA USA; 4ERA.org; 9to5 Atlanta; 9to5 Bay Area; 9to5 Colorado; 9to5 Los Angeles; 9to5 Poverty Network Initiative; ACLU Women's Rights Project; Adrian Middle School; ADA Watch; AFSCME; Alliance for Disabled in Action; Alliance for the Status of Missouri Women.

AAUW of Alabama; AAUW of Alaska; AAUW of Arizona; AAUW of Arkansas; AAUW of California; AAUW of Colorado; AAUW of Connecticut; AAUW of Delaware; AAUW of District of Columbia; AAUW of Florida; AAUW of Georgia; AAUW of Hawaii; AAUW of Idaho; AAUW of Illinois; AAUW of

Indiana; AAUW of Iowa; AAUW of Kansas; AAUW of Kentucky; AAUW of Louisiana; AAUW of Maine; AAUW of Maryland.

AAUW of Massachusetts; AAUW of Michigan; AAUW of Minnesota; AAUW of Mississippi; AAUW of Missouri; AAUW of Montana; AAUW of Montgomery County; AAUW of Nebraska; AAUW of Nevada; AAUW of New Hampshire; AAUW of New Jersey; AAUW of New Mexico; AAUW of New York; AAUW of North Carolina; AAUW of North Dakota; AAUW of Ohio; AAUW of Oklahoma; AAUW of Oregon; AAUW of Pennsylvania; AAUW of Rhode Island.

AAUW of South Carolina; AAUW of South Dakota; AAUW of Tennessee; AAUW of Texas; AAUW of Utah; AAUW of Vermont; AAUW of Virginia; AAUW of Washington; AAUW of West Virginia; AAUW of Wisconsin; AAUW of Wyoming; Arizona Coalition Against Domestic Violence; Asian American Justice Center; Association for Women in Science; Black Women's Health Imperative; BPW/Alabama; BPW/Alaska; BPW/American Samoa; BPW/Arizona; BPW/Arkansas.

BPW/California; BPW/Colorado; BPW/Connecticut; BPW/Delaware; BPW/District of Columbia; BPW/Florida; BPW/Georgia; BPW/Hawaii; BPW/Idaho; BPW/Illinois; BPW/Indiana; BPW/Iowa; BPW/Kansas; BPW/Kentucky; BPW/Louisiana; BPW/Maine; BPW/Maryland; BPW/Massachusetts; BPW/Michigan; BPW/Minnesota.

BPW/Mississippi; BPW/Missouri; BPW/Montana; BPW/Montgomery County; BPW/Nebraska; BPW/Nevada; BPW/New Hampshire; BPW/New Jersey; BPW/New Mexico; BPW/New York; BPW/North Carolina; BPW/North Dakota; BPW/Ohio; BPW/Oklahoma; BPW/Oregon; BPW/Pennsylvania; BPW/Puerto Rico; BPW/Rhode Island; BPW/South Carolina.

BPW/South Dakota; BPW/Tennessee; BPW/Texas; BPW/Utah; BPW/Vermont; BPW/Virgin Islands; BPW/Virginia; BPW/Washington; BPW/West Virginia; BPW/Wisconsin; BPW/Wyoming; Chicago Abortion Fund; Citizen Action of NY; Clearinghouse on Women's Issues; Philadelphia CLUW; Connecticut Permanent Commission on the Status of Women Crossroads; Urban Center; Dads and Daughters; Georgia Coalition Against Domestic Violence; Georgia Rural Urban Summit.

Hard Hatted Women; Justice Jane; Las Animas County CSE; Legal Momentum; Let Justice Roll Living Wage Campaign; MANA A National Latina Organization; NETWORK, A National Catholic Social Justice Lobby; National Capital Area Union Retirees Club; National Center for Lesbian Rights; National Coalition for Disability Rights; National Council of Jewish Women—California; National Council of Jewish Women—Connecticut; National Council of Jewish Women—Greater Detroit Section; National Council of Jewish Women—Greater New Orleans; National Council of Jewish Women—Minnesota; National Council of Jewish Women—Northern Virginia; National Council of Jewish Women—Ohio; National Council of Jewish Women—Pennsylvania; National Council of Jewish Women—Portland; National Council of Jewish Women—Rhode Island; National Council of Jewish Women—St. Louis.

National Council of Jewish Women—Virginia; National Council of Jewish Women—West Virginia; National Council of Women's Organizations; Alabama, NOW; California, NOW; Colorado, NOW; Connecticut, NOW; Fayetteville, NOW; Florida, NOW; Georgia, NOW; Illinois, NOW; Iowa, NOW; Kansas, NOW; Lawrence Chapter, NOW; Los Angeles, NOW; Maryland, NOW; Massachusetts, NOW; Minnesota, NOW; Missouri, NOW; Nevada, NOW.

New Hampshire, NOW; New Jersey, NOW; Oregon, NOW; Santa Fe, NOW; Treasure Valley, NOW; Utah, NOW; Virginia, NOW; West

Pinellas, NOW; Missouri Women's Network; MomsRising.org; Montgomery County Commission for Women; National Women's Conference Committee; National Women's Law Center; National Women's Political Caucus; New Mexico Voices for Children; New York State Pay Equity Coalition; Ohio Domestic Violence Network; San Bernardino, OWL; PathWaysPA.

Pennsylvania NOW, Inc.; Pick Up the Pace; Planned Parenthood of Nassau County; Project IRENE; Silver & Brass Music; South Dakota Advocacy Network for Women; UAW 1853 Women's Committee; Veteran Feminist of America; USAction; West Virginia Women's Commission; Wisconsin Women's Network; Women Against Sexual Harassment; Women on the Job Task Force, NY; Women's Institute for a Secure Retirement; Women's Law Center of Maryland, Inc.; Women's Opportunity Link of Delaware, Inc.; Women's Research & Education Institute (WREI); YWCA Greensboro.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I believe I have an obligation to say a few things about the amendments offered by Senators COBURN and BOXER regarding the investigation of the Coconut Road controversy.

As most of my colleagues know, there are reports that a Member of the House of Representatives arranged to have the text of the 2005 highway bill changed during the enrolling process, which is quite unusual. This was after the bill had passed both Houses. Serious allegations have been made about the motives of this Member for doing this. The facts are not certain, but some say they are clear.

The junior Senator from Oklahoma has done an important service by shining public attention on this matter. The facts are not yet all known, as I have just said, but if these allegations—or some of them—are true, this is one more example of the corruption that permeated the Congress in recent years. We have two Members of Congress who have gone to prison. We have staff members who are in prison. Some are on probation and have pled guilty. So it is fair to say there was a lot of corruption in recent years.

Just last year, the new Democratic Congress passed S. 1, the most sweeping lobbying reform effort in the history of our country, in an effort to restore public trust in Congress. These reforms are already changing the way business is done in Washington. Lobbyists have less influence, and there is more transparency in the legislative process.

We all agree that any misconduct in the legislative process should be fully investigated. Specifically, we want to get to the bottom of this alleged misconduct involving the Coconut Road

provision in the 2005 highway bill. The only disagreement between Senators COBURN and BOXER is how the investigation should be conducted.

Certainly, an investigation of the conduct of a Member of the House of Representatives should be done by the House. I think we get ourselves into a problem we should not, constitutionally or morally, by having the House tell us what we should do as far as our own Senators. We should not be telling them what they should be doing regarding House Members. Our Constitution does not provide the Senate with authority to direct a House committee to initiate any kind of action like that.

The Coburn amendment proposes a committee of Members from both the House and Senate conduct this investigation. But I believe Senators should not and cannot investigate a House Member any more than a House Member should or could investigate a Senator. Although Senator COBURN's goal of fully investigating the incident is worthy—and I think everyone shares his goal—the Senator's amendment is at odds with article I of the Constitution.

If we send this constitutionally dubious amendment to the House, it could jeopardize the entire highway technical corrections bill. Why do we want to mess with that? We should not. That is why Senator BOXER has proposed that the Justice Department review the allegations of criminal misconduct.

I would want everyone to recognize that in law, there is this saying: What are you trying to do, make a Federal case out of it? Why do we say that? Because it puts the fear into people because they know the Justice Department does a better job than anyone else investigating wrongdoing.

So what Senator BOXER proposed is to let the Department of Justice review the allegation of criminal conduct, which is the right way to go, and it is not an easy way to go.

According to public reports, the Justice Department and the FBI may already be investigating related matters, and who knows, maybe this precise matter.

If violations of Federal criminal law occur, it is in the province of the Justice Department and FBI to investigate and prosecute. The Boxer amendment simply calls on the Justice Department to review allegations of impropriety and find if Federal criminal laws have been broken.

The Boxer amendment asks the Justice Department to act in an appropriate manner. In fact, to be precise, it says the Department "shall act consistent with applicable standards and procedures." In effect, we are asking that this be made a Federal case. This phrase recognizes the importance of separation of powers that we have in our great country. The language incorporates the principles, privileges, and responsibilities that guide Congress's exercise of its constitutional authority

to discipline itself. It also remains true to the principles of legislative autonomy and fair, neutral enforcement of the laws.

This amendment does not waive any legislative privileges of Members or committees of Congress. It does not seek to intrude upon the constitutional duty of each House of Congress to discipline its own Members, nor does it alter the duty of the executive branch to faithfully execute laws.

The amendment simply memorializes the reality that there are serious allegations that may rise, perhaps to the level of criminal violations.

Again, what we are trying to do is make a Federal case out of this. It is entirely appropriate for the Justice Department to assume this responsibility.

For these reasons, I urge my colleagues to support the Boxer amendment and oppose the Coburn amendment. I express my appreciation to Senator BOXER for her hard work on this bill and certainly on this amendment. Those of us who know Senator BOXER know how tenacious she is. We have had the good fortune to work together for almost 26 years in Congress. I have the greatest affection, admiration, and respect for her as a person and her legislative skills and abilities. They certainly have been made very apparent with the work done on this latest piece of work which we hope will be completed in an hour or so from right now.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from California is recognized.

Mrs. BOXER. Madam President, before the majority leader leaves the floor, I thank him very much because he helped me enormously in this whole matter of an investigation. What we all want to do is get to the bottom of what happened with this Coconut Road situation, where it appears as if there may have been some activity that merits punishment.

When we heard that Senator COBURN wanted to take on this issue, we welcomed that because we do believe we have a responsibility to regain the trust of our people. That is why under Senator REID's leadership we passed the most far-reaching ethics reforms ever.

I see my friend is in the chair. She is part of the new class of Senators who pushed very hard for that legislation. Therefore, when Senator COBURN came forward, we believed we certainly wanted to do something. But what Senator REID, because he is a distinguished attorney, taught me is, there is a speech and debate clause in the Constitution, and this investigation with a select committee, House Members and Senate Members investigating each other and staff, could fall.

Here is the point, before my friend leaves the floor. The irony of all ironies is, if, in fact, the Coburn solution were to be adopted today and it did go forward, although we think it will bring the whole bill down, it wouldn't.

But let's say it is adopted. Nothing they do would really lead to anything until the end of their hearings. I call it kind of a circus atmosphere where colleagues would come, flashbulbs in everybody's face, and they take testimony. Nothing of consequence would occur, I say to my friend, until the end when they decide if there was something the Justice Department needed to look into.

Why have all that hoopla when you can get to the heart of the matter, which is saying to the Department of Justice: We want you—and this will require them. It doesn't say you "may," it says you "shall" look into this. If the bill did fall, here is the totally irony: The fix to Coconut Road would fall. In other words, in the technical corrections bill, we fix the problem. If this whole thing falls because of the Coburn amendment, then we go back to the real problem of somebody changing the route of this particular road or building, freeway, whatever it was that was going to increase somebody's property. That would be the worst of all worlds.

I thank my leader for his help on this matter. He knows when I heard about this amendment, I said to him: Yes, we need to look into this, and he wanted to do it in the right way. He and his staff have been so helpful in getting us to this point where we have a very good alternative. I hope everybody votes for it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I hope everyone heard what the chairman of the Environment and Public Works Committee just said. If we are unable to pass this technical corrections bill, which we hope to do in an hour, an hour and a half, if we fail to do that, the fix that was put in the bill, the technical correction that was made to take care of the Coconut Road problem would not be taken care of. That would be a travesty and a circular road to nowhere.

I even hope my friend, Dr. Coburn, would withdraw his amendment. He perhaps will not do that, but I hope that everyone, Democrats and Republicans—this is not a partisan issue. It deals with housekeeping that we do. It is important.

I say to my friend, the chairman of the Environment and Public Works Committee, she also has another job that is extremely difficult and extremely important. She is chairman of the Ethics Committee. Having served on that Ethics Committee and having chaired that committee for a long time, I know it is a tough job. This gives me an opportunity publicly to say—and I think all Senators will extend this appreciation to her, Senator CORNYN and the other four Members who serve on that most important committee, for the dedication and the hours they spend away from the cameras. These are in closed hearings talking about allegations made against in-

dividual Senators. They have done, and they continue to do, a remarkably good job.

There is no one who is in a better position today to talk about what is going on in the Senate with matters of violations having been alleged than the Senator from California.

What I think the amendment does is focus attention on the Justice Department, just where it should be. I hope everyone will go along with that amendment, Democrats and Republicans.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

#### HEALTH CARE

Mr. VITTER. Madam President, today I stand on the Senate floor and continue a very important discussion that I began with all of my Republican classmates in the Senate several weeks ago. It is about the need for dramatic, bold, health care reform in this country.

We adopted this as a class project, if you will. Again, I thank my colleagues Senators THUNE, BURR, DEMINT, MARTINEZ, ISAKSON, and COBURN for their hard work on this important debate, on this important discussion.

Again, the idea is very simple: to put forward our conservative, free-market principles and what vision that leads to in terms of necessary, bold, transformative health care reform, and also to provide a clear contrast between that vision and the alternative, which is clearly in our mind a big government solution, a one-size-fits all solution that has the government role in health care grow and grow and private individual choice lessened and lessened.

In the first week of this discussion on the Senate floor, I rose and laid out our broad principles and where we wanted this discussion to lead. Again, as I said that week, I believe there is great consensus in America, almost universal consensus that our health care delivery system is badly broken and that major reform needs to take place. But, of course, having said that, the hard part is figuring out what that change is and how it can work best for the American people.

As I said in those introductory comments, I believe the broad choices are clear. Our conservative, free-market vision is to empower the individual, to maximize choice, to help everyone get good private insurance that is accessible and affordable, to use taxpayer dollars where appropriate to help the truly poor afford that sort of good private insurance that stresses preventive care and other measures that will bring down health care costs. But that is a very different vision from one based on Government first and foremost, based on Government programs, one-size-fits-all, growing those programs and in the process lessening individual choice and

responsibility and lessening the sanctity of the individual doctor-patient relationship.

In the second week of our discussion, our colleague JOHN THUNE came to the floor and elaborated on a very important component of this message, which is that we want to stress a choice of private health plans as a predominant factor in American health care versus Government programs, or the one-size-fits-all, pushing people more and more in that direction and increasing the dominance of Government in this very major sector of our economy.

Following up on that, I come to the Senate floor this week to talk about a closely related principle and closely related theme, which is, again, opting for individual choice and incentives versus forced enrollment or forcing action upon citizens by the Government. Again, this is a crucial element of our vision for the dramatic, bold health care reform we need.

We believe firmly and we believe strongly that individuals are capable of choosing their own health insurance plan and that we must continue to focus on individuals and empowering individuals with choices and with incentives, not forcing individuals in a certain direction. So we are opposed to forcing people to enroll in certain plans rather than providing incentives for individuals to make rational choices that fit their own circumstances.

Congress should be pushing reform that creates those incentives for individuals, for employers, for insurance companies, and for States to come up with innovative solutions. We shouldn't be forcing mandates down people's throats, forcing them to enroll in any particular big government or other program. The way we can most effectively maximize this choice and empower the individual is through the Tax Code, creating options for families and individuals through the Tax Code that help those families buy insurance, that create those incentives that make sure it is accessible and affordable for everyone.

Now, as I suggest, Madam President, I have some pretty fundamental philosophical objections to mandating action on people. But in addition to that, I have some very practical concerns. If we look at other jurisdictions—States, even other countries—that force these mandates on people, we find they really don't work in the end.

A few examples. Hawaii—obviously a State—has a mandate that all employers must provide their workers with health insurance. Well, they think that is a magic wand that just automatically solves the problem. But it doesn't. First of all, unfortunately, it creates a barrier in many instances to creating jobs, increasing employment, and growing business. So that is a problem. But even beyond that, it doesn't insure all workers. In fact, in Hawaii, 10 percent of workers—not unemployed people, not nonworkers, but

10 percent of workers— do not have health insurance. So there is the very practical issue of simply throwing out an edict, a mandate from the Government which doesn't accomplish the goal.

Another example is Canada. Canada requires everyone to be covered. Again, that creates significant challenges in actually making that happen and enforcing that rule. For instance, in the province of British Columbia alone, more than 40,000 people somehow slipped through the cracks or slipped through that mandate. It isn't a magic wand, and it doesn't get done.

So we believe there is a better way, and that is to maximize choice, empower the individual, and create incentives. That will get a great number of people enrolled and provide more affordability and access to health care.

We believe, as a part of that, that existing Government programs can be improved and modernized and made more efficient. And that is important. But we are opposed to attempts which often come up in this body and the other body of Congress that try to significantly expand these programs well beyond the bounds of how they were originally set up, well beyond the core constituencies or income levels for which they were established. We believe that is going down the path of big government, nationalizing health care, making government the dominant force by far, and we don't want to do that.

We also believe that encouraging competition in the marketplace is key to lowering health care costs. So we are opposed to price controls, profit ceilings, rigid expensive requirements, and mandates that usually end up doing exactly the opposite.

We believe in recognizing that seniors have increasingly turned to Medicare Advantage Plans because they offer a better value and in many cases a higher quality of care than traditional fee-for-service Medicare. So we are opposed to efforts to dismantle these programs and again lessen choice, lessen individual responsibility and choice, and push folks in one certain direction—back to a one-size-fits-all traditional Medicare fee-for-service.

We also believe that taxes should be as low as possible and that the Tax Code should be changed to put money back into families' hands, which would allow them to purchase their own health insurance. We are opposed to increasing taxes and using that money to pay for a big government one-size-fits-all model.

Madam President, I look forward, as do all of my Republican Senate classmates—Senators THUNE and BURR, DEMINT, MARTINEZ, ISAKSON, and COBURN—to continuing this discussion, continuing this debate. As I said at the beginning, I believe virtually all of America agrees that the American health care delivery system is badly broken, that we are in desperate need of not just tinkering around the edges

but bold, dramatic reform. So we want to come forward and lay out those conservative and market-based principles that we believe are the right type of change, the type of reform Americans want, reform that empowers the individual, that respects that individual doctor-patient relationship, and that maximizes choice and creates incentives, and not the wrong choice that grows big government, that lessens choice, that increases mandates, that pushes individuals in a certain direction rather than allowing them to understand what best meets their needs.

Next week, Madam President, we will continue the discussion as another of my Republican Senate classmates takes to the floor to talk about another issue in this important debate, and I look forward to listening and participating in that discussion.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### COBURN AND BOXER AMENDMENTS

Mr. COBURN. Madam President, I wish to spend a few minutes just to make some observations during this short debate we are going to have before the amendments are voted on.

We are going to have a vote on the Boxer amendment and then on the Coburn amendment, both trying to get to the bottom of a problem. We have agreed to a 60-vote margin on both of those, but I wonder what happens to this issue if neither of those amendments gets 60 votes, and why are we having a 60-vote margin? Everybody agrees that this amendment about a postenrollment change to a bill needs to be solved. The mystery surrounding how it happened, where it happened, and why it happened needs to be solved. But now we have before us a hurdle which, in all likelihood, will eliminate our ability to find out.

It is claimed, and understandably, that my amendment would look into a problem in the House. That assumption, however, is incorrect because nobody knows exactly where this enrollment change happened. Some may think they do, but we don't know that.

Second of all, and probably more importantly, is the fact that a bill agreed to by both Houses of Congress was changed before it got to the President without our knowledge.

There also is the claim that if, in fact, we would have a bipartisan committee, with Members of both Houses looking into this, it is somehow precedent setting. It is not. In 1992, the House and Senate did combine—not on this specific issue—so there is a precedent there that no one can deny, that we looked at rules and processes and procedures, and we did that without any difficulty.

On the other side of the aisle is the Boxer amendment, which says we are going to ask the Justice Department. We are not going to ask them, actually, we are going to tell them that they shall do this.

The argument has been made that the speech and debate clause is violated by my amendment. I don't think that is accurate, but I will take that as an argument. But for the Boxer amendment to pass, the separation of powers will be violated. These are not laws. These are rules of Congress. Yet we are going to now invite in the executive branch to handle what we refuse to handle? The cynicism in me says that maybe we don't want to know the answer to this question.

We very simply could have had a majority vote on both of these, and the one that got the most votes would have won. We don't have the parliamentary power to force that to happen, and we do have the concurrent agreement of the chairwoman of the EPW Committee to have a vote, which I appreciate. I would not tell her that I do not appreciate that. I do appreciate the opportunity to have a vote. But the question still remains: What happens if we don't get 60 votes? Will something happen on this?

What I want us to do is restore the integrity of the enrollment process. If we fail to do that, if we fail to do that and if we invite the executive branch into our Houses, we have failed—we have failed to live up to our own responsibility in the Senate and in the House, and we have failed to protect what is truly a separation between us and the executive branch in how we have gone about it.

So I thank the good nature and good humor of the chairman of the committee for the lively debate we had yesterday. But, someday, somebody will write about this issue, and I am not sure history is going to be very kind to us as we worry about partisan issues, who gets credit, who didn't, pointing fingers.

The fact is, we have a problem that should be solved by a joint group of Members of this body. To say we can't do that denies the fact that we have integrity. We do have integrity. We do have honor. We do have commitment. And most of all, we want to build the confidence of the American people in Congress. I believe that will happen under my amendment. I am not sure it will happen if we don't pass it. As a matter of fact, I am certain that if we don't have one of these that gets accepted in conference, we will not be able to claim that.

I have heard the statements of the chairwoman of the EPW Committee, and I believe her statements. So whatever happens here, it is my hope that she will encourage that to happen in conference. It won't be telling the House what to do; rather, it will be asking them to concur that we ought to look into this.

Washington has a problem, and the problem is this: We are not believable

to the American public. More than 70 percent of the people in this country have no confidence in us, and we ought to be about repairing the institution and repairing that confidence.

With that, Madam President, I yield back.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my colleague for bringing this issue to our attention. I think he knows that in the beginning there were some voices that said: Let's not deal with this. But we worked together, and we did come up eventually with a way to deal with it.

I think some of our colleagues believe that where there is a constitutional issue and a precedent-setting issue here involving such a delicate matter, such a matter that could lead to a criminal investigation and punishment, we ought to have some type of consensus on it. But I share his concern.

Madam President, I ask unanimous consent for an additional minute before we go to the regular order.

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

Mrs. BOXER. I think if neither amendment gets 60 votes—and I certainly hope the Boxer amendment does, and I expect it would, but I don't know, it might not—I am already working on an alternative I would talk to my friend about right now, which is for us to communicate in writing very strongly to the Justice Department and tell them how strongly we feel.

I also wish to make the point that my friend is right. Someday, somebody will write about this. People are already writing about it because of the work we are doing on this matter. The Senator and I have been quite forceful in the way we feel about this. People are writing about it. My hope is that what we do is not create a new kind of select committee. My friend said it has been done before, and he may be right. But why a committee when we can get right to the heart of the matter, which is: Was there a crime? If so, let's get to the bottom of it.

I do want to say, and I say this as chair of the Ethics Committee of the Senate, nothing is more important to me than having a fair Ethics Committee that works hard and is objective. Any Member of the Senate can make a complaint any day of the week and it automatically is looked at. I want to reiterate that. If people have an issue, please, let us know. That is why we are there.

For those of us who care a lot about this matter, we do need, if nobody gets 60—I hope we will, but if nobody does, this issue does not go away as far as I am concerned. It cannot go away.

I think it is very important, the way we deal with this, to understand that if we do something that the House has constitutional objections to and it brings down the technical corrections bill, the irony of ironies is the Coconut

Road project doesn't get fixed, it goes back to the crooked way it was handled. We don't want that. We want to fix the Coconut Road problem and we want to have an investigation.

I yield the floor to get to the regular order at this time.

AMENDMENT NO. 4539, AS MODIFIED

The PRESIDING OFFICER. Under the regular order, there will be 2 minutes of debate prior to a vote on amendment No. 4539, offered by the Senator from California, as modified.

Mrs. BOXER. Madam President, we have a very simple amendment. Sometimes in simplicity is strength. Sometimes in simplicity is power. Sometimes in simplicity you get to the place you want to get.

I do not like a lot of words. I believe a few words will say it. Look at what we say here:

Consistent with applicable standards and procedures—

which means everybody's rights are protected—

the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109-59—

That is the Coconut Road project—to ascertain if a violation of Federal criminal law has occurred.

I think we know enough to warrant this kind of amendment. I think we know enough to be concerned. I think we know enough to say to the Justice Department: Please pay attention to this. Do your work. Make a determination and get on with it because this is very serious.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Oklahoma.

Mr. COBURN. Madam President, I will repeat the three points I think are important. No. 1 is we do not know enough. The next amendment relates to the Justice Department if we do know enough.

No. 2 is I am very hesitant to set a precedent that invites the Justice Department to come into the Senate and House to investigate us.

No. 3, and finally, the Justice Department does not have to do it even if we say they shall. They do not have to do it. There is no force of law that we can make the Justice Department come and investigate us. If we did, our forefathers would roll over in their graves. That is what the separation of powers is all about. When we go directly to the Justice Department, we shirk our responsibility to control our own house and bring our own Members under it.

I urge my colleagues to not support this new precedent setting seeking of the Justice Department, in violation of the separation of powers, to come into the Senate and the House to do an investigation before we have done our own investigation to find out the jot and tittles.

I yield the floor.

Mrs. BOXER. I ask for 10 more seconds.

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

Mrs. BOXER. I want to make the point, if we pass the Boxer amendment today and this bill gets signed into law by the President and we are requiring the Justice Department to do this, then they will be breaking the law.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "aye."

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

The result was announced—yeas 64, nays 28, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—64

Akaka	Feinstein	Reid
Baucus	Harkin	Reid
Bayh	Isakson	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kennedy	Salazar
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Brownback	Kohl	Smith
Bunning	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Sununu
Casey	Lieberman	Tester
Chambliss	Lincoln	Thune
Coleman	Martinez	Vitter
Collins	McConnell	Voinovich
Conrad	Menendez	Warner
Corker	Mikulski	Webb
Dodd	Murray	Whitehouse
Dole	Nelson (FL)	Wyden
Dorgan	Nelson (NE)	
Durbin	Pryor	

NAYS—28

Allard	DeMint	Inhofe
Barrasso	Domenici	Kyl
Bennett	Ensign	McCaskill
Burr	Enzi	Murkowski
Byrd	Feingold	Sessions
Coburn	Graham	Shelby
Cochran	Grassley	Stevens
Cornyn	Gregg	Wicker
Craig	Hatch	
Crapo	Hutchison	

NOT VOTING—8

Alexander	Hagel	McCain
Biden	Inouye	Obama
Clinton	Lugar	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.



Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. For the information of Senators, we have three more votes. We are going to be in session tomorrow, but there will be no votes. Because of the Passover holiday, on Monday, there will be no votes. We expect to have a full, heavy week next week.

I appreciate the cooperation of Senators this week. As indicated, we should be finished within the next hour.

## AMENDMENT NO. 4538

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote on the Coburn amendment.

Mr. COBURN. Madam President, we have voted an invitation to the Justice Department to investigate a rules violation in either the House or the Senate. We have set an amazing precedent.

What we recommend is a bicameral committee made up of four members of each body, two from each party, that would report back to the appropriate ethics committee or to the Justice Department, if there is, in fact, an infraction of law.

My hope would be that we would take care of the problems in our own body. The House would take care of the problems in their body and that we would, in fact, give greater than 36 votes to this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Colleagues, this is very important. I wish to commend my colleague for bringing this whole issue to the floor of the Senate. But I think we have done something important. We have taken his concerns to heart, and with a very big vote, we have stated that the Justice Department is now required to open an investigation.

What the Senator does is set up an elaborate commission of Senators, of House Members; it is political on its face. It will only put off the day until an investigation is done by Justice. Because after having this elaborate commission, Senators investigating House Members, House Members investigating Senators, it is unconstitutional on its face on the speech and debate clause.

That will bring down this entire bill. Here is the irony of ironies. If we bring this bill down, the fix of Coconut Road will fall. We fix the Coconut Road problem in this bill.

I urge you, please say no to this idea because I feel we have done the right thing on this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), would have voted "yea."

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

The result was announced—yeas 49, nays 43, as follows:

## [Rollcall Vote No. 106 Leg.]

## YEAS—49

Allard	Crapo	McCaskill
Barrasso	DeMint	McConnell
Bayh	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Feingold	Shelby
Burr	Graham	Smith
Cardin	Grassley	Specter
Chambliss	Gregg	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Warner
Corker	Klobuchar	Wicker
Cornyn	Kyl	
Craig	Martinez	

## NAYS—43

Akaka	Johnson	Reed
Baucus	Kennedy	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kohl	Salazar
Brown	Landrieu	Sanders
Byrd	Lautenberg	Schumer
Cantwell	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (NE)	
Harkin	Pryor	

## NOT VOTING—8

Alexander	Hagel	McCain
Biden	Inouye	Obama
Clinton	Lugar	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the cloture vote on the substitute amendment.

The Senator from California.

Mrs. BOXER. Madam President, we are ready.

Mr. INHOFE. We are ready.

Mrs. BOXER. All we want is an "aye" vote. Let's get this good bill passed. Let's unleash \$1 billion worth of good, important projects into our communities and create tens of thousands of jobs.

We appreciate we have come this far. We thank you.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we have talked enough on this bill. Everyone knows what it is. We have to get our road construction programs going. We cannot do it without an "aye" vote on this motion. I urge you to vote aye.

## CLOTURE MOTION

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Boxer substitute amendment No. 4146 to H.R. 1195, an act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections, and for other purposes.

Barbara Boxer, Harry Reid, Charles E. Schumer, Frank R. Lautenberg, Jon Tester, Mark L. Pryor, Bernard Sanders, Benjamin L. Cardin, Jeff Bingaman, Patty Murray, Sheldon Whitehouse, Debbie Stabenow, Bill Nelson, John D. Rockefeller, IV, Jack Reed, Ron Wyden, Dianne Feinstein.

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

The question is, Is it the sense of the Senate that debate on amendment No. 4146, offered by the Senator from California, to H.R. 1195, the highway technical corrections bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The yeas and nays resulted—yeas 90, nays 2, as follows:

## [Rollcall Vote No. 107 Leg.]

## YEAS—90

Akaka	Bennett	Brownback
Allard	Bingaman	Bunning
Barrasso	Bond	Burr
Baucus	Boxer	Byrd
Bayh	Brown	Cantwell

Cardin	Hatch	Pryor
Carper	Hutchison	Reed
Casey	Inhofe	Reid
Chambliss	Isakson	Roberts
Coburn	Johnson	Rockefeller
Cochran	Kennedy	Salazar
Coleman	Kerry	Sanders
Collins	Klobuchar	Schumer
Conrad	Kohl	Sessions
Corker	Kyl	Shelby
Cornyn	Landrieu	Smith
Craig	Lautenberg	Snowe
Crapo	Leahy	Specter
Dodd	Levin	Stabenow
Dole	Lieberman	Stevens
Domenici	Lincoln	Sununu
Dorgan	Martinez	Tester
Durbin	McCaskey	Thune
Ensign	McConnell	Vitter
Enzi	Menendez	Voinovich
Feingold	Mikulski	Warner
Feinstein	Murkowski	Webb
Graham	Murray	Whitehouse
Grassley	Nelson (FL)	Wicker
Harkin	Nelson (NE)	Wyden

## NAYS—2

DeMint

Gregg

## NOT VOTING—8

Alexander  
Biden  
Clinton

Hagel  
Inouye  
Lugar

McCain  
Obama

The PRESIDING OFFICER. On this question, the yeas are 90, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. SPECTER. Madam President, I have sought recognition to speak to an amendment to the pending legislation by myself and Senator CASEY, which would authorize an addition of lane miles in Pennsylvania to the Appalachian Development Highway System so that a vital highway project can be constructed.

The Central Susquehanna Valley Thruway project is a proposed 13-mile, four-lane limited access highway extending from the Selinsgrove Bypass of U.S. Routes 11/15 to PA Route 147 in Northumberland. Because the project involves construction of a bridge across the Susquehanna River, the estimated cost to construct it is \$370 million. The current conditions are a major impediment to north-south travel in Central Pennsylvania and this project is widely supported by State and local elected officials. In addition to the traffic problems it will address, the project is a major economic development initiative in the predominately rural region between Williamsport and Harrisburg. The Pennsylvania Department of Transportation, PENNDOT, has thus far not been able to identify the funds necessary to construct this project, and neither has the Federal Government. However, it has been suggested that if the 12-mile route were added to the Appalachian Development Highway System, ADHS, it would open up a new source of funds which PENNDOT could use to construct this project.

The ADHS encompasses 2,600 miles across the Appalachian States and is administered by the Appalachian Regional Commission. The intention of this highway system is to improve the connectivity of economically depressed Appalachian regions with metropolitan areas. Approximately 500 miles of the ADHS have yet to be completed, in-

cluding 178 miles which need to be completed within Pennsylvania. Although the affected counties of Northumberland, Snyder, and Union are within the Appalachian region, this 12-mile route in question is not a part of the existing ADHS system and therefore does not qualify for ADHS funding.

This amendment would authorize Federal ADHS assistance for the 13-mile thruway project. For purposes of connectivity, it would also authorize a larger 52-mile segment from I-180 near Williamsport to the intersection of U.S. 11/15 and U.S. 22 near Duncannon as part of the ADHS. This will connect the 13-mile system to the rest of Pennsylvania's existing ADHS system, but the only segment of this 52-mile addition that would be eligible for funding under the amendment is the 13-mile thruway project. Further the amendment provides that this addition will not affect Pennsylvania's Federal ADHS apportionment. It is important to note that the amendment does not provide more funding to Pennsylvania, it simply gives PENNDOT the ability to use existing ADHS apportionment funding for this high-priority project.

Madam President, I also wish to speak to an amendment to the pending legislation by myself and Senator CASEY, regarding the use of "toll credits" by the Pennsylvania Department of Transportation, PENNDOT, with respect to construction of the U.S. Route 219 highway improvement project in Somerset County, PA.

The Somerset County Commissioners have identified the U.S. Route 219 improvement project as essential to improving north-south transportation mobility and safety in Somerset County. The project involves construction of a four-lane, limited access highway connecting the towns of Somerset and Meyersdale, PA. A 1999 study conducted by PENNDOT noted that this section of U.S. Route 219 has a number of deficiencies that cause traffic congestion and high accident rates. The project also promises economic benefits by linking motorists with a new business park. PENNDOT received approval to conduct environmental and engineering studies in 1999 and planned on using "toll credits" to match \$45 million in Federal funds allocated to the project through the Appalachian Development Highway System, ADHS, program. However, the necessary land was not acquired until 2006, and in the meantime, the 2005 SAFETEA-LU bill prohibited the use of toll credits as a non-Federal match requirement to ADHS funds.

Toll credits are a "soft-match" that allow States to substitute previous, toll-financed transportation spending as a credit toward the match requirement. In doing so, it effectively increases the Federal share to 100 percent, thereby reducing the pot of available Federal funds. With the limited availability of Federal resources, I can understand why Congress would have an interest in ensuring that States

contribute actual dollars toward highway construction projects rather than credits. That is why this amendment does not eliminate the prohibition on the use of toll credits to match ADHS dollars. This is something that we can debate as we consider the next highway and transit authorization bill.

This amendment provides for a narrow exception to that prohibition. It would allow PENNDOT, in the case of U.S. Route 219 only, to use toll credits so that this important transportation and economic development project can move forward. I believe this exception to the toll credit prohibition is warranted at this time because PENNDOT was planning on using them when it entered the environmental and engineering phase of this project. Without the ability to use credits, I am advised that PENNDOT has no matching funds available to finance this project.

Mr. DODD. Mr. President, the Senate is now debating the SAFETEA-LU technical corrections bill. It is regrettable that we had to file cloture on the motion to proceed to this bill in order to make progress on this legislation. This is a technical corrections bill. It fixes mistakes made in the heat of passage of SAFETEA-LU, a bill that was 835 pages long. These types of technical corrections bills are not at all uncommon, and almost always pass with little, if any debate, much less disagreement.

All of the relevant committees the Banking Committee, which has jurisdiction over the transit title of the bill, the EPW Committee, with highway jurisdiction, and the Commerce Committee, which oversees highway safety—have worked together in a bipartisan fashion to produce a corrections bill with broad support.

I thank my colleague and ranking member on the Banking Committee, Senator SHELBY, for his work in producing this title, which passed the Banking Committee unanimously in May of last year. I also want to commend EPW Chairman BOXER and Ranking Member INHOFE, as well as Commerce Chairman INOUE and Ranking Member STEVENS, for their hard work on developing this highly technical bill.

Unfortunately, despite these efforts, we have been blocked from moving forward by a small handful of our colleagues. I want to thank the majority leader for making time in the Senate's schedule to debate this bill.

Although this is only a corrections bill, it will have a real impact for our local communities, which are struggling to keep up with the demands of crumbling infrastructure. There are funds that were authorized in SAFETEA-LU to help meet these demands, but for technical reasons, they have not been distributed. This bill will unlock those funds so that they can be used for the purpose for which they were intended, which is to shore up our transit systems, our roads and bridges—all of the vital components of

the transportation network that we rely on every day for the safe and efficient movement of people and goods.

The funds that would be unlocked by passage of this bill will allow for critical maintenance and capital improvement projects to go forward on our roadways; they will allow for dangerous overpasses to be replaced; they will allow for transit systems to more efficiently meet the needs of their riders; and they will allow for a greater degree of safety on our roads and rails.

And it is important to understand, this bill does not cost a single penny. It allows funds that have already been authorized to be distributed as intended.

The Banking Committee reported the transit title of this bill last May. We worked closely with our colleagues here in the Senate as well as in the House to develop a bipartisan, consensus package. I want to again thank my ranking member, Senator SHELBY, for his efforts on this bill; he has worked hard to try to get this done since the last Congress.

The Banking Committee's title of this bill addresses the drafting errors contained in the transit title of SAFETEA-LU and makes necessary changes to various project authorizations so that funds can be released. In addition, I just want to note that this bill recognizes the hard work and leadership of our former colleague, and past chairman of the Banking Committee, Senator Paul Sarbanes, by naming the Transit in Parks program, which he authored, after him.

It is more important than ever that we invest in our Nation's transit systems. Safe, reliable, and efficient public transportation is essential if we are to tackle the growing problems of traffic congestion, rising gas prices, and global climate change. Transit systems provide significant benefits both to transit riders and to others in the community, including employers, property owners, and automobile drivers. For example, when people ride transit, the amount of time that transit riders and automobile drivers alike spend in traffic goes down; in fact, the Texas Transportation Institute has estimated that transit saves Americans over \$18 billion a year by reducing the time they would otherwise waste sitting on clogged roadways.

And, in this era of high gasoline prices, public transportation provides an additional benefit: according to economists Robert Shapiro and Kevin Hassett, public transportation saves more than 855 million gallons of gasoline a year, helping to reduce our dependence on foreign oil and providing us with a cleaner, healthier environment.

Transit ridership is at the highest level in 40 years, and strong support for transit is essential in light of this increasing demand. In fact, I strongly believe that if we are to keep up with the demands of our growing economy, we must renew our commitment to our Nation's infrastructure, not just in

transportation, but in water systems, housing, and other areas. Senator HAGEL and I have put forward a proposal to create a National Infrastructure Bank, which would leverage private investment through tax-credit bonds to fund large-scale, regionally or nationally significant infrastructure projects. I held a hearing on this proposal last month and I intend to hold another in the coming weeks.

We have an enormous challenge before us in meeting the infrastructure needs of our nation. The National Infrastructure Bank is not intended to be the only tool in our toolbox; neither is the technical corrections bill we are discussing today.

But passage of the bill now before the Senate would be an essential step forward in meeting that challenge. It would put an end to the technicalities that are holding up vital funding for road and transit improvements. There is no excuse for any further delay in getting these funds to the communities which need them.

Let me take just a moment to address the Administration's Statement of Administration Policy opposing one of the provisions in the transit title of this bill, related to the transit New Starts program. This program, which supports the development and construction of new transit systems, is widely recognized for its focus on performance measures and accountability. Each applicant for New Starts funds enters a rigorous review process based on statutory rating criteria, including factors such as mobility improvements, environmental benefits, and cost effectiveness. In order to more fully capture the impact that a major transit project has on communities, Congress in SAFETEA-LU added economic development and land use effects to the statutory list.

However, the Federal Transit Administration is not applying the statutory rating criteria as Congress intended. Instead, the FTA has assigned inordinate weight to a few statutory factors, while giving others, such as economic development and environmental benefits, only minimal weight.

The language in the technical corrections bill reiterates Congress's intent in SAFETEA-LU that each of the factors must be given comparable weight when evaluating New Starts grant applications. This language passed the House of Representatives last summer as part of their technical corrections package.

I say to my colleagues, I could not disagree more with the position the administration is taking on this point. The language in the transit title has broad bipartisan support, both from the Banking Committee and from the House Transportation and Infrastructure Committee. If the Administration does not agree with the criteria included in SAFETEA-LU for the evaluation of New Starts projects, I would be happy to consider their views in the context of the next reauthorization. I

intend to begin that process later this year and I expect to proceed in an open and bipartisan way. In the meantime, the administration's responsibility is to implement the law, and unfortunately they have failed to do so in this case.

In conclusion, although it is technical, this is an important bill. It has broad bipartisan support on both sides of the Capitol and would allow urgently needed funds to be distributed to the States and local communities trying to address their transportation needs. I commend it to my colleagues and ask for their support.

Mr. BYRD. Madam President, I am proud to support H.R. 1195, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act, and the benefits that it will provide to West Virginia and the rest of the country. However, I must oppose the two amendments offered by Senators BOXER and COBURN. Both amendments have the good intention of ensuring open and honest government, but I must oppose them because of my concerns about their implications, particularly as they may impinge on the powers of the legislative branch.

I applaud the Senators for their attempts to eliminate any waste, fraud, and abuse that have plagued the Congress in previous years. As chairman of the Appropriations Committee, I have instituted on-line access to spending bills, so that the public may see where their tax money is being spent. But both of these amendments may inappropriately expose Congress to scrutiny by the executive branch by way of the Department of Justice.

Congress is fully capable of proceeding with its own internal investigations. Both Houses have bipartisan Ethics Committees that may undertake these investigations. If criminal activities are discovered in the course of a congressional inquiry, such crimes should then be investigated by the appropriate Federal authorities.

The PRESIDING OFFICER. Under the previous order, the Boxer substitute amendment No. 4146, as amended, is agreed to.

The committee substitute, as amended, is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. 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. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN),

the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Indiana (Mr. LUGAR), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 88, nays 2, as follows:

[Rollcall Vote No. 108 Leg.]

#### YEAS—88

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

#### NAYS—2

DeMint Gregg

#### NOT VOTING—10

Alexander	Inouye	Obama
Biden	Landrieu	Sanders
Clinton	Lugar	
Hagel	McCain	

The bill (H.R. 1195), as amended, was passed, as follows:

#### H.R. 1195

*Resolved*, That the bill from the House of Representatives (H.R. 1195) entitled "An Act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.", do pass with the following amendment:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "SAFETEA-LU Technical Corrections Act of 2008".

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

Sec. 1. Short title; table of contents.

#### TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.

Sec. 102. *MAGLEV*.

Sec. 103. *Projects of national and regional significance and national corridor infrastructure improvement projects.*

Sec. 104. *Idling reduction facilities.*

Sec. 105. *Project authorizations.*

Sec. 106. *Nonmotorized transportation pilot program.*

Sec. 107. *Correction of Interstate and National Highway System designations.*

Sec. 108. *Budget justification; buy America.*

Sec. 109. *Transportation improvements.*

Sec. 110. *I-95/Contee Road interchange design.*

Sec. 111. *Highway research funding.*

Sec. 112. *Rescission.*

Sec. 113. *TEA-21 technical corrections.*

Sec. 114. *High priority corridor and innovative project technical corrections.*

Sec. 115. *Definition of repeat intoxicated driver law.*

Sec. 116. *Research technical correction.*

Sec. 117. *Buy America waiver notification and annual reports.*

Sec. 118. *Efficient use of existing highway capacity.*

Sec. 119. *Future interstate designation.*

Sec. 120. *Project flexibility.*

Sec. 121. *Effective date.*

#### TITLE II—TRANSIT PROVISIONS

Sec. 201. *Transit technical corrections.*

#### TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. *Technical amendments relating to motor carrier safety.*

Sec. 302. *Technical amendments relating to hazardous materials transportation.*

Sec. 303. *Highway safety.*

Sec. 304. *Correction of study requirement regarding on-scene motor vehicle collision causation.*

Sec. 305. *Motor carrier transportation registration.*

Sec. 306. *Applicability of Fair Labor Standards Act requirements and limitation on liability.*

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. *Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.*

Sec. 402. *Conveyance of retained interest in St. Joseph Memorial Hall.*

#### TITLE V—OTHER PROVISIONS

Sec. 501. *De Soto County, Mississippi.*

Sec. 502. *Department of Justice review.*

#### TITLE I—HIGHWAY PROVISIONS

#### SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) *CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES*.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) *CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY*.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) *CORRECTION OF FEDERAL LANDS HIGHWAYS*.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) *FOREST HIGHWAYS*.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than \$20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than \$1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than \$10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate."

(d) *CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT*.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX".

(e) *CORRECTION OF HIGH PRIORITY DESIGNATIONS*.—

(1) *KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION*.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: ", follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrite) Parkway to Henderson".

(2) *INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION*.—

(A) *IN GENERAL*.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(B) *CONFORMING AMENDMENT*.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) *CORRECTION OF INFRASTRUCTURE FINANCE SECTION*.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) *CORRECTION OF PROJECT FEDERAL SHARE*.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking "only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,"; and

(2) by striking "section 120(b)" and inserting "section 120".

(h) *TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED*.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) *TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS*.—

"(A) *IN GENERAL*.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) *INCLUSIONS*.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations."

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking “the Federal-aid system” each place it appears and inserting “Federal-aid highways”.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting “(112 Stat. 257)” after “21st Century”; and

(4) in subsection (a)(2)(B)—

(A) by striking “subsection (b)” and inserting “subsection (c)”; and

(B) by striking “SAFETEA-LU” and inserting “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)”.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking “purposes under this subsection” and inserting “highway safety improvement program purposes”.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking “**replacement and rehabilitation**”;

(B) in subsections (b), (c)(1), and (e) by striking “Federal-aid system” each place it appears and inserting “Federal-aid highway”;

(C) in subsections (c)(2) and (o) by striking “the Federal-aid system” each place it appears and inserting “Federal-aid highways”;

(D) in the heading to paragraph (4) of subsection (d) by inserting “SYSTEMATIC” before “PREVENTIVE”;

(E) in subsection (e) by striking “off-system bridges” each place it appears and inserting “bridges not on Federal-aid highways”;

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting “and the removal of the Mississippi Bay causeway” after “Bridge”;

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting “BRIDGES NOT ON FEDERAL-AID HIGHWAYS”;

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting “PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS”; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking “State highway agency” and inserting “State transportation department”.

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1172) is amended by adding at the end the following:

“(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Mississippi Bay causeway.”.

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking “replacement and rehabilitation”.

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking “replacement and rehabilitation” each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking “replacement and rehabilitation”.

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

“(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96-551 (94 Stat. 3233) and this paragraph.”;

(2) in subsection (j)(3)(D) by inserting “or the identified phase” after “the project” each place it appears; and

(3) in subsection (k)(2) by striking “a metropolitan planning area serving”.

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking “a National Scenic Byway under subparagraph (A)” and inserting “a National Scenic Byway, an All-American Road, or one of America’s Byways under paragraph (1)”; and

(2) in subsection (c)(3) by striking “or All-American Road” each place it appears and inserting “All-American Road, or one of America’s Byways”.

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking “paragraph (3)” and inserting “paragraph (4)”.

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking “(B), (C), and (D)” and inserting “(B) and (C)”.

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting “bbb minus, BBB (low),” after “Baa3.”.

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting “tribal,” after “local.”.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking “plan administer” and inserting “plan and administer”.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting “equity bonus,” after “minimum guarantee,”;

(B) by striking “freight intermodal connectors” and inserting “railway-highway crossings”;

(C) by striking “high risk rural road,”; and

(D) by inserting after “highway safety improvement programs” the following: “(and separately the set aside for the high risk rural road program)”.

## SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking “Act—” and all that follows through the end of the paragraph and inserting “Act, \$45,000,000 for each of fiscal years 2008 and 2009.”.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

“(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.”.

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

“(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

“(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

“(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.”.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

## SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting “\$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; \$12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic”;

(2) in item number 19 by striking the project description and inserting “For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa”; and

(3) in item number 22 by striking the project description and inserting “Redesign and reconstruction of interchanges 298 and 299 of I-80 and accompanying improvements to any other public roads in the vicinity, Monroe County”.

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting “Improvements to State Road 312, Hammond”.

## SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

## SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable,

*Flexible, Efficient Transportation Equity Act: A Legacy for Users* (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting “Removal and Reconfiguration of Interstate ramps, I-40, Memphis”;

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting “M-291 highway outer road improvement project”;

(4) in item number 128 by striking “\$2,400,000” and inserting “\$4,800,000”;

(5) in item number 154 by striking “Virginia” and inserting “Eveleth”;

(6) in item number 193 by striking the project description and inserting “Improvements to or access to Route 108 to enhance access to the business park near Rumford”;

(7) in item number 240 by striking “\$800,000” and inserting “\$2,400,000”;

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting “Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan”;

(10) in item number 277 by striking the project description and inserting “Construct connector road from Rushing Drive North to Grand Ave., Williamson County”;

(11) in item number 395 by striking the project description and inserting “Plan and construct interchange at I-65, from existing SR-109 to I-65”;

(12) in item number 463 by striking “Cookeville” and inserting “Putnam County”;

(13) in item number 576 by striking the project description and inserting “Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I-129”;

(14) in item number 595 by striking “Street Closure at” and inserting “Transportation improvement project near”;

(15) in item number 649 by striking the project description and inserting “Construction and enhancement of the Fillmore Avenue Corridor, Buffalo”;

(16) in item number 655 by inserting “, safety improvement construction,” after “Environmental studies”;

(17) in item number 676 by striking the project description and inserting “St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County”;

(18) in item number 770 by striking the project description and inserting “Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road”;

(19) in item number 777 by striking the project description and inserting “Akutan Airport access”;

(20) in item number 829 by striking the project description and inserting “\$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; \$1,000,000 to design and build New Bedford Business Park access road”;

(21) in item number 881 by striking the project description and inserting “Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park”;

(22) in item number 923 by striking the project description and inserting “Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County”;

(23) in item number 947 by striking the project description and inserting “Third East/West River Crossing, St. Lucie River”;

(24) in item numbers 959 and 3327 by striking “Northern Section,” each place it appears;

(25) in item number 963 by striking the project description and inserting “For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Base-line Road to Route 53”;

(26) in item number 983 by striking the project description and inserting “Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties”;

(27) in item number 1039 by striking the project description and inserting “Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111”;

(28) in item number 1047 by striking the project description and inserting “Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough”;

(29) in item number 1124 by striking “bridge over Stillwater River, Orono” and inserting “routes”;

(30) in item number 1206 by striking “Pleasantville” and inserting “Briarcliff Manor”;

(31) in item number 1281 by striking the project description and inserting “Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County”;

(32) in item number 1487 by striking “\$800,000” and inserting “\$1,600,000”;

(33) in item number 1575 by striking the project description and inserting “Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities”;

(34) in item number 1661 by striking the project description and inserting “Sheldon West Extension in Matanuska-Susitna Borough”;

(35) in item number 1810 by striking the project description and inserting “Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch”;

(36) in item number 1852 by striking “Milepost 9.3” and inserting “Milepost 24.3”;

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting “Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio”;

(38) in item number 1933 by striking the project description and inserting “Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving”;

(39) in item number 1975 by striking the project description and inserting “Point MacKenzie Access Road improvements in Matanuska-Susitna Borough”;

(40) in item number 2015 by striking the project description and amount and inserting “Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements” and “\$2,000,000”, respectively;

(41) in item number 2087 by striking the project description and inserting “Railroad crossing improvement on Illinois Route 82 in Geneseo”;

(42) in item number 2211 by striking the project description and inserting “Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio”;

(43) in item number 2234 by striking the project description and amount and inserting “North Atherton Signal Coordination Project in Centre County” and “\$400,000”, respectively;

(44) in item number 2316 by striking the project description and inserting “Construct a new bridge at Indian Street, Martin County”;

(45) in item number 2420 by striking the project description and inserting “Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia”;

(46) in item number 2482 by striking “County” and inserting “County”;

(47) in item number 2663 by striking the project description and inserting “Rosemead Boulevard safety enhancement and beautification, Temple City”;

(48) in item number 2671 by striking “from 2 to 5 lanes and improve alignment within rights-of-way in St. George” and inserting “, St. George”;

(49) in item number 2743 by striking the project description and inserting “Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County”;

(50) by striking item number 2800;

(51) in item number 2826 by striking “State Street and Cajon Boulevard” and inserting “Palm Avenue”;

(52) in item number 2931 by striking “Frazho Road” and inserting “Martin Road”;

(53) in item number 3047 by inserting “and roadway improvements” after “safety project”;

(54) in item number 3078 by striking the project description and inserting “U.S. 2/Sultan Basin Road improvements in Sultan”;

(55) in item number 3174 by striking the project description and inserting “Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector-NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor”;

(56) in item number 3219 by striking “Forest” and inserting “Warren”;

(57) in item number 3254 by striking the project description and inserting “Reconstruct PA Route 274/34 Corridor, Perry County”;

(58) in item number 3260 by striking “Lake Shore Drive” and inserting “Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry”;

(59) in item number 3368 by striking the project description and inserting “Plan, design, and engineering, Ludlam Trail, Miami”;

(60) in item number 3410 by striking the project description and inserting “Design, purchase land, and construct sound walls along the west side of I-65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road”;

(61) in item number 3537 by inserting “and the study of alternatives along the North South Corridor,” after “Valley”;

(62) in item number 3582 by striking the project description and inserting “Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector-NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor”;

(63) in item number 3604 by inserting “Kane Creek Boulevard” after “500 West”;

(64) in item number 3632 by striking the State, project description, and amount and inserting “FL”, “Pine Island Road pedestrian overpass, city of Tamarac”, and “\$610,000”, respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting “FL”, “West Avenue Bridge, city of Miami Beach”, and “\$620,000”, respectively;

(66) in item number 3673 by striking the project description and inserting “Improve marine dry-dock and facilities in Ketchikan”;

(67) in item number 2942 by striking the project description and inserting “Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania”;

(68) in item number 2781 by striking the project description and inserting “Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas”;

(69) in item number 2430 by striking “200 South Interchange” and inserting “400 South Interchange”;



(70) by striking item number 20;  
 (71) in item number 424 by striking "\$264,000" and inserting "\$644,000";  
 (72) in item number 1210 by striking the project description and inserting "Town of New Windsor—Riley Road, Shore Drive, and area road improvements";  
 (73) by striking item numbers 68, 905, and 1742;  
 (74) in item number 1059 by striking "\$240,000" and inserting "\$420,000";  
 (75) in item number 2974 by striking "\$120,000" and inserting "\$220,000";  
 (76) by striking item numbers 841, 960, and 2030;  
 (77) in item number 1278 by striking "\$740,000" and inserting "\$989,600";  
 (78) in item number 207 by striking "\$13,600,000" and inserting "\$13,200,000";  
 (79) in item number 2656 by striking "\$12,228,000" and inserting "\$8,970,000";  
 (80) in item number 1983 by striking "\$1,600,000" and inserting "\$1,000,000";  
 (81) in item number 753 by striking "\$2,700,000" and inserting "\$3,200,000";  
 (82) in item number 64 by striking "\$6,560,000" and inserting "\$8,480,000";  
 (83) in item number 2338 by striking "\$1,600,000" and inserting "\$1,800,000";  
 (84) in item number 1533 by striking "\$392,000" and inserting "\$490,000";  
 (85) in item number 1354 by striking "\$40,000" and inserting "\$50,000";  
 (86) in item number 3106 by striking "\$400,000" and inserting "\$500,000";  
 (87) in item number 799 by striking "\$1,600,000" and inserting "\$2,000,000";  
 (88) in item number 159—  
 (A) by striking "Construct interchange for 146th St. and I-69" and inserting "Upgrade 146th St. to I-69 Access"; and  
 (B) by striking "\$2,400,000" and inserting "\$3,200,000";  
 (89) by striking item number 2936;  
 (90) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion";  
 (91) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";  
 (92) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";  
 (93) in item number 1544 by striking "connector";  
 (94) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";  
 (95) in item number 1450 by striking "III-VI" and inserting "III-VII";  
 (96) in item number 2637 by striking the project description and inserting "Construction, road and safety improvements in Geauga County, OH";  
 (97) in item number 2342 by striking the project description and inserting "Streetscaping, bicycle trails, and related improvements to the I-90/SR-615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I-90/SR-615, widening the Garfield Road Bridge over I-90 to provide connectivity to the existing bicycle trail system between the I-90/SR-615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I-90/SR-615 interchange";  
 (98) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(99) in item number 2002 by striking the project description and inserting "Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage";  
 (100) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";  
 (101) in item number 2035 by striking "Replace" and inserting "Repair";  
 (102) in item number 2511 by striking "Replace" and inserting "Rehabilitate";  
 (103) in item number 2981 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";  
 (104) in item number 2068 by inserting "and approaches" after "capacity";  
 (105) in item number 98 by striking the project description and inserting "Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I-494, Richfield";  
 (106) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";  
 (107) in item number 2711 by striking the project description and inserting "Main Street Road Improvements through Springfield, Jacksonville";  
 (108) in item number 3485 by striking the project description and inserting "Improve SR 105 (Heckscher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";  
 (109) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";  
 (110) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville";  
 (111) in item number 803 by striking "St. Clair County" and inserting "city of Madison";  
 (112) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";  
 (113) by striking item number 889;  
 (114) in item number 324 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H-58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";  
 (115) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";  
 (116) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";  
 (117) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";  
 (118) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";  
 (119) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";  
 (120) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(121) in item number 4599 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South";  
 (122) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County";  
 (123) in item number 883 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County";  
 (124) in item number 625 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County";  
 (125) in item number 372 by inserting "replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)" after "roadway redesign";  
 (126) in item number 2308 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County";  
 (127) in item number 967 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County";  
 (128) in item number 989 by inserting "on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street" after "roadway redesign";  
 (129) in item number 342 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County";  
 (130) in item number 2332 by striking "Monroe County" and inserting "Carbon, Monroe, Pike, and Wayne Counties";  
 (131) in item number 4914 by striking the project description and inserting "Roadway improvements on I-90 loop in Mitchell along

Haven Street from near Burr Street to near Ohlman Street”;

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting “AL”, “Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL”, and “\$250,000”, respectively;

(134) in item number 314 by striking the project description and amount and inserting “Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority” and “\$610,000”, respectively;

(135) in item number 1639 by striking the project description and inserting “Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate”;

(136) in item number 2860 by striking the project description and inserting “Roadway improvements from Halchita to Mexican Hat on the Navajo Nation”;

(137) in item number 2549 by striking “on Navy Pier”;

(138) in item number 2804 by striking “on Navy Pier”;

(139) in item number 1328 by striking the project description and inserting “Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton”;

(140) in item number 2559 by striking the project description and inserting “Construct sound walls on Route 164 at and near the Maersk interchange”;

(141) in item number 1849 by striking the project description and inserting “Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh”;

(142) in item number 697 by striking the project description and inserting “Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh”;

(143) in item number 3597 by striking the project description and inserting “Road Alignment from IL Route 159 to Sullivan Drive, Swansea”;

(144) in item number 2352 by striking the project description and inserting “Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley”;

(145) in item number 3482 by striking the project description and inserting “Conduct a study to examine multi-modal improvements to the I-5 corridor between the Main Street Interchange and State Route 54”;

(146) in item number 1275 by striking the project description and inserting “Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny”;

(147) in item number 726 by striking the project description and inserting “Grade Separation at Vanowen and Clybourn, Burbank”;

(148) in item number 1579 by striking the project description and inserting “San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel”;

(149) in item number 2690 by striking the project description and inserting “San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel”;

(150) in item number 2811 by striking the project description and inserting “San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel”;

(151) in item number 259 by striking the project description and inserting “Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County”;

(152) in item number 3456 by striking the project description and inserting “Completion of

Phase II/Part I of a project on Elizabeth Avenue in Coleraire to west of Itasca County State Aid Highway 15 in Itasca County”;

(153) in item number 2329 by striking the project description and inserting “Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn”;

(154) in item number 766 by striking the project description and inserting “Design and construction of the walking path at Ellis Pond, Norwood”;

(155) in item number 3474 by striking the project description and inserting “Yellow River Trail, Newton County”;

(156) in item number 3291 by striking the amount and inserting “\$200,000”;

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting “GA”, “Access Road in Montezuma”, and “\$200,000”, respectively;

(158) in item number 716 by striking the project description and inserting “Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region”;

(159) in item number 1386 by striking the project description and amount and inserting “Pedestrian and bicycle facilities, and street lighting in Haddon Heights” and “\$300,000”, respectively;

(160) in item number 2720 by striking the project description and amount and inserting “Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington” and “\$700,000”, respectively;

(161) in item number 2523 by striking the project description and inserting “Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer”;

(162) in item number 545 by striking the project description and inserting “Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns”;

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting “Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township”;

(166) in item number 826 by striking “and Interstate 81” and inserting “and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.”;

(167) in item number 2144 by striking the project description and inserting “Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County”;

(168) in item number 1765 by striking the project description and amount and inserting “Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety im-

provements in the vicinity of and including Main, William, and Parsonage Streets in Pittston” and “\$1,600,000”, respectively;

(169) in item number 2957 by striking the project description and amount and inserting “Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre” and “\$2,800,000”, respectively;

(170) in item number 3283 by striking the project description and amount and inserting “Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York” and “\$1,300,000”, respectively;

(171) in item number 3556 by striking the project description and amount and inserting “Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County” and “\$1,100,000”, respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting “Design and Construct school safety projects in New York City” and “\$2,500,000”, respectively;

(182) in item number 2375 by striking the project description and amount and inserting “Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill” and “\$100,000”;

(183) in item number 221 by striking the project description and inserting “Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York”;

(184) in item number 2732 striking the project description and inserting “Pedestrian safety improvements in the vicinity of LIRR stations”;

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting “Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive”;

(187) in item number 446 by striking the project description and inserting “Transportation improvements for development of the Williamsport-Pile Bay Road corridor”;

(188) in item number 671 by striking “and Pedestrian Trail Expansion” and inserting “, including parking facilities and Pedestrian Trail Expansion”;

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting “AL”, “Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR-21) in Troy, AL”, and “\$300,000”, respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting “AL”, “Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR-6, CR-20, SH-7, James Street, and College Drive)”, and “\$300,000”, respectively;

(191) in item number 746 by striking “Planning and construction of a bicycle trail adjacent to the I-90 and SR 615 Interchange in” and inserting “Planning, construction, and extension of bicycle trails adjacent to the I-90 and SR 615 Interchange, along the Greenway Corridor and throughout”;

(192) in item number 749 by striking the matters in the State, project description, and

amount columns and inserting "PA", "UPMC Heliport in Bedford", and "\$750,000", respectively;

(193) in item number 813 by striking the project description and inserting "Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project";

(194) in item number 816 by striking "\$800,000" and inserting "\$880,000";

(195) in item number 852 by striking "Acquire Right-of-Way for Ludlam Trail, Miami, Florida" and inserting "Planning, design, and engineering, Ludlam Trail, Miami";

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne", and "\$500,000", respectively;

(197) in item number 1015 by striking the project description and inserting "Mississippi River Crossing connecting I-94 and US 10 between US 160 and TH 101, MN";

(198) in item number 1101 by striking the project description and inserting "I-285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "\$500,000", respectively;

(200) in item number 1345 by striking "to Stony Creek Park, 25 Mile Road in Shelby Township" and inserting "south to the city of Utica";

(201) in item number 1501 by striking the project description and inserting "Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(202) in item number 1525 by striking "north of CSX RR Bridge" and inserting "US Highway 90";

(203) in item number 1847 by striking the project description and inserting "Improve roads, sidewalks, and road drainage, City of Seward";

(204) in item number 2031 by striking the project description and inserting "Construct and improve Westside Parkway in Fulton County";

(205) in item number 2103 by striking "\$2,000,000" and inserting "\$3,000,000";

(206) in item number 2219 by striking "SR 91 in City of Twinsburg, OH" and inserting "Center Valley Parkway in Twinsburg, OH";

(207) in item number 2302 by inserting "and other road improvements to Safford Street" after "crossings";

(208) in item number 2560 by striking the project description and inserting "I-285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(209) in item number 2563 by striking the project description and amount and inserting "Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County" and "\$486,400", respectively;

(210) in item number 2698 by striking the project description and inserting "Interchanges at I-95/Ellis Road and between Grant Road and Micco Road, Brevard County";

(211) in item number 3141 by striking "\$2,800,000" and inserting "\$1,800,000";

(212) by striking item number 3160;

(213) in item number 3353 by inserting "and construction" after "mitigation";

(214) in item number 996 by striking "\$2,000,000" and inserting "\$687,000";

(215) in item number 2166 by striking the project description and inserting "Design, right-of-way acquisition, and construction for I-35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake";

(216) in item number 3251 by striking the project description and inserting "I-94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury";

(217) in item number 1488 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(218) in item number 3240 by striking the project description and inserting "Railroad-highway crossings in Pierre";

(219) in item number 1738 by striking "Paving" and inserting "Planning, design, and construction";

(220) in item number 3672 by striking the project description and inserting "Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border";

(221) in item number 2424 by striking "Construction" and inserting "preconstruction (including survey and archeological clearances) and construction";

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting "PA", "For roadway construction improvements to Route 222 relocation, Lehigh County", and "\$1,313,000", respectively;

(223) in item number 2956 by striking "\$1,360,000" and inserting "\$2,080,000";

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough", and "\$700,000", respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting "PA", "Enhance parking facilities in Chester Springs, Historic Yellow Springs", and "\$20,000", respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County", and "\$250,000", respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting "PA", "Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County", and "\$250,000", respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 29, Lehigh County", and "\$220,000", respectively;

(229) in item number 80 by striking "\$4,544,000" and inserting "\$4,731,200";

(230) in item number 2096 by striking "\$4,800,000" and inserting "\$5,217,600";

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting "PA", "Study future needs of East-West road infrastructure in Adams County", and "\$115,200", respectively;

(232) in item number 2193 by striking the project description and inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility";

(233) in item number 2445 by striking the project description and inserting "\$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; \$900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County";

(234) in item number 346 by striking the project description and inserting "Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue";

(235) by striking item number 449;

(236) in item number 3688 by striking "road" and inserting "trail";

(237) in item number 3695 by striking "in Soldotna" and inserting "in the Kenai River corridor";

(238) in item number 3699 by striking "to improve fish habitat";

(239) in item number 3700 by inserting "and ferry facilities" after "a ferry";

(240) in item number 3703 by inserting "or other roads" after "Cape Blossom Road";

(241) in item number 3704 by striking "Fairbanks" and inserting "Alaska Highway";

(242) in item number 3705 by striking "in Cook Inlet for the Westside development/Williamsport-Pile Bay Road" and inserting "for development of the Williamsport-Pile Bay Road corridor";

(243) in item number 3829 by striking the amount and inserting "\$3,050,000";

(244) by inserting after item number 3829 the following:

"3829A	CO	U.S. 550, New Mexico State line to Durango	\$950,000";
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(245) in item number 4788 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscapes enhancements, paving, lighting and safety upgrades, and parking improvements";

(246) in item number 3861 by striking the project description and inserting "Creation of a greenway path along the Naugatuck River in Waterbury";

(247) in item number 3883 by striking the project description and inserting "Wilmington Riverfront Access and Street Grid Redesign";

(248) in item number 3892 by striking "\$5,000,000" and inserting "\$8,800,000";

(249) in item number 3894 by striking "\$5,000,000" and inserting "\$1,200,000";

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91";

(251) in item number 3911 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(252) in item number 3916 by striking the project description and inserting "City of Hollywood for U.S. 1/Federal Highway, north of Young Circle";

(253) in item number 3937 by striking the project description and inserting "Kingsland bypass from CR 61 to I-95, Camden County";

(254) in item number 3945 by striking "CR 293 to CS 5231" and inserting "SR 371 to SR 400";

(255) in item number 3965 by striking "transportation projects" and inserting "and air quality projects";

(256) in item number 3986 by striking the project description and inserting "Extension of Sugarloaf Parkway, Gwinnett County";

(257) in item number 3999 by striking "Bridges" and inserting "Bridge and Corridor";

(258) in item number 4003 by striking the project description and inserting "City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project";

(259) in item number 4043 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(260) in item number 4050 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(261) in item number 4058 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting "Preconstruction, construction, and related research and studies of I-290 Cap the Ike project in the village of Oak Park";

(263) in item number 4089 by inserting "and parking facility/entrance improvements serving the Museum of Science and Industry" after "Lakeshore Drive";

(264) in item number 4103 by inserting "and adjacent to the" before "Shawnee";

(265) in item number 4110 by striking the project description and inserting "For improvements to the road between Brighton and Bunker Hill in Macoupin County";

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting "Upgrade 146th Street to Improve I-69 Access" and "\$800,000", respectively;

(267) in item number 4125 by striking "\$250,000" and inserting "\$1,650,000";

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting "Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne";

(271) in item number 4299 by striking the project description and inserting "Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(272) in item number 4313 by striking "Maryland Avenue" and all that follows through "Rd. corridor" and inserting "intermodal access, streetscape, and pedestrian safety improvements";

(273) in item number 4315 by striking "stormwater mitigation project" and inserting "environmental preservation project";

(274) in item number 4318 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns";

(275) in item number 4323 by striking the project description and inserting "MaineDOT Acadia intermodal passenger and maintenance facility";

(276) in item number 4338 by striking the project description and inserting "Construct 1 or more grade-separated crossings of I-75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(277) in item number 4355 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(278) in item number 4357 by striking the project description and inserting "Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael";

(279) in item number 4360 by striking the project description and inserting "Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul";

(280) in item number 4362 by striking the project description and inserting "I-494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area";

(281) in item number 4365 by striking the project description and inserting "34th Street realignment and 34th Street and I-94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I-94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program";

(282) in item number 4369 by striking the project description and inserting "Construction

of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud";

(283) in item number 4371 by striking the project description and inserting "Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(284) in item number 4411 by striking "Southaven" and inserting "DeSoto County";

(285) in item number 4424 by striking the project description and inserting "U.S. 93 Evaro to Polson transportation improvement projects";

(286) in item number 4428 by striking the project description and inserting "US 76 improvements";

(287) in item number 4457 by striking the project description and inserting "Construct an interchange at an existing grade separation at SR 1602 (Old Stantonburg Rd.) and U.S. 264 Bypass in Wilson County";

(288) in item number 4461 by striking the project description and inserting "Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte";

(289) in item number 4507 by striking the project description and inserting "Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I-129";

(290) in item number 4555 by inserting "Canal Street and" after "Reconstruction of";

(291) in item number 4565 by striking the project description and inserting "Railroad Construction and Acquisition, Ely and White Pine County";

(292) in item number 4588 by inserting "Private Parking and" before "Transportation";

(293) in item number 4596 by striking the project description and inserting "Centerway Bridge and Bike Trail Project, Corning";

(294) in item number 4610 by striking the project description and inserting "Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport";

(295) in item number 4649 by striking the project description and inserting "Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas";

(296) in item number 4651 by striking "for the transfer of rail to truck for the intermodal" and inserting "and construction of an intermodal freight";

(297) in item number 4691 by striking the project description and inserting "Transportation improvements to Idabel Industrial Park Rail Spur, Idabel";

(298) in item number 4722 by striking the project description and inserting "Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh";

(299) in item number 4749 by striking "study" and inserting "improvements";

(300) in item number 4821 by striking "highway grade crossing project, Clearfield and Clinton Counties" and inserting "Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties";

(301) in item number 4838 by striking "study" and inserting "improvements";

(302) in item number 4839 by striking "fuel-celled" and inserting "fueled";

(303) in item number 4866 by striking "\$11,000,000" and inserting "\$9,400,000";

(304) by inserting after item number 4866 the following:

"4866A	RI	Repair and restore railroad bridge in Westerly	\$1,600,000";
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(305) in item number 4892 by striking the project description and inserting "Construct a 4-lane highway between maverick Junction and the Nebraska border";

(306) in item number 4916 by striking "\$1,000,000" and inserting "\$328,000";

(307) in item number 4924 by striking "\$3,450,000" and inserting "\$4,122,000";

(308) in item number 4960 by inserting "of which \$50,000 shall be used for a street paving project, Calhoun" after "County";

(309) in item number 4974 by striking "Sevier County";

(310) in item number 5008 by inserting "Kane Creek Boulevard" after "500 West";

(311) in each of item numbers 5011 and 5033 by striking "200 South Interchange" and inserting "400 South Interchange";

(312) in item number 5021 by striking "Pine View Dam,";

(313) in item number 5026 by striking the project description and inserting "Roadway improvements on Washington Fields Road/300 East, Washington";

(314) in item number 5027 by inserting "and roadway improvements" after "safety project";

(315) in item number 5028 by inserting "and roadway improvements" after "lighting";

(316) in item number 5029 by inserting "and roadway improvements" after "lights";

(317) in number 5032 by striking the project description and inserting "Expand Redhills Parkway, St. George";

(318) in item number 5132 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(319) in item number 5161 by striking the project description and inserting "Raleigh Street Extension Project in Martinsburg";

(320) in item number 1824 by striking the project description and inserting "U.S. Route 10 expansion in Wadena and Ottertail Counties";

(321) in item number 1194 by striking the project description and inserting "Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn";

(322) in item number 2286 by striking the project description and inserting "Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park";

(323) in item number 1724 by striking the project description and amount and inserting "For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown" and "\$1,500,000", respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting "NY", "Road repair and maintenance in the Town of Southampton", and "\$500,000", respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting "NY", "Improve NY State Route 112 from Old Town Road to NY State Route 347", and "\$6,000,000", respectively;

(326) in item number 3479 by striking the project description and inserting "Road improvements and utility relocations within the city of Jackson";

(327) in item number 141 by striking "construction of pedestrian and bicycle improvements" and inserting "transportation enhancement activities";

(328) in item number 1204 by striking "at SR 283";

(329) in item number 2896 by striking the project description and inserting "Improve streetscape and signage and pave roads in McMinn County, including \$50,000 that may be used for paving local roads in the city of Calhoun";

(330) in item number 3017 by striking "Pine View Dam";

(331) in item number 3188 insert after "Reconstruction" the following: "including U.S. 169/Valley View Road Interchange,";

(332) in item number 1772 by striking the project description and inserting "Reconstruction of Historic Eastern Parkway";

(333) in item number 2610 by striking the project description and inserting "Reconstruction of Times and Duffy Squares in New York City";

(334) in item number 2462—

(A) by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike"; and

(B) by striking "\$1,200,000" and inserting "\$450,000";

(335) in item number 2871 by striking the amount and inserting "\$2,430,000";

(336) in item number 3381 by striking the project description and inserting "Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey";

(337) in item number 2703 by striking the project description and inserting "Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation";

(338) in item number 1004 by inserting "SR 71 near" after "turn lane on";

(339) in item number 2824 by striking the project description and inserting the following: "Sevier County, TN, SR 35 near SR 449 intersection";

(340) in item number 373 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(341) in item number 1486, by striking the project description and inserting "Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project";

(342) in item number 4541 by striking "of the New Jersey Turnpike, Carteret" and inserting "and the Tremley Point Connector Road of the New Jersey Turnpike";

(343) in item number 4006 by striking the project description and inserting "Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements";

(344) in item number 2901 by striking the project description and inserting "Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio";

(345) in item number 2619 by striking the project description and inserting "Improve access to I-55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06";

(346) in item number 1687 by striking the project description and inserting "Construct an interchange at I-675 and Warren Avenue near downtown Saginaw";

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting "Plan and implement truck route improvements in the Maspeth neighborhood of Queens County" and "\$500,000", respectively;

(352) in item number 3039 by striking the project description and inserting "Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township";

(353) in item number 2922 by striking the project description and amount and inserting "Detroit River International Wildlife Refuge for land acquisition adjacent to I-75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service" and "\$1,800,000", respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting "MI", "River Raisin Battlefield for acquisition of historic bat-

tlefield land in Monroe County, Port of Monroe", and "\$1,200,000"; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting "MI", "Phase 1 of Monroe County greenway system construction, Monroe County", and "\$940,000", respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting "MI", "East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County", and "\$1,000,000", respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting "MI", "Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe", and "\$100,000"; respectively;

(358) in item number 1883 by striking the project description and inserting "Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County";

(359) in item number 3757 by inserting " , including Van Asche Drive" after "Corridor";

(360) in item number 4347 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H-58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(361) in item number 4335 by striking the project description and inserting "Construct an interchange at I-675 and Warren Avenue near downtown Saginaw";

(362) in item number 4891 by striking the project description and inserting "Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail";

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting "AL", "Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville", and "\$1,000,000", respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting "AL", "Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham", and "\$1,075,000", respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting "AL", "Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County", and "\$1,075,000", respectively;

(366) in item number 562 by striking "a designated truck route through" and inserting "roadway and sidewalk improvements in";

(367) in item number 2836 by striking the project description and inserting "Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County";

(368) in item number 1353 by striking the project description and inserting "Improve the flow of truck traffic in Orrville";

(369) in item number 1975 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(370) in item number 1661 by striking the project description and inserting "Hatcher Pass Ski Development Road in Matanuska-Susitna Borough";

(371) in item number 1574 by striking the project description and inserting "Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities";

(372) in item number 3461 by striking the project description and inserting "Construct

Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities";

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting "To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary";

(374) in item number 4934 by striking "connection with Hermitage Avenue" and inserting "Hermitage Avenue and pedestrian connection";

(375) in item number 1227 by striking the project description and inserting "Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park";

(376) in item number 2507 by striking the project description and inserting "Texas Department of Transportation: for those projects the Department has identified as its highest priorities";

(377) in item number 3903 by striking the project description and inserting "Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line";

(378) in item number 56 by striking the project description and inserting "Bicycle and pedestrian improvements, Oregon";

(379) in item number 604 by striking the amount and inserting "\$11,800,000";

(380) in item number 1299 by striking the amount and inserting "\$9,800,000";

(381) in item number 1506 by striking the amount and inserting "\$5,100,000";

(382) in item number 1904 by striking the project description and inserting "Study and construct access to intermodal facility in Azusa";

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting "MI", "Bicycle and pedestrian trails in Harrison Township", and "\$2,900,000", respectively;

(384) in item number 3447 by striking the project description and inserting "Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities";

(385) in item number 2321 by striking the project description and inserting "Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA"; and

(386) in item number 370 by striking the project description and inserting "Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South";

(b) **UNUSED OBLIGATION AUTHORITY.**—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) **TRANSFER OF PROJECT FUNDS.**—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for

Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the "Truman-Hobbs Act", (33 U.S.C. 511 et seq.).

(d) **ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.**—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than \$1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) **PROJECT FEDERAL SHARE.**—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

"(c) **SPECIAL RULE.**—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent."

#### **SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.**

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

#### **SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.**

(a) **TREATMENT.**—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) **NATIONAL HIGHWAY SYSTEM.**—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

#### **SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.**

(a) **BUDGET JUSTIFICATION.**—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

(b) **BUY AMERICA.**—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress";

#### **SEC. 109. TRANSPORTATION IMPROVEMENTS.**

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting " , Saole," after "Sua";

(2) in item number 448 by inserting "by removing asphalt and concrete and reinstalling blue cobblestones" after "streets";

(3) by striking item number 451;

(4) in item number 452 by striking "\$2,000,000" and inserting "\$3,000,000";

(5) in item number 12 by striking "Yukon River" and inserting "Kuskokwim River";

(6) in item number 18 by striking "Engineering and Construction in Merced County" and inserting "and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties";

(7) in item number 38 by striking the project description and inserting "Relocation of the Newark Train Station";

(8) in item number 57 by striking the project description and inserting "Kingsland bypass from CR 61 to I-95, Camden County";

(9) in item number 114 by striking "IA-32" and inserting "SW" after "Construct";

(10) in item number 122 by striking the project description and inserting "Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County";

(11) in item number 130 by striking the project description and inserting "Improvements and rehabilitation to rail and bridges on the Appanose County Community Railroad";

(12) in item number 133 by striking "IA-32";

(13) in item number 138 by striking the project description and inserting "West Spencer Beltway Project";

(14) in item number 142 by striking "MP 9.3, Segment I, II, and III" and inserting "Milepost 24.3";

(15) in item number 161 by striking "Bridge replacement on Johnson Drive and Nall Ave." and inserting "Construction improvements";

(16) in item number 182 by striking the project description and inserting "Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth";

(17) in item number 198 by striking the project description and inserting "Construct 1 or more grade separated crossings of I-75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282";

(18) in item number 201 by striking the project description and inserting "Alger County, to reconstruct, pave, and realign a portion of H-58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River";

(19) in item number 238 by striking the project description and inserting "Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that \$2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage";

(20) in item number 329 by inserting " , Tulsa" after "technology";

(21) in item number 358 by striking "fuel-celled" and inserting "fueled";

(22) in item number 374 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(23) in item number 402 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting " , St. George";

(24) in item number 309 by striking the project description and inserting "Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle"; and

(25) in item number 462 by striking the project description and inserting "I-75 widening and improvements in Collier and Lee Counties, Florida".

#### **SEC. 110. I-95/CONTEE ROAD INTERCHANGE DESIGN.**

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking "study" and inserting "design";

(2) by striking subsections (a), (b), and (c) and inserting the following:

"(a) **DESIGN.**—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I-95/Contee Road interchange in Prince George's County, Maryland."; and

(3) by redesignating subsection (d) as subsection (b).

#### **SEC. 111. HIGHWAY RESEARCH FUNDING.**

(a) **F-SHRP FUNDING.**—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) **CONFORMING AMENDMENTS.**—

(1) **FUNDING.**—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "\$69,700,000" and all that follows through "2009" and inserting "\$40,400,000 for fiscal year 2005, \$69,700,000 for fiscal year 2006, \$76,400,000 for each of fiscal years 2007 and 2008, and \$78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) **FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.**—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) **CONTRACT AUTHORITY.**—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) **APPLICABILITY OF OBLIGATION LIMITATION.**—Funds made available under this section shall be subject to any limitation on obligations



for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) **EQUITY BONUS FORMULA.**—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) **FUNDING FOR RESEARCH ACTIVITIES.**—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least \$1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least \$4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) **TECHNICAL AMENDMENTS.**—

(1) **SURFACE TRANSPORTATION RESEARCH.**—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) **ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.**—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking “PROGRAM APPRECIATION.” and inserting “PROGRAM APPLICATION.”

(3) **UNIVERSITY TRANSPORTATION RESEARCH.**—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking “tier” and inserting “Tier”;

(B) in subsection (i)—

(i) by striking “In order to” and inserting the following:

“(1) IN GENERAL.—In order to”; and

(ii) by adding at the end the following:

“(2) **SPECIAL RULE.**—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.”; and

(C) in subsection (k)(3) by striking “The Secretary” and all that follows through “to carry out this section” and inserting “For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section”.

#### SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109-280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking “\$8,593,000,000” each place it appears and inserting “\$8,708,000,000”.

#### SEC. 113. TEA-21 TECHNICAL CORRECTIONS.

(a) **SURFACE TRANSPORTATION PROGRAM.**—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking “2003” and inserting “2009”.

(b) **PROJECT AUTHORIZATIONS.**—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting “, and planning and construction to Heisley Road,” before “in Mentor, Ohio”;

(2) in item number 1646 by striking “and construction” and inserting “construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving”; and

(3) in item number 614 by inserting “and for NJ Carteret, NJ Ferry Service Terminal” after “east”.

#### SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) **HIGH PRIORITY CORRIDORS.**—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking “and United States Routes 1, 3, 9, 17, and 46,” and inserting “United States Routes 1, 9, and 46, and State Routes 3 and 17,”; and

(2) in paragraph (64)—

(A) by striking “United States Route 42” and inserting “State Route 42”; and

(B) by striking “Interstate Route 676” and inserting “Interstate Routes 76 and 676”.

(b) **INNOVATIVE PROJECTS.**—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading “INNOVATIVE PROJECTS” by inserting “and contiguous counties” after “Michigan”.

#### SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) receive—

“(i) a driver’s license suspension for not less than 1 year; or

“(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

“(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;”.

#### SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking “\$2,225,000” and inserting “\$2,250,000”.

#### SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) **WAIVER NOTIFICATION.**—

(1) **IN GENERAL.**—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) **ANNUAL REPORTS.**—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

#### SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) **STUDY.**—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) **CONTENTS.**—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

#### SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) **SIGNS.**—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) **REMOVAL OF DESIGNATION.**—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

#### SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting “the project numbered 1322 and” before “the projects”.

#### SEC. 121. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) **EFFECT OF AMENDMENTS.**—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) **CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.**—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” and inserting “SAFETEA—LU Technical Corrections Act of 2008”.

**TITLE II—TRANSIT PROVISIONS****SEC. 201. TRANSIT TECHNICAL CORRECTIONS.**

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking “charter,” and inserting “charter, sightseeing.”.

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

“(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.”.

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting “or the identified phase” before “within the time”; and

(B) by inserting “or the identified phase” before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking “a metropolitan planning area serving”.

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking “2007” and inserting “2009”; and

(2) in paragraph (2)(A)—

(A) by striking “2007” and inserting “2009”; and

(B) by striking “mass” and inserting “public”;

(3) by adding at the end of paragraph (2) the following:

“(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

“(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

“(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

“(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.”; and

(4) in paragraph (3) by striking “section 5305(a)” and inserting “section 5303(k)”.

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking “regulation.” and inserting “this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.”;

(2) in subsection (e)(6)(B) by striking “subsection.” and inserting “subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.”;

(3) in the heading for paragraph (2)(A) of subsection (m) by striking “MAJOR CAPITAL” and inserting “CAPITAL”; and

(4) in subsection (m)(7)(B) by striking “section 3039” and inserting “section 3045”.

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking “for any purpose other than operating assistance” and inserting “for a capital project or project administrative expenses”;

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking “capital” after “net”; and

(3) in subsection (i)(1) by striking “Sections 5323(a)(1)(D) and 5333(b) of this title apply” and inserting “Section 5333(b) applies”.

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking “MASS TRANSPORTATION” and inserting “PUBLIC TRANSPORTATION”.

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking “section 5323(a)(1)(D)” and inserting “section 5333(b)”.

(h) SECTION 5319.—Section 5319 of such title is amended by striking “section 5307(k)” and inserting “section 5307(d)(1)(K)”.

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking “intra-agency” and inserting “intraagency”;

(2) in subsection (b)(5)(A) by striking “5302(a)(1)(A)” and inserting “5302(a)(1)”;

(3) in subsection (d)(1) by inserting “to administer this section and” after “5338(b)(2)(J)”;

(4) by adding at the end of subsection (d) the following:

“(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.”;

(5) in subsection (k)(3) by striking “subsection (d)(1)” and inserting “subsection (e)(1)”;

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

“(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.”.

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking “section 5336(e)(2)” and inserting “section 5336(d)(2)”.

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end “adopted before August 10, 2005”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking “Of the amount” and all that follows before paragraph (1) and inserting “Of the amount apportioned under subsection (i)(2) to carry out section 5307”;

(B) in subsection (d)(1) by striking “subsections (a) and (h)(2) of section 5338” and inserting “subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338”; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking “paragraph (2)” and inserting “subsection (a)(2)”.

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking “for each of fiscal years 1998 through 2003” and inserting “for each of fiscal years 2005 through 2009”.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking “section 5315(a)(16)” and inserting “section 5315(b)(2)(P)”.

(o) SAFETEA-LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following: “(5) Central Florida Commuter Rail Transit Project.”.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking “Phase II”; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking “\$7,871,895,000” and inserting “\$7,872,893,000”.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting “Milwaukie” after “Mall”.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

“(13) Los Angeles—Exposition LRT (Phase 1).”.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

“(104A) Los Angeles—Exposition LRT (Phase 2).”.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking “LOSSAN Del Mar-San Diego—Rail Corridor Improvements” and inserting “LOSSAN Rail Corridor Improvements”.

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking “San Diego” and inserting “San Diego Transit”.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking “Downtown”.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

“(6) Boston—Silver Line Phase III, \$20,000,000.”.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

“(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).”.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

“(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

“(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.”.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking “\$217,360” and inserting “\$167,360”; and

(II) by striking “\$225,720” and inserting “\$175,720”;

(ii) in item number 36 by striking the project description and inserting "Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(iii) in item number 71 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(iv) in item number 84 by striking the project description and inserting "Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)";

(v) in item number 94 by striking the project description and inserting "Pacific Transit, WA Vehicle Replacement";

(vi) in item number 120 by striking "Dayton Airport Intermodal Rail Feasibility Study" and inserting "Greater Dayton Regional Transit Authority buses and bus facilities";

(vii) in item number 152 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(viii) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and";

(ix) in item number 457—

(I) by striking "\$65,000" and inserting "\$0"; and

(II) by striking "\$67,500" and inserting "\$0"; and

(x) in item number 458—

(I) by striking "\$65,000" and inserting "\$130,000";

(II) by striking "\$67,500" and inserting "\$135,000"; and

(xi) in item number 57 by striking the project description and inserting "Wilmington, NC, maintenance and operations facilities and administration and transfer facilities";

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting "460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe", "\$500,000", and "\$500,000", respectively.

(xiii) in item number 138 by striking "Design" and inserting "Determine scope, engineering, design,";

(xiv) in item number 23 by striking "Construct" and inserting "Design, engineering, right-of-way acquisition, and construction";

(xv) in item number 439 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvi) in item number 453 by inserting before "Central" the following: "Design, engineering, right-of-way acquisition, and construction";

(xvii) in item number 371 by striking the project description and inserting "Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility";

(xviii) in item number 487 by striking "Central Arkansas Transit Authority Facility Upgrades" and inserting "Central Arkansas Transit Authority Bus Acquisition";

(xix) in item number 491 by striking the project description and inserting "Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis";

(xx) in item number 512 by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY";

(xxi) in item number 534 by striking "Community Buses" and inserting "Bus and Bus Facilities";

(xxii) in item number 570 by striking "Maine Department of Transportation-Acadia Intermodal Facility" and inserting "MaineDOT Acadia Intermodal Passenger and Maintenance Facility";

(xxiii) in item number 80 by striking the project description and amounts and inserting "Flagler County, Florida—buses and bus facility", "\$57,684", "\$60,192", "\$65,208", and "\$67,716" respectively;

(xxiv) in item number 135 by striking the project description and inserting "Pace Suburban Bus, IL—Purchase Vehicles";

(xxv) in item number 276 by striking the project description and amounts and inserting "Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services", "\$128,180", "\$133,760", "\$144,906", and "\$150,480", respectively; and

(xxvi) by adding at the end—  
(I)(aa) in the project description column "666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes"; and

(bb) in the FY08 column and the FY09 column "\$50,000";

(II)(aa) in the project description column "667. St. Johns County Council on Aging buses and bus facilities, Florida"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "\$57,684", "\$60,192", "\$65,208", and "\$67,716", respectively;

(III)(aa) in the project description column "668. The City of Compton, California, for the replacement of buses and paratransit vehicles"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "\$128,180", "\$133,760", "\$144,906", and "\$150,480", respectively; and

(IV)(aa) in the project description column "669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services"; and

(bb) in the FY06, FY07, FY08, and FY09 columns "\$128,200", "\$133,760", "\$144,908", and "\$150,480", respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local governmental authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411"; and

(iii) by striking the period at the end and inserting: ", and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009."

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting "by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island" before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such

acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than \$3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

### TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

#### SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (1) by inserting "(c)" after "the second subsection".

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as

subsection (i) and moving it after the second subsection (h).

(l) **USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.**—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

“(e) **USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.**—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.”.

(m) **COMMERCIAL MOTOR VEHICLE DEFINITION.**—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking “a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier’s authority or insurance related to operation within such State, the motor carrier” and inserting “determining the size of a motor carrier or motor private carrier’s fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier”.

(n) **CLARIFICATION OF UNREASONABLE BURDEN.**—Section 14504a(c)(2) of title 49, United States Code, is amended by striking “interstate” the last place it appears and inserting “intra-state”.

(o) **CONTENTS OF AGREEMENT TYPO.**—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking “or” the last place it appears.

(p) **OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.**—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking “the a” and inserting “a”;

(2) in subsection (f)(1)(A)(i) by striking “in connection with the filing of proof of financial responsibility”; and

(3) in subsection (f)(1)(A)(ii) by striking “in connection with such a filing” and inserting “under the UCR agreement”.

(q) **IDENTIFICATION OF VEHICLES.**—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: “or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement”.

(r) **DRIVEAWAY SADDLEMOUNT VEHICLE.**—

(1) **DEFINITION.**—Section 3111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking “DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT” and inserting “DRIVEAWAY SADDLEMOUNT”;

(B) by striking “drive-away saddlemount with fullmount” and inserting “driveaway saddlemount”; and

(C) by inserting “Such combination may include one fullmount.” after the period at the end.

(2) **IN GENERAL.**—Section 3111(b)(1)(D) of such title is amended by striking “a driveaway saddlemount with fullmount” and inserting “all driveaway saddlemount”.

#### **SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.**

(a) **DEFINITION OF HAZMAT EMPLOYEES.**—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking “(3)(A)” and inserting “(3)”;

(2) in subparagraph (A) by striking “clause (i)” and inserting “clause (i) of subparagraph (A)”;

(3) in subparagraph (B) by striking “clause (ii)” and inserting “subparagraph (A)(ii)”.

(b) **TECHNICAL CORRECTION.**—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking “Act” and inserting “subsection”.

(c) **PREEMPTION CORRECTION.**—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking “5119(e)” and inserting “5119(f)”;

(2) in each of subsections (e) and (g) by striking “5119(b)” and inserting “5119(f)”;

(3) in subsection (g) by striking “(b), (c)(1), or (d)” and inserting “(a), (b)(1), or (c)”.

(d) **RELATIONSHIP TO OTHER LAWS.**—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting “the first place it appears” before “and inserting”.

(e) **REPORT.**—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking “exemptions” and inserting “special permits”; and

(2) in paragraph (3) by striking “exemption” and inserting “special permit”.

(f) **SECTION HEADING.**—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

#### **“§5128. Authorization of appropriations”.**

(g) **CHAPTER ANALYSIS.**—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking “Transportation” and inserting “transportation”.

(h) **NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.**—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting “(including delegations by the Secretary of Transportation)” after “All orders”.

(i) **SHIPPING PAPERS.**—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking “SHIPPERS” and inserting “OFFERORS”; and

(2) by striking “shipper’s” and inserting “offeror’s”.

(j) **NTSB RECOMMENDATIONS.**—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking “165” and inserting “1165”.

#### **SEC. 303. HIGHWAY SAFETY.**

(a) **STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.**—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking “The annual apportionment to each State shall not be less than one-half of 1 per centum” and inserting “The annual apportionment to each State shall not be less than three-quarters of 1 per centum”.

(b) **CONSOLIDATION OF GRANT APPLICATIONS.**—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking “through” and inserting “for which”; and

(2) by inserting “is appropriate” before the period at the end.

(c) **TECHNICAL CORRECTIONS.**—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting “and” after the semicolon at the end of subparagraph (A);

(B) by striking “and” at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking “clause (i)” and inserting “clauses (i) and (ii)”.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

#### **SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.**

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1522) is amended in the second sentence by striking “shall” and inserting “may”.

#### **SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.**

(a) **GENERAL REQUIREMENTS.**—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **GENERAL REQUIREMENT.**—

“(1) **TRANSPORTATION OF PASSENGERS FOR COMPENSATION.**—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

“(A) a place in another State;

“(B) another place in the same State through a place outside of that State; or

“(C) a place outside the United States.”.

“(2) **TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.**—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

“(A) a place in another State;

“(B) another place in the same State through a place outside of that State; or

“(C) a place outside the United States.”; and

(2) by striking “commercial” each place it appears in subsection (c)(4).

(b) **TRANSPORTATION OF PROPERTY.**—Section 31139 of such title is amended—

(1) by striking “commercial motor vehicle” in subsection (b)(1) and inserting “motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)”;

(2) by striking “commercial” in subsection (c).

(c) **DEFINITIONS RELATING TO MOTOR CARRIERS.**—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking “commercial motor vehicle (as defined in section 31132)” and inserting “motor vehicle”.

(d) **FREIGHT FORWARDERS.**—Section 13903(a) of such title is amended to read as follows:

“(a) **IN GENERAL.**—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.”.

(e) **BROKERS.**—Section 13904(a) of such title is amended to read as follows:

“(a) **IN GENERAL.**—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.”.

#### **SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.**

(a) **APPLICABILITY FOLLOWING THIS ACT.**—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) **LIABILITY LIMITATION FOLLOWING SAFETEA-LU.**—

(1) **LIMITATION ON LIABILITY.**—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) **ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.**—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

#### **TITLE IV—MISCELLANEOUS PROVISIONS**

##### **SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.**

(a) **IN GENERAL.**—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the “Corporation”), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) **GSA FLEET MANAGEMENT CENTER.**—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) **CONSIDERATION.**—

(1) **IN GENERAL.**—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) **REPLACEMENT PROPERTY.**—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the

Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) **PURCHASE PRICE.**—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) **APPRAISAL.**—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) **PROCEEDS.**—

(1) **DEPOSIT.**—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) **EXPENDITURE.**—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) **DESCRIPTION OF PROPERTY AND SURVEY.**—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

##### **SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.**

(a) **IN GENERAL.**—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) **ST. JOSEPH MEMORIAL HALL DEFINED.**—In this section, the term “St. Joseph Memorial Hall” means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) **TERMS AND CONDITIONS.**—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay \$10,000 to the United States.

(2) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

#### **TITLE V—OTHER PROVISIONS**

##### **SEC. 501. DE SOTO COUNTY, MISSISSIPPI.**

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking “\$55,000,000” and inserting “\$75,000,000”.

##### **SEC. 502. DEPARTMENT OF JUSTICE REVIEW.**

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

Mrs. BOXER. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, this is a good day for the Senate. It took us a while to get here. I will thank staff in a moment—floor staff as well, and Senator REID's staff, Senator INHOFE's staff, and my own staff.

Before that, I have two unanimous consent requests to make.

The PRESIDING OFFICER. The Senator will state the requests.

UNANIMOUS CONSENT REQUEST—H.R. 2828

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 403, H.R. 2828, the Foreign Service Victims of Terrorism Act, which will provide compensation to relatives of U.S. citizens killed as a result of the bombing of United States Embassies in East Africa on August 7, 1998; that the bill be read the third time, and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 1595

Mrs. BOXER. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1595, the Guam World War II Loyalty Recognition Act; that the bill be read the third time, and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Madam President, we just heard objection, but we didn't get objection, finally, to the technical corrections bill. We are happy about that. You and I serve together on the Environment and Public Works Committee. We know our work is important because we know that no country can be great if it doesn't have an infrastructure that is up to par. The occupant of the chair knows more than most what it means when a bridge collapses. We know what that means. So what we are doing here is a matter of life and death, quite often.



This technical corrections bill will make it possible to continue work on over 500 projects that were stymied for various reasons. It is going to put a billion dollars into our economy, and it will provide tens of thousands of jobs. Senator INHOFE and I are very grateful that—even though this was not an easy week and this bill took so many twists and turns and we had to work our way through many issues—we have arrived at the point where it passed.

Let me say how much I enjoyed working with my staff and the staff of Senator INHOFE. I am going to read the names of those who deserve to be recognized and thanked. From my staff are Bettina Porier, Kathy Dedrick, Tyler Rushforth, Jeff Rosato, Erik Olsen, Paul Ordal, and the rest of my staff. We do work as a team.

I thank Senator INHOFE's staff, and I am sure there are more to be thanked, but the ones I worked with closely are, of course, Andy Wheeler, chief over there, Ruth Van Mark, James O'Keeffe, and Alex Herrgott. We are so grateful to you for being close to us, staying close to us, letting us know when there were problems. We appreciate that.

I say to the majority leader, Senator REID, how much I appreciated his interest in this bill. He really helped us. Bob Herbert, of his staff, Ron Wynch, and Mike Castellano—we had technical issues and legal issues and they were there.

If I am leaving anyone out, please know it is not my intention. So many others helped us.

Mr. CARPER. Will the Senator yield for a moment?

Mrs. BOXER. Yes.

Mr. CARPER. The Senator is leaving herself out and Senator INHOFE. On behalf of all of us who have been anxious for this day—to see this technical corrections bill put together and have the result we have had, I thank the Senator for dealing with the competing forces and getting the job done. Someone said it was ugly, but it is beautiful in the end. It is going to be good for the folks in all of our States. We worked together in a bipartisan way, and I am grateful for that.

Mrs. BOXER. I thank the Senator. Senator CARPER, from Delaware, is one of the senior members on the committee, whom we love working with. He is part of our team. We have a great committee. It is why I like to be a legislator.

I want to say, in closing, to floor staff, all of you here, thank you for your patience. You have to answer questions. The pages have to be available to us. You all let us know what is going on and whether we are doing it right or wrong. Of course, in particular, I thank Lula, Tim, and Dave. Without the three of you, we could not have gotten this done.

Yes, sometimes when you get to this point, it is a little like making sausage—that is what they say about how a bill becomes a law; it is not a pretty thing. But we got it done. The most

important thing is all of the people who helped us from the outside groups—I thank them—such as the construction industry, the construction workers, the transit district operators, the sand and gravel people. You know who you are. You made the point that we should not bog this bill down, that we should get it going.

I am delighted we had a victory here with the Water Resources Development Act. We are pleased. Up and coming, we are going to have a markup in a couple of weeks, and then we will get to global warming. I don't know how that will end, but I know it is going to be very exciting. We hope everybody will participate in that debate.

Is the Senator from Virginia going to speak?

I will yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, today the Senate had a historic moment. We passed a bill that has been long awaited across America—one that was read about and heard about. It finally passed this afternoon. It was a bill called the technical corrections bill.

It was a bill that changed and corrected the punctuation and references in a highway bill we enacted several years ago. It was not that historic. In fact, it is fairly routine. You see, after you pass a bill that affects the whole United States and billions of dollars, sometimes, on reflection, you find some of the facts were wrong, some of the words were wrong; and you have to clean it up. And so a technical corrections bill is very common around here. It happens to correct mistakes, to make sure things are done well and done accurately. It is the kind of bill that historically would pass without any debate whatsoever. Many times it would pass by a voice vote late at night when no one is here because there is so little controversy attached to it.

So despite what I said at the outset, it is not that historic. But what made this process historic, and we are researching this, but we believe for the first time in the history of the Senate, the Republicans initiated not one but two filibusters on our effort to pass this technical corrections bill.

We brought this bill to the floor a week ago today, asked that it pass, and

then faced a filibuster from the Republicans. That filibuster was broken on Monday, with a 93-to-1 vote, and then a second filibuster had to be initiated by the Republicans before we could finally pass the bill today.

For those following this from the outside, I am afraid I might have lost some of them. But what it boiled down to was that the Republican minority was determined that we would burn 1 week of Senate activity on a bill that should have taken 5 minutes. They were determined that we would have a succession of rollcall votes on a bill which by and large had no controversy. There was one little issue that could have been resolved quickly, perhaps in an hour, in a good-faith debate with a vote. They stretched it out for a week.

Why are we in this stall? Why do the Republicans want to slow us down? It is part of a strategy. Republican filibusters this Congress, as of today, went up to 66; 66 Republican filibusters this Congress and still counting. Is that a lot? Historically, the Senate has never had more than 57 filibusters in any 2-year period. We have had 66 in a matter of a year and 3 or 4 months. So they are about to break all records with filibusters in an attempt to slow down the Senate. They can't even come to a bipartisan agreement on a technical corrections bill. The Republicans insist on these filibuster rollcalls on a technical corrections bill. Why?

First, they want to slow the Senate down as much as possible so we don't act on issues that really count. They don't want us to take up an energy bill to talk about energy tax credits so that we can expand renewable sources of energy. They don't want us to take up a bill to deal with children's health insurance, a bill vetoed twice by President Bush, which would provide health care protection for many children not poor enough to qualify for Medicaid, not fortunate enough to have parents with health insurance. They don't want us to take up important legislation dealing with the state of our economy, legislation to extend unemployment benefits to the millions of Americans who are out of work. Those numbers are reaching modern records. We know many of these families are struggling to find a job. We want to extend benefits so these people can feed their families while they are looking for work. Republicans don't want us to take up that legislation. So they keep throwing filibusters in our path, slowing down the Senate, making sure the Senate never gets to the issues that are critically important. Whether it is funding our schools or paying for health care, taking care of unemployed workers, providing money for medical research, trying to bring down the high cost of gasoline, the high cost of health care and college, they continue to throw filibusters in our path.

GOP is shorthand for the Republican Party. It technically used to stand for Grand Old Party. The Republicans in the Senate have created a new GOP.



They want the Senate to be a "Graveyard of Progress." They don't want us to take up this legislation. They don't want us to take up these issues. They don't want to see any change. They don't want to see any progress. That is why their message at this point is so empty. All they can do is say no, no to the issues that really count with American families.

Eventually the American people will speak, in November, in an election. They will decide whether this Republican approach of filibusters and stopping progress and stopping change is what they want to see or whether they want to bring to the Senate new people who can start moving this country forward. Eventually the American people have the last word. I am sorry we have virtually wasted a week and the time of this great institution with more Republican filibusters. But it is their strategy; it is their plan. It is the way they address the serious issues facing America.

#### WORLD FOOD CRISIS

Mr. DURBIN. Mr. President, I fear we are on the brink of a major humanitarian crisis around the world. Food prices are rising beyond the reach of people in countries as disparate and far apart as Haiti, Egypt, and Thailand. Food prices and their increase have led to demonstrations, sometimes even violent demonstrations in many parts of the world, creating real threats to the stability of those countries. As many as 33 countries face a growing risk of hunger and social unrest that is caused when people are hungry and frightened about their future. Quite simply, I am concerned that we are steps away from a world food crisis, a crisis that could have a dramatic impact on some of the world's poorest nations.

The other week, World Bank President Robert Zoellick warned:

For countries where food comprises about half to three-quarters of consumption, there is no margin for survival.

In the United States, the poorest 20 percent, the poorest one-fifth of our population, spends about 16 percent of their income on food. It is a lot compared to many of us. But in the poorest nations, those families spend more than half of what they earn to feed themselves. In Nigeria, families spend an average of 73 percent of the money they earn on food; in Vietnam, 65 percent. Even as food prices soar, humanitarian aid has been forced to scale back. In Cambodia, the World Food Program, which is largely sustained and supported by the United States, has suspended a feeding program for 500,000 schoolchildren because of food shortages. Rising food prices mean hunger, and with hunger and no real hope of ending it come panic, desperation, and, ultimately civil unrest.

At any given time, chronic hunger threatens the welfare of an estimated 850 million people in the world.

We talk a lot about the forces of extremists and terrorists and fundamentalists, how destabilizing they are with their acts of violence in countries where they kill innocent people. But I have to say, if this world food crisis continues unabated, the instability of terrorism may pale in comparison.

In Thailand, local farmers are reporting theft of their rice crops, as supplies from other countries are going down and prices are going up dramatically. Protests have turned violent in many places. In Yemen, food prices have doubled in recent months. Protests and riots there left at least 12 people dead. Protests in Cameroon earlier this year killed more than two dozen people and led to desperate attempts by the Government to raise wages and reduce customs duties on food products. Rioters in Burkina Faso looted stores and burned Government buildings. The Prime Minister of Haiti was forced to resign following days of deadly violence over rising food prices. Last weekend, a U.N. peacekeeper transporting food for his unit was dragged from his vehicle and shot execution style in the Haitian capital by protesters.

The risk of unrest is even more troubling in areas such as Darfur, where the World Food Program is feeding up to 3 million people a day. This is a humanitarian time bomb which threatens to explode at any moment.

I have seen food aid programs operate overseas, and they can make a big difference. I saw one program when I traveled to a slum in Nairobi, Kenya. It is a slum of lean-to homes where more than 600,000 people live. It is called Kibera. If you saw the movie "The Constant Gardener," much of it was filmed in the slum of Kibera in Nairobi, Kenya. Some people think up to 1 million people live there from time to time, some 600,000. Nobody even knows.

When you visit there, there are people as far as the eye can see—kids playing in the streets, in the filth, in railway yards, everywhere.

But when I visited there, there was a scene that was almost hard to believe. It was near the holiday season. The local schools were on vacation, but they asked the students to come back to greet this Senator who was coming from America. About 40 or 50 children put on their uniforms, left their vacation time at home, to come back to school. It wasn't to see me; believe me. It was because they promised them that if they would come back to school that day, they would feed them. The feeding program in that little school is part of what is known as the McGovern-Dole school feeding program, named after two former great Senators who served from South Dakota and Kansas.

I saw the way that food program worked. There was a noon lunch which consisted of a pot of boiling cereal. It looked a lot like oatmeal or some form of porridge. They ladled it into plastic cups. The kids stood in line like they

were at Baskin Robbins in Springfield, IL, hoping to get a double-dip ice cream cone. They were so excited to get something to eat. It was the only meal they were going to have that day. They were willing to put up with this politician, wear their uniforms, come in from vacation, on the chance they could fill that cup. They stood there and waited, just to get one meal.

The World Food Program has issued an extraordinary emergency appeal because food programs like that one in Kenya may not last. There is a shortfall of some \$500 million in food programs across the world. Considering the high cost of food and fuel prices to transport it, the shortfall is no surprise. But it requires immediate action. The U.S. contribution to the World Food Program is important because it doesn't just feed hungry kids. It tells the world who we are.

Right now there are people who are not our friends, who are in fact our enemies, who are advertising against the United States. On television sets and other places around the world, there is an image of America that is not even close to the truth. They suggest that we are warmongers and selfish people. We are not.

We have to prove to the world again that our values count, and we will stand behind them. This global food crisis is the kind of challenge that gives us our opportunity.

It also is important to quell the growing security concerns attached with a global food crisis. Senators JOHN KERRY and JOE BIDEN joined me today in sending a letter to President Bush urging him to support additional funding for food aid in the fiscal year 2008 supplemental appropriations bill. The President is going to come to us shortly and ask for \$108 billion to continue the war in Iraq and in Afghanistan. He will tell us this is an emergency. The world food crisis is also an emergency. It is one we should deal with. If we are really focused on stability and peace in Iraq, we should not ignore the fact that the shortages of food and hunger around the world can lead to instability in many other places.

As a first step, the Department of Agriculture has committed to providing \$200 million in emergency food assistance through the Bill Emerson humanitarian trust. Bill Emerson, former Republican Congressman from the Boothill area of Missouri, was a fine fellow. I got to know him when I served in the House. He really cared about children and feeding people. So \$200 million in his name is certainly money well spent.

Moving forward, though, we have to understand that is not enough. We are going to need to add more to make sure this crisis doesn't occur.

We can share our bountiful harvest. We can help the poorest people in the world. We can demonstrate in that way the finest elements of the American spirit.

We recently had a hearing, in fact yesterday, before the Senate Appropriations Committee, where Jim Nussle, who is chairman of the Office of Management and Budget, spoke. Jim comes from the State of Iowa. He is a former Congressman, former chairman of the House Budget Committee.

I asked him about this. I asked him if the administration would consider, as part of their supplemental appropriations bill, including more money for this global food crisis. I am afraid Mr. Nussle was adamant in saying they would not. They would not consider adding any money to the \$108 billion for the war in Iraq and Afghanistan. He said that is all the President has asked for.

I hope Mr. Nussle will reconsider. I certainly hope the President will reconsider. What is at issue is not a political fight. What is at issue is a fight for food so some of the poorest people on Earth can survive. The United States will have a chance to demonstrate to the world our values and what we stand for. I hope we can do that by adding to this supplemental funding bill enough money to provide assistance to people around the world who face deprivation and starvation because of the current global food crisis.

#### MORNING BUSINESS

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

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

#### HONORING OUR ARMED FORCES

LANCE CORPORAL THOMAS P. ECHOLS

Mr. MCCONNELL. Mr. President, I rise today because a brave man from Kentucky has fallen in the far-away country of Iraq. LCpl Thomas P. Echols was tragically killed on December 4, 2006, during combat operations in the city of Ramadi. The Shepherdsville, KY, native was 20 years old.

Lance Corporal Echols was serving his second deployment in Iraq. For his valor as a U.S. Marine, he received several medals, awards, and decorations, including the National Defense Service Medal, the Navy and Marine Corps Commendation Medal, and the Purple Heart.

Raised in Shepherdsville, in Bullitt County, Tom was actually born in Mount Clemens, MI, and as a result Tom brought with him to Kentucky a fast and true love for his University of Michigan Wolverines. His grandfather, Don Wight, still recalls how his grandson once saved up money for weeks to buy tickets to a University of Michigan football game.

"I'm an MSU grad, he's a dyed-in-the-wool University of Michigan fan. Anything he could find that was U of M memorabilia, he had it," says Don. "He

was just a good, fun-loving young man." Despite the longstanding rivalry between the University of Michigan and Michigan State, Tom and his grandfather went to that Wolverines football game together.

While Tom's eyes looked north to his beloved Wolverines, his feet were firmly planted in Kentucky. He attended Cedar Grove Elementary School, Bernheim Middle School, and Bullitt Central High School, all in Shepherdsville. He graduated from Riverview High School in Shepherdsville in 2004.

Growing up, Tom belonged to his school's football and track teams. He played video games and paintball. And in high school he participated in Junior ROTC and the drill team, perhaps preparing himself for the military life he hoped would lie ahead.

Tom chose to pursue service in uniform by the time high school graduation rolled around. His father, Kurt Echols, remembers his son thinking of a career in the Armed Forces as early as middle school. Perhaps Tom drew inspiration from his father, a veteran himself.

Tom "was a good kid, loved sports, a big Michigan fan," Kurt says of his son, and remembers him as someone who always enjoyed a good joke.

In the fall of 2004, Tom enlisted in the U.S. Marine Corps. He was a member of the 1st Battalion, 6th Marine Regiment, 2nd Marine Division from Camp Lejeune, NC, and during his deployment to Iraq, his regiment fell under the command of the First Marine Expeditionary Force, Forward.

Tom's longtime friend Tim Zamboroski was sorry to see the childhood buddy he had grown up with whisked away to the other side of the world. As kids, Tom and Tim used to play baseball together in the backyard. As men, they would trade e-mails back and forth from America to Iraq.

"I think he was pretty happy with serving the country," Tim says. "I'm going to miss him." When he heard Tom had been killed, Tim says he felt as if he had lost a brother.

Lance Corporal Echols drove humvees during his first tour in Iraq, and by his second tour had become an infantryman.

While serving in the Marine Corps, he also became a husband, after asking Allyson Echols, whom he met in high school, to marry him.

Tom and Allyson married during the week of Thanksgiving in 2005. Allyson now raises the couple's young daughter, Julia, who sadly never got to meet her father.

Tom was buried at the Zachary Taylor National Cemetery in Louisville, KY, with full military honors. A large crowd of people came to pay their final respects. Sheriffs from both Bullitt County and neighboring Jefferson County were there, and Tom's father Kurt remembers with pride that members of a local fire department erected a large American flag in honor of his son.

Our prayers are with the family of Lance Corporal Echols today as God comforts them for their tragic loss. We are thinking of his wife Allyson; his daughter Julia; his parents Kurt and Rose; his sister Rebecca; his brother Alexander; his grandparents Jerry and Sharon Echols and Donald and Mary Wight; and many other beloved family members and friends.

This U.S. Senate expresses its deepest gratitude for LCpl Thomas P. Echols's life of service. And we express our deepest gratitude for the Echols family, for nurturing this man, patriot, and marine who answered the call in his country's time of need.

#### WEEK OF THE YOUNG CHILD

Mr. REID. Mr. President, I wish to recognize the Week of the Young Child, taking place this week, April 13 through 19.

Sponsored by the National Association for the Education of Young Children, the Week of the Young Child is held annually to honor young children and those who make a difference in their lives. This year's theme is "Bring Communities Together for Children—Children Bring Communities Together". This week presents an opportunity for us all to focus on the needs of the 20 million young children around the country. It shines a light on the importance of issues like affordable childcare for working families, access to quality early childhood educational programs, and the availability of adequate health care.

As a father and a grandfather, I am troubled by the fact that so many young children in this country live with the effects of poverty and inadequate health and child care every day. It is estimated that 24 percent of American children under the age of 6 live in poverty and 24 percent of those children are without health insurance. In addition, although nearly 50 percent of working families rely on outside childcare, fees for these programs are skyrocketing, leaving them out of reach for too many. The Week of the Young Child highlights the role of the Federal, State, and local governments, as well as private organizations and the general public, in alleviating these problems and working toward a stronger, healthier community.

The Week of the Young Child also gives us an opportunity to recognize and celebrate the programs and organizations that provide vital services to young children and their families. For example, the Head Start Program provides comprehensive early education and health services to almost 1 million low-income preschool children to help them prepare for and succeed in school.

Additionally, the Child Care and Development Block Grant, CCDBG, provides funding to States for childcare services for low-income families and activities intended to improve the overall quality and supply of childcare. For families transitioning to financial

independence, CCDBG-funded services play an especially significant role.

Investing in America's young children is one of the best steps we can take to ensure the future success of our Nation. I am pleased to recognize the Week of the Young Child, and I extend my thanks to those in Nevada—and around the country—who provide for our young children on a daily basis.

Mr. KENNEDY. Mr. President, today I strongly support Senator SALAZAR's resolution designating this week, the third week in April, as the "Week of the Young Child." I hope the resolution represents a new commitment by all of us in Congress to strengthen the services young children need to become full and productive members of our society in the years ahead.

Last year's reauthorization of the Head Start Act was a significant step in the right direction to assure access to quality early childhood education. The act expanded coverage to families just above the poverty line and provided additional flexibility to assist more poor families as they make the transition to work and struggle to keep up with the rising cost of living in today's new economy. We also renewed our commitment to underserved populations, such as Native Americans and migrant and seasonal farm worker families, and worked to ensure that every teacher in every Head Start classroom is highly qualified.

In addition, the reauthorization established an Early Childhood Education Advisory Council to assess the needs children in of early childhood programs and develop a comprehensive plan for improving the quality of services provided. That effort will improve professional development, upgrade standards, enhance connections among programs, and improve data collection. States ready to take on the challenge of implementing these needed improvements qualify for inventive grants to get that work underway. Together these reforms strengthen our commitment to provide both quality childcare, and quality early learning opportunities for the Nation's youth. But there is still much more to be done.

The research is clear—high quality early education makes a profound difference in the lives of children, especially at-risk children. In fact, many experts believe that 85 percent of a child's intellect is established before a child reaches the age of five. Unless we begin to educate at-risk children before they reach kindergarten, we may lose them forever. Students who start school behind tend to stay behind, and early childhood education makes all the difference. Those who have access to high quality early childhood education are 30 percent more likely to graduate from high school, twice as likely to go on to college, and are 40 percent less likely to need expensive special education programs or be held back a grade.

But the positive benefits extend beyond the classroom. Early childhood

education helps to break the devastating cycle of crime and poverty. Nobel Laureate James Heckman's study of at-risk boys who receive quality early education shows that less than 10 percent of the boys who participated would be convicted of a crime and less than 2 percent would end up on welfare—rates significantly lower than those who did not receive such education.

Quality early education programs are supportive of young children in ways that enable them to become productive members of society. By cultivating educated, law abiding members of society we help to guarantee our national competitiveness, the stability of our economy and the fabric of our communities for the years ahead. Early childhood education creates better students, better workers and better citizens.

We must invest in such education for sake of our students and our national well being. We know the best way to ensure that our students receive quality early education is by giving them a highly qualified teacher. Yet, early childhood educators continue to be overworked and undervalued in our society. Prekindergarten teachers get paid on average less than half what an elementary school teacher gets paid. The Bureau of Labor statistics estimates that the average salary of a preschool teacher is \$21,730—closer to the salaries of school bus drivers, at \$22,890, than any other group of educators, all with median salaries over \$44,000.

Inadequate wages make it nearly impossible to recruit and retain qualified early childhood educators. The number of childcare providers with bachelor's degrees declines year after year, and neither their wages nor the high rates of turnover are acceptable. We must make it a national priority to guarantee that early childhood educators are paid and supported in a manner that reflects their valuable contributions to our Nation's future.

We have come a long way in assuring that our Nation's young children have access to the supports and services they need, but our mission is far from complete. This is no time for complaining. We must continue to expand our support for our nation's youngest children, for they truly are America's future. Let's use this "Week of the Young Child" to emphasize that vital point for communities across our great country.

#### THE 265TH ANNIVERSARY OF THOMAS JEFFERSON

Mr. WARNER. Mr. President, I ask unanimous consent to have printed in today's RECORD a detailed speech. I was privileged to go to the White House on Monday, when the President celebrated, with many others, the 265th anniversary of Thomas Jefferson. Those remarks are so prized, particularly in my State, but all across America, that I wish to put the content of those speeches in today's RECORD.

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

THE WHITE HOUSE,  
OFFICE OF THE PRESS SECRETARY,

April 14, 2008.

REMARKS BY THE PRESIDENT AND FIRST LADY  
IN HONOR OF THOMAS JEFFERSON'S 265TH  
BIRTHDAY

THE PRESIDENT: Thank you all. Thanks for coming. Please be seated. Welcome to the White House. Laura and I are so honored you are here. I welcome members of my Cabinet, members of the United States Senate, folks who work in the White House, the Governor of Virginia and Anne Holton. Thank you all for coming. We're really happy you're here.

We're here tonight to commemorate the 265th birthday of Thomas Jefferson, here in a room where he once walked and in a home where he once lived. In this house, President Jefferson spread the word that liberty was the right of every individual. In this house, Jefferson sent Lewis and Clark off on the mission that helped make America a continental nation. And in this house, Jefferson was known to receive guests in his bathrobe and slippers. (Laughter.) Laura said no. (Laughter.) I don't have a bathrobe. (Laughter.)

With a single sentence, Thomas Jefferson changed the history of the world. After countless centuries when the powerful and the privileged governed as they pleased, Jefferson proclaimed as a self-evident truth that liberty was a right given to all people by an Almighty.

Here in America, that truth was not fully realized in Jefferson's own lifetime. As he observed the condition of slaves in America, Jefferson said, "I tremble for my country when I reflect that God is just" and "that his justice cannot sleep forever." Less than 40 years after his death, justice was awakened in America and a new era of freedom dawned.

Today, on the banks of the Tidal Basin, a statue of Thomas Jefferson stands in a rotunda that is a memorial to both the man and the ideas that built this nation. There, on any day of the week, you will find men and women of all creeds, colors, races and religions. You will find scholars, schoolchildren and visitors from every part of our country. And you will find each of them looking upward in quiet reflection on the liturgy of freedom—the words of Thomas Jefferson inscribed on the memorial's walls.

The power of Jefferson's words do not stop at water's edge. They beckon the friends of liberty on even the most distant shores. They're a source of inspiration for people in young democracies like Afghanistan and Lebanon and Iraq. And they are a source of hope for people in nations like Belarus and Burma, Cuba, Venezuela, Iran, Syria, North Korea and Zimbabwe, where the struggle for freedom continues.

Thomas Jefferson left us on July 4, 1826—fifty years to the day after our Declaration of Independence was adopted. In one of the great harmonies of history, his friend and rival John Adams died on the very same day. Adams' last words were, "Thomas Jefferson survives." And he still does today. And he will live on forever, because the desire to live in freedom is the eternal hope of mankind.

And now it's my pleasure to welcome Wilfred McClay to the stage. (Applause.)

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MRS. BUSH: Thank you very much, Mr. McClay and Mr. Wilson. Thank you so—for your reflections on Thomas Jefferson's life and his contributions to our nation, and thanks to each of you for joining us today so we can learn more about the legacy of one of America's most influential founding fathers.

Thomas Jefferson believed that education is the cornerstone of a free society, so it's therefore little surprise that he viewed the founding of the University of Virginia as one of his top achievements, as we know from both of your talks. He called the building of this school the last service he could render his country, saying, "Could I see it open? I would not ask an hour more of life."

But in fact Thomas Jefferson lived a little over a year after the University of Virginia opened its doors. During this time he was involved in the University activities, and he invited students, including a young Edgar Allan Poe, to dine with him each Sunday at nearby Monticello.

Today, Jefferson still shapes the lives of the students at the school he founded. The architecture of his academical village encourages free study in a collaborative environment, and UVA's philosophy of student self-governance epitomizes our third President's democratic ideals.

The 18 men I now introduce are heirs to this tradition. The Virginia Gentlemen are UVA's oldest a cappella vocal ensemble. They perform for distinguished audiences across the country and around the world. Tonight is their first performance at the White House, and we're happy to have them.

Here to perform a few musical selections, including the University of Virginia's school song, please welcome the Virginia Gentlemen. (Applause.)

RICHARD GUY WILSON,  
COMMONWEALTH PROFESSOR,  
ARCHITECTURAL HISTORY,

*University of Virginia.*

MR. PRESIDENT, MRS. BUSH, AND LADIES AND GENTLEMEN: Thank you—an honor to speak on Thomas Jefferson and his architectural accomplishments. Thomas Jefferson knew this house very well,—he was the first full time occupant—John Adams resided here for barely 4 months. The house remained unfinished, many rooms—such as this one, were large bare brick caverns, there was no grand staircase, and the floors were rough. Visitors recalled that Jefferson kept several tables of tools . . . one apparently in this room . . . described as "a long table" that contained hammers, chisels, and other implements, and the visitors remember him taking the tools to fix locks, pound in nails in window moldings as well as work in the garden.

Jefferson had offered his own designs for the Executive Mansion or President's house as it was known back in 1791-92, along with plans for the U.S. Capitol; this he projected as a great domed structure. But Washington, apparently, rejected his schemes and competitions were held. Jefferson served as secretary of state in the 1st Washington administration and that office—Secretary of State—was a bit different than today, since it included internal administration as well as foreign affairs. Jefferson also offered his scheme for laying out Washington, D.C., (remember this is a "new city" and created in the 1790s) and Jefferson's advice . . . not to mention his loan of maps . . . is fundamental to the plan along with the great mall developed by Major Pierre Charles L'Enfant.

To return here to this building—the White House—(officially so named in 1901), Jefferson while president designed a number of additions including wings, the gardens, and then he commissioned his close friend Benjamin Henry Latrobe—who he also appointed in 1803 as the Architect of the Capitol—to design both the north and south porticos; Latrobe's porticos are the most distinguishing external element of the building. It took many years to get the porticos built . . . things were not that different then as now on getting government projects underway, and finished.

I have outlined Thomas Jefferson's involvement in this building to make a point,—the buildings he lived in, their style, appearance, the furnishings—rugs, drapes, chairs—and gardens were critical to him. As he once said: "Architecture is my delight, and putting up and pulling down one of my favorite amusements." Jefferson was obsessed, wherever he lived, whether in Charlottesville, Williamsburg, or Poplar Forest, all in Virginia, or in Philadelphia during the 1770s, New York, 1790s, or Paris, 1784-89. When he was the American Ambassador to the Court of Louis XVI, he remodeled his quarters even though he didn't own them. Monticello was in a constant state of construction, and if any of you have lived through a house remodeling, you know how conducive that is to family harmony. Right? Jefferson lived in a construction zone his entire life.

What were Jefferson's architectural achievements? He wrote to his close friend James Madison (later an occupant of this building):

"But how is a taste in the beautiful art to be formed in our countrymen, unless we avail ourselves of every occasion when public buildings are to be erected, of presenting to them models for their study and imitation? . . . You see I am an enthusiast on the subject of the arts. But it is an enthusiasm of which I am not ashamed, as its object is to improve the taste of my countrymen, to increase their reputation, to reconcile them to the rest of the world, and procure them its praise." TJ to James Madison, September 20, 1785.

This letter of 1785 was on the occasion of his design of the Virginia State Capitol in Richmond. I would argue the Virginia Capitol—or state house—is his most important building, a large Roman temple that stands on Shockoe Hill in Richmond—originally overlooking the James River. The Virginia Capitol is one of the first major public building constructed after the Revolution, and its classical ancestry helped to determine the look of American governmental architecture for the next several centuries. Instead of red brick and skimpy classical details Jefferson gave us a governmental image.

Thomas Jefferson is sometimes labeled a "gentleman" or an "amateur" architect but this is a misnomer. Yes, he was self-trained, but there were no architectural schools (they were not invented in this country until the 1860s), rather he learned from books and he had the largest architectural library in the young republic, and he did the drawings, he figured the specifications . . . How many bricks? How much timber? How much glass to order, and he superintended the construction. Jefferson designed houses, his own and those for friends, utilitarian buildings such as shops, farm structures, court houses, a jail (we think) and he frequently offered his wisdom to his colleagues (he was "Mr. Suggestion Box"). But . . . and this makes him an amateur . . . he was never paid, he did it all gratis.

Although the Virginia State Capitol is his most important building—because of its legacy. . . his greatest I would argue—is the "academical village," of the University of Virginia. It is totally his creation—yes . . . he did ask for suggestions and advice—as any wise person does—but it was or is his concept of what is the appropriate setting for education. Jefferson felt that one learned as much from your environment as from the professor gabbling away in a class room. The University is great lawn enclosed on 3 sides and open at the end. Pavilions for the professors and dormitory rooms for the students on the two long sides are tied together by colonnades of classical columns of various orders and sizes. Dominating the composition

at one end is the Rotunda, a great domed building that housed the library. Based upon the Pantheon in Rome, considered one of the great and most perfect monuments of antiquity, Jefferson has taken an ancient symbol, the dome of the cosmos to the Romans, the dome of the heavens to Christianity, unity for our Capitol, and transformed it once again, it becomes the dome of enlightenment, of reason, it is the library, the mind of the university. In his hands the library became the central element—symbol of the modern university.

Jefferson saw his accomplishments in a very particular way, and he both designed his obelisk shaped tombstone at Monticello and ordered it would contain a very particular statement . . . (He was "Mr. Control" to the end). It contains nothing, nothing . . . about public offices he had occupied. What it does say is: "Here was buried Thomas Jefferson Author of the Declaration of American Independence of the Statute of Virginia for Religious Freedom and Father of the University of Virginia." Two writings which are fundamental to our American freedoms and the institution by which they would be carried out.

JEFFERSON BIRTHDAY CELEBRATION REMARKS  
(By Wilfred M. McClay, Apr. 14, 2008)

Thank you, Mr. President, for your warm welcome, and for the great honor of taking part in this celebration of Thomas Jefferson's life.

It is always hard to know where to begin with Thomas Jefferson. His early biographer James Parton described Jefferson in 1775—one year before he wrote the Declaration of Independence—as "a gentleman of thirty-two, who could calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin." And at that point in his life, he was just getting warmed up.

So how can we take his measure? Should we start by recounting his political accomplishments over four decades of public service, ranging from his entry into the Virginia House of Burgesses in 1769 to his retirement from public life in 1809, after two terms as the third President of the United States?

Or do we stress instead his influence in the world of ideas, through his powerful writings in support of American independence—the greatest of these being, of course, the Declaration of Independence itself, with its stirring invocation of the God-given rights of every individual human being—words that changed the course of human history, and continue to do so today?

Or Jefferson's keen and unflagging interest in natural science, as evidenced by his service as president of the American Philosophical Society from 1797 to 1815, years that overlap his entire tenure as President of the United States?

Or his love of architecture, as embodied in the graceful neoclassical home Monticello that he designed and built for himself near his Virginia birthplace on what was then the western edge of settlement?

Not to mention his overwhelming passion for gadgetry, which invariably impresses visitors to Monticello, who nearly always remember the revolving bookstand, the dumbwaiter, the copying machine, the automatic double doors, the Great Clock, the triple-sash window, and countless other gizmos that the ever-inventive Jefferson himself either designed or adapted.

And what about his founding of the University of Virginia in nearby Charlottesville, whose serenely beautiful central grounds he also designed? Or his great contributions to the cause of religious and intellectual liberty, which for him were essential to the dignity of the individual person, and central to the work of a great university?

You all probably know that Jefferson, that inveterate designer, even designed his own tombstone, and specified the only things it was to say about his life: that he wrote the Declaration and Virginia's Statute of Religious Freedom, and that he was Father of the University of Virginia. Of how many other men can it be said that their having served two full terms as President of the United States—which I think we all agree is no shabby achievement!—was in the second or third tier of their accomplishments?

Some will object that all this praise fails to do justice to the flaws in our subject. And that is true enough. Should we then begin, as is overwhelmingly the fashion today, by emphasizing Jefferson's complexity, his contradictions, his shortcomings? That might not seem very charitable, or in keeping with the spirit of the occasion. But it would have the Jeffersonian virtue of honesty. And there are negative aspects of Jefferson's life and career that simply cannot be denied.

No one can deny that although Jefferson opposed slavery in theory, he consistently failed to oppose it in practice, including notably in the conduct of his own life at Monticello.

No one can deny that Jefferson's racial views, particularly as expressed in his book *Notes on the State of Virginia*, are appalling by today's standards.

No one can deny that Jefferson often practiced a very harsh brand of politics. His famously conciliatory words "We are all Republicans, we are all Federalists" in his First Inaugural Address were quickly belied by his ferocious partisanship, which was relentlessly aimed at stigmatizing the Federalist party and driving it out of existence.

Nor can one deny that his greatest act as President, the Louisiana Purchase, and his worst, the Embargo Act, both represented a complete repudiation of his most basic principles about the dangers of big government and strong executive authority.

These are not small flaws, nor are they the only ones. We are not wrong to insist upon their being remembered, even on this day. Still, the compulsion to criticize Jefferson has gone too far. Jefferson is, I believe, one of the principal victims of our era's small-minded rage against the very idea that imperfect men can still be heroes—and that we badly need such heroes. We have been living through an era that feels compelled to cut the storied past down to the size of the tabloid present. Perhaps the time has come for that to change.

For when all is said and done, Thomas Jefferson deserves to be remembered and revered as a great intellect and great patriot, whose worldwide influence, from Beijing to Lhasa to Kiev to Prague, has been incalculable, and whose belief in the dignity and unrealized potential to be found in the minds and hearts of ordinary people is at the core of what is greatest in the American democratic experiment. It is in this sense that James Parton was absolutely correct in making the following proclamation: "If Jefferson is wrong, America is wrong. If America is right, Jefferson was right."

Of course, we want to know more than Jefferson's words; we want to feel that we know the man himself. But that is exceptionally hard with Jefferson. He eludes our grasp. He may well have been the shyest man ever to occupy the office of President, awkward and taciturn except in small and convivial settings, such as small dinner parties, where he could feel at his ease, and shed some of his reticence.

He loathed public speaking, giving only two major speeches while President, and none on the campaign trail. He often felt that the work of politics ran against his nature, and complained that the Presidency

was an office of "splendid misery," which "brings nothing but increasing drudgery & daily loss of friends."

Add to that the fact that he had more than a little bit of the recluse in him. Twice he withdrew entirely from public life, first in the 1780s, after a disappointing term as governor of Virginia, then the second time at the conclusion of his presidency, when he left Washington disgusted and exhausted, anxious to be rid of the place. As he wrote a friend, "Never did a prisoner, released from his chains, feel such relief as I shall on shaking off the shackles of power." Never was he happier than when ensconced in his Monticello retreat, his "portico facing the wilderness" that he loved and found renewal in.

At bottom, I think Jefferson is best understood as a man of letters. Literally. Jefferson wrote almost 20,000 letters in his lifetime, and it is in these letters that he seems to have felt freest and most fully himself. Although he complained to John Adams that he suffered "under the persecution of letters," the opposite seems to have been the case. This was a man who lived much of his life inside his own head, and it is in these letters that he comes most fully alive for us. He seems to have needed the buffer of letters interposed between himself and the world; but with that buffer in place, the otherwise awkward and taciturn Jefferson became more open, wonderfully expressive and responsive to his correspondents.

It was in his letters to Maria Cosway that we glimpse his passionate nature, and the struggles between head and heart that preoccupied much of his inner life. It is in his letters to his nephew Peter Carr that we see his thoughts as a preceptor and wise guide to the world's ways. And it was in his magnificent correspondence with his old rival John Adams, a dialogue that spanned fifty years until their deaths in 1826, that Jefferson most fully explored the deeper meaning of the American experiment. He was constantly using his correspondence to organize and sharpen his thinking, and it is there that we see him most fully and vividly.

In any event, it is for his ideas, above all else, that we honor Jefferson; and for the cause of human freedom and human dignity that he so eloquently championed. His failings may weigh against the man, but not against the cause for which he labored so mightily. That should be a lesson to us today. Like Jefferson, we are carriers of meanings far larger than we know, meanings whose full realization cannot be achieved in our lifetime, or even be fully understood by us, but which we are nevertheless charged to carry forward as faithfully as we can.

But unlike Jefferson, we have the benefit of being able to stand on his shoulders, with his words to direct and inspire us. "We knew" about Jefferson's faults, said the civil rights leader, Representative John Lewis. "But we didn't put the emphasis there. We put the emphasis on what he wrote in the Declaration. . . . His words were so powerful. His words became the blueprint, the guideline for us to follow. From those words you have the fountain."

It is the same fountain that today, 265 years after Jefferson's birth, still nourishes our lives, and shows no sign of running dry. Today is a good day to drink from it anew.

empowerment, self-sufficiency, and an end to cycles of destructive behavior and relationships by at-risk girls and young women. The organization began as the National Florence Crittenton Mission, founded in 1883 by 19th century philanthropist Charles Crittenton of New York City a year after his daughter Florence died at the age of 5. His goal was to assist girls and young women in trouble, and in the years that followed, Florence Crittenton Homes became famous in communities across the United States and in foreign countries as well.

One of the leading members of the Foundation today is the Crittenton Women's Union in Boston, which began as a Florence Crittenton Home in the city in 1896. It was launched by a pioneering group of women activists who wanted it to be a "big sister" to "unfortunate New England girls" young unmarried mothers in need of shelter and moral guidance.

In the years that followed these two organizations joined forces and combined with other organizations to create the Crittenton Women's Union, which today empowers low-income women in our city by providing safe housing, caring support services, education, and workforce development programs.

In addition to using its on-the-ground experience to shape public policy and achieve social change, Crittenton Women's Union is also Massachusetts' largest provider of transitional housing for homeless mothers and their children and the founder of New England's first transitional home for victims of domestic violence. The organization continues its innovative approach to today's compelling social problems through its focus on workforce development and post-secondary school training to enable women to become economically self-sufficient.

Its services are further strengthened by its unique partnership with the National Crittenton Foundation, which gathers valuable insights from its nationwide network of frontline agencies and provides a forum to share best practices and shape national policies to benefit all young women and girls at risk.

Today, 125 years after Charles Crittenton began his historic work as an agent for positive change for young women and girls, Crittenton Women's Union and the National Crittenton Foundation remain true to his vision. I welcome this opportunity to commend the Foundation and its extraordinary members on this special anniversary for their continuing vision and commitment to their goals in Massachusetts and throughout the Nation.

#### 125TH ANNIVERSARY OF THE NATIONAL CRITTENTON FOUNDATION

Mr. KENNEDY. Mr. President, today marks the 125th anniversary of The National Crittenton Foundation, the nationwide organization that supports

#### TRIBUTE TO YVONNE BRATHWAITE BURKE

Mrs. FEINSTEIN. Mr. President, today I honor Yvonne Brathwaite Burke, who is retiring at the end of 2008, after a distinguished and illustrious career spanning 50 years as a

public servant in the State of California.

I wish to extend to Mrs. Burke, who served as a Representative of California's 37th Congressional District from 1973 to 1979, my sincere congratulations for the decades of dedicated service that she has given to her Nation, her State, and her county.

She is currently serving as chair of the Los Angeles County Board of Supervisors and is in the final year of her fourth term on the board.

For the past 15 years, she has represented the Second Supervisorial District.

Supervisor Burke will be remembered as a devoted public servant who amassed numerous accomplishments and countless awards—in addition to inspiring women and minorities to pursue careers in public service.

As a product of the Los Angeles Unified School District, Mrs. Burke developed an interest in public speaking and participated in several citywide competitions during her high school years.

Her involvement in these events and many extracurricular activities helped her to obtain scholarships to the UC Berkeley and later at UCLA.

In 1956, Mrs. Burke received a law degree from the University of Southern California School of Law.

It was difficult for women, particularly African Americans, to practice law, because many private law firms showed little interest in hiring women as attorneys.

So Mrs. Burke opened her own law office in Los Angeles.

She specialized in immigration and civil rights and fought segregation in real estate law.

Mrs. Burke was active in the civil rights movement with memberships in various local and national organizations.

She subsequently landed a staff attorney position on the McCone Commission, which investigated the causes of the 1965 Watts riots in Los Angeles.

She became a spokesperson for the underrepresented and, through a grassroots campaign, won her first political office in 1966 as a California State assemblywoman.

It was a position she held for the next 6 years.

In 1972, Mrs. Burke became the first African American woman—west of the Mississippi River—to be elected to the U.S. House of Representatives.

She was selected to serve as vice chair of the 1972 Democratic National Convention in Miami and later on the House Select Committee on Assassinations.

She also was the first Congresswoman to give birth while in office.

Mrs. Burke did not seek re-election to Congress in 1978 but instead ran for attorney general of California.

She won the Democratic nomination, but subsequently was defeated in the general election.

In 1979, Mrs. Burke was appointed by the Governor of California to fill a va-

cancy in the Fourth Supervisorial District in Los Angeles County and served in that capacity until the end of 1980.

She also was appointed by the Governor to serve on the Board of Regents of the University of California in 1982.

Two years later, Mrs. Burke was selected to serve as vice chair of the 1984 U.S. Olympics Organizing Committee.

In 1992, she became the first African American elected to the Los Angeles County Board of Supervisors.

She played a significant role in the 2000 Democratic National Convention, hosting an event for hundreds of African American elected officials nationwide.

Supervisor Burke represents nearly 2.5 million residents in the Second District of the Nation's largest county.

Her efforts primarily have focused on improving the lives of children, encouraging economic development, and improving transportation throughout Los Angeles, as well as promoting public social services, health care for the uninsured, and affirmative action for women and the economically disadvantaged.

In addition, she has taken the lead in establishing a county archives system.

These are just some of Yvonne Brathwaite Burke's significant accomplishments.

On behalf of the U.S. Senate and the State of California, I extend my heartfelt gratitude for her immeasurable contributions throughout her renowned career.

With sincere best wishes, I congratulate Supervisor Burke upon her retirement from elective office.

And I am pleased to join her many coworkers; her family: her husband William, her daughter Autumn and stepdaughter Christine; friends; and associates in wishing her health, happiness, and continued good fortune in her future endeavors.

#### CONGRATULATING EASTER SEALS

Mr. BIDEN. Mr. President, I wish today to commend a standout chapter of a renowned organization, one that has been responsible for bringing light to the lives of countless Americans throughout its existence. Easter Seals Delaware and Maryland's Eastern Shore is celebrating its 60th year of providing critical help to those in need.

In 1948, the organization was started to meet the needs of children with disabilities, and it has grown exponentially since then. This chapter served 18,000 Delawareans last year through eight locations, and they now have an annual operating budget of \$15 million.

The services provided by the staff and volunteers at Easter Seals are well known: speech and hearing therapy, assistive technology, and job training are just a few of the ways they help children and adults with disabilities lead independent lives in their communities.

As we embark on spring this year, it is appropriate to recall the symbol of

Easter Seals: the lily. The lily makes us all think of rebirth and new life, which is exactly what Easter Seals provides to those they help. It is why the lily has appeared on every Easter "Seal" produced since the 1950s.

I would be remiss if I thanked Easter Seals Delaware and Maryland's Eastern Shore without recognizing its driving force for the last half century. Sandra Tuttle, who has been associated with the organization for nearly 50 years—including as its president and CEO since 1978—is stepping aside from her formal role. Her leadership has been the engine of this remarkable organization; her devotion, professionalism, and guidance are known to all associated with Easter Seals.

I wish her the best of luck in all her future endeavors and thank her from the bottom of my heart for what she has helped this organization become. The lives she has touched are without number. She truly is an angel walking among us.

I know I am not the first to thank Easter Seals in this Chamber, and I doubt I will be the last. This incredible organization, started by a few people trying to make a difference for disabled children, has blossomed into the model for all such groups in America. I thank my local chapter for its work, congratulate it on this momentous occasion, and hope that its influence will continue to grow for years to come.

#### CONGRATULATING THE STATE OF ISRAEL

Mrs. BOXER. Mr. President, it is a privilege to be able to offer my most sincere congratulations to the State of Israel as it celebrates its 60th anniversary of independence. I am so proud that Israel has not only survived, but has become one of the most prosperous and successful democracies anywhere in the world.

The Israeli National Anthem, Hatikvah, means, "The Hope." That is really what the modern State of Israel has been about over these 60 years. Founded after the horrors of the Holocaust, the Jewish people created a place where their faith and history could be secured and passed from generation to generation. In this place, never again would dictators or fanatics be able to systematically persecute, terrorize, and murder entire communities or an entire people.

Hope sustained the Jewish people through 3,000 years of persecution that culminated in the evils of the Holocaust. And for the last 60 years, that same sense of hope for the future has allowed the people of Israel to persevere in the face of continual assaults on its very existence, whether they are in the form of war, terrorism, or assassination.

As Israel celebrates this milestone, I am proud to say that the United States has been by its side, offering support and assistance, and watching it grow



into an unparalleled partner in promoting the ideals of democracy, personal freedom, and human rights.

The United States has also tirelessly supported Israel as it continues to seek lasting peaceful coexistence with its neighbors to bring a permanent end to years of suffering and senseless violence. And we will continue to be there to support them in that effort.

When Yitzhak Rabin went before the Knesset in October 1995 to discuss the ratification of the Israeli-Palestinian interim agreement, he said the following:

“Here, in the land of Israel, we returned and built a nation. Here, in the land of Israel, we established a state. The land of the prophets, which bequeathed to the world the values of morality, law and justice, was, after two thousand years, restored to its lawful owners—the members of the Jewish people. On its land, we have built an exceptional national home and state.”

Israel is indeed an exceptional nation state, and this milestone is a great testament to the hope, faith, and perseverance of the Jewish people. I offer my congratulations to Israel on the 60th anniversary of its founding.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO HARVEY WHITE WOMAN

• Mr. JOHNSON. Mr. President. I wish to recognize a distinguished member of the Oglala Sioux Tribe, Harvey White Woman. Harvey passed away on Monday, March 31, 2008 following a brave battle against a rare form of cancer. Though he was only 44, he carried the wisdom and insight of many elders and worked in a positive way to educate native and nonnative people on treaty and water rights. He was often asked to give presentations to adults and schoolchildren alike about the Fort Laramie Treaty of 1868 as a way to educate the public, not only about the history of this region of our country but also about the promises that were made to native people.

In his work as an assistant to the Oglala Sioux Tribe's Fifth Member's office, Harvey's voice could be heard reminding us as Members of Congress of our duties to uphold those treaty obligations. He also served on the board of the Lakota Fund in Kyle and most recently as the first director of the Wawokiye Business Institute. The Wawokiye Institute gives specialized assistance to entrepreneurs who are working toward realizing their goal of business success. Through his work and presentations on traditional entrepreneurship, many people around the world gained a better understanding of the business instincts of native people throughout history.

Harvey also led the newly formed Oglala Lakota Cancer Survivors, Inc., on Pine Ridge, which is an effort to bring

together those survivors and their families to talk about cancer and the unique circumstances that native people face.

Harvey was taken from us too soon. I would like to extend my deepest condolences to his family and his friends in this time of great loss and encourage them to go forward with Harvey's efforts.●

#### THE LOUISIANA HONOR AIR

• Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On April 26, 2008 a group of 99 veterans will reach Washington as part of this very special program.

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

Richard S. Allain; Wilton J. Aucoin, Sr.; Henry E. Babineaux; Nolan P. Barras; James R. Bazet, Sr.; Raymond R. Beadle, Sr.; George Beaugh, Sr.; John S. Becnel, Jr.; Charles F. Berard; Dailey J. Berard; Cecile M. Beyt; Raymond L. Bienvenu; Dewey D. Billodeau; Nelson C. Boudreaux; Jules C. Bourgeois; Alby J. Bourque; Roy J. Boutte, Sr.; Adam T. Boyd; Gerald C. Braud; Minos J. Breaux.

Charles E. Broussard; Dennis J. Broussard; Taylor J. Broussard, Jr.; Earl H. Brown, Sr.; Leroy M. Burgess; Dracos D. Burke; Leroy J. Coulter; Perry J. Decuir; Alvy A. DeHart; Rogers DeHart, Sr.; Charles L. DeLahoussaye; Gustave A. Duhon; John N. Fernandez; William S. Flores; Guy J. Folse; Theresa D. Formeller; James T. Fulgham; Claby J. Gary; Raymond H. George; Joseph C. Glorioso.

Carlo J. Governale; Bert A. Guiberteau; Lloyd J. Guillory; James S. Hebert; Joseph V. Hebert; Julius M. Hebert; Oddie J. Hebert; Lawrence Lacy; Richard LaFleur; James W. Lancios; Alfred S. Landry; Walter J. Latiolais, Sr.; Harold P. LeBlanc; Malcolm F. LeCompte; Joseph H. LeGrand; Robert R. LeJeune; RosaMae Lopez; Ray A. Louviere; Charles T. Mahoney; Frank O. Maness, Jr.

Salvatore Marchese, Jr.; Edith L. Mazurek; Mahlen M. Meaux; Chelly P. Mendoza; Woodrow P. Mendoza; Leroy E. Miller; Leon J. Minvielle, Jr.; Louis P. Monte; George P. Munson; Henry A. Myers, Sr.; Clifford D. Neal; James H. Newcomb, Sr.; Stewart L. Newman; Jewell D. Palmer; Gerald F. Patout; Jules G. Patout; Rene L. Patout; Jasper P. Pennington; George W. Perry; Irwin M. Pierron.

Thomas M. Randazzo; Griffin P. Reaux; Clyde R. Redmond; Donald A.J. Sanders; Joseph A. Sarradet, Jr.; Clifton O. Schexnayder; Francis P. Schwing; George E. Schwing; Jerry E. Shea, Sr.; George C. Simar; Emile J. Tauzin; Paul A. Traywick; Daniel L. Verret, Sr.; Laines W. Vincent; RoseMary R. Walker; Johnnie A. Webb; Oliver A. Williams, Jr.; Robert L. Williams; Howard E. Winston.

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

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

#### REPORT RELATIVE TO THE ADMINISTRATION'S INTENT TO ADD THE SOLOMON ISLANDS TO THE LIST OF LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES PROGRAM—PM 44

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

*To the Congress of the United States:*

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the “Act”), I am providing notification of my intent to add the Solomon Islands to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP) program. In Executive Order 12302 of April 1, 1981, the Solomon Islands was designated as a beneficiary developing country for purposes of the GSP program. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to the Solomon Islands.

GEORGE W. BUSH.

THE WHITE HOUSE, April 17, 2008.

#### MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2537. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

#### ENROLLED BILL SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,

announced that the Speaker has signed the following enrolled bill:

H.R. 5813. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

#### ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2537. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 17, 2008, she had presented to the President of the United States the following enrolled bill:

S. 793. An act to provide for the expansion and improvement of traumatic brain injury programs.

#### 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-5849. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-5850. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Form S-11 to Permit Historical Incorporation by Reference" (RIN3235-AK02) received on April 15, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5851. 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 Implementation Plans; New York" (FRL No. 8554-8) received on April 11, 2008; to the Committee on Environment and Public Works.

EC-5852. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Lead; Renovation, Repair, and Painting Program" ((RIN2070-AC83)(FRL No. 8355-7)) received on April 11, 2008; to the Committee on Environment and Public Works.

EC-5853. 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 "Coordinated Issue: Section 118—Characterization of Bioenergy Program Payments" (Docket No. LMSB-04-0308-019) received on April 15, 2008; to the Committee on Finance.

EC-5854. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the International Atomic Energy Agency's programs in Burma, Cuba, Iran, North Korea, and Syria; to the Committee on Foreign Relations.

EC-5855. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-44—2008-54); to the Committee on Foreign Relations.

EC-5856. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Suitability" (RIN3206-AL08) received on April 15, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-5857. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled, "2007 Annual Report and Sourcebook of Federal Sentencing Statistics"; to the Committee on the Judiciary.

#### 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. INHOFE:

S. 2876. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mrs. CLINTON):

S. 2877. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. ALEXANDER, Mr. BUNNING, Mr. DEMINT, Mrs. DOLE, Mr. GRAHAM, Mr. HATCH, Mr. MARTINEZ, Mr. ROBERTS, and Mr. SESSIONS):

S. 2878. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide for specified civil penalties for violations of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 2879. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 2880. A bill to provide that funds made available for reconstruction assistance for

Iraq may be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. 2881. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. ISAKSON):

S. 2882. A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States to the children of members of the Armed Forces who die in service; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2883. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Mr. HATCH):

S. 2884. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Mr. BROWN):

S. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. CRAPO, Mr. ROCKEFELLER, Mr. KYL, and Ms. SNOWE):

S. 2886. A bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 2887. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Ms. COLLINS, and Mrs. LINCOLN):

S. 2888. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (by request):

S. 2889. A bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. BURR, Mr. GRAHAM, Mr. MARTINEZ, Mr. WARNER, Mr. CHAMBLISS, Mr. LIEBERMAN, and Mr. SUNUNU):

S. 2890. A bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 2891. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BROWNBACK (for himself, Mr. CASEY, Mr. MCCAIN, Mr. COLEMAN, Mr. BURR, Ms. COLLINS, Mr. DOMENICI, Mrs. DOLE, Mrs. HUTCHISON, Mr. CRAIG, Ms. MURKOWSKI, Mr. THUNE, Mr. CHAMBLISS, Mr. ENZI, Ms. MIKULSKI, Mr. HATCH, Mr. ROBERTS, and Mr. ALLARD):

S. Res. 519. A resolution welcoming Pope Benedict XVI to the United States and recognizing the unique insights his moral and spiritual reflections bring to the world stage; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Ms. SNOWE, Mr. LEVIN, Mrs. BOXER, and Mr. FEINGOLD):

S. Res. 520. A resolution designating May 16, 2008, as "Endangered Species Day"; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 521. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 522. A resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Washington

(Ms. CANTWELL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 999, a bill to amend the Public

Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1051

At the request of Mr. DODD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1051, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1556

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1779

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1779, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1780, a bill to require

the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mrs. FEINSTEIN, her name 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.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2059, *supra*.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) 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. 2569

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2687

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2687, a bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2689, a bill to amend section

411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2744

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2744, a bill to amend the Workforce Investment Act of 1998 to increase the Nation's competitiveness and enhance the workforce investment systems by authorizing the implementation of Workforce Innovation in Regional Economic Development plans, the integration of appropriate programs and resources as part of such plans, and the provision of supplementary grant assistance and additional related activities, and for other purposes.

S. 2755

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2755, a bill to provide funding for summer youth jobs.

S. 2770

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 506, a resolution

expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 515

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mrs. CLINTON):

S. 2877. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise to introduce the Pediatric, Adolescent, and Young Adult Cancer Survivorship and Quality of Life Act, legislation introduced on the House side by Representatives SOLIS and BONO.

The National Cancer Institute estimates that there are more than 10 million cancer survivors in the United States. Advances in medical research have resulted in earlier diagnoses, more effective treatments, and improvements in medical outcomes for Americans with cancer.

These advances in cancer care are especially evident when examining our gains for pediatric cancers. The 5-year survival rate for children with cancer has improved markedly over the past decades, from 56 percent for those diagnosed in the mid-1970s to 79 percent for those diagnosed between 1995 and 2000. There are now more than 270,000 childhood cancer survivors in the U.S., and that number is expected to increase as we gain a better understanding of pediatric cancers and ways to treat them.

But in the years that we have made these gains in addressing cancer in children, we have also learned that many of these survivors experience what are known as "late effects" resulting from either the cancer or its treatment. These late effects include things like additional cancers, osteoporosis, heart problems and reduced lung capacity. As many as a quarter of childhood cancer survivors experience late effects that are serious or life-threatening. We must be doing more to ensure that the quality of life of children who have survived cancer is as high as possible, and that life-saving treatments result in as few long-term side effects as possible.

It is also important to note that health care disparities also impact pediatric cancer care and survivorship. African-Americans, Hispanics, and Asian/Pacific Islander children have

higher rates of certain cancers than their white counterparts. In addition, due to disparities in access to care, these individuals may fail to receive adequate treatments for late effects of cancers. We need to improve our efforts to ensure that racial and ethnic disparities are eliminated from cancer care.

In a 2005 report, titled "From Cancer Patient to Cancer Survivor: Lost in Transition", the Institute of Medicine, IOM, recommended several measures we can take as a nation to improve the quality of life for children and young adults who are impacted by cancer. The legislation that I am introducing today will allow us to implement some of those recommendations, including expansion of cancer control and surveillance programs, increasing research in survivorship, and developing model systems of care and monitoring for cancer survivors. It will also create grants to establish childhood cancer survivorship clinics, and help childhood cancer organizations expand and improve their work in providing care and treatment.

I look forward to working with my colleagues in the Senate to ensure that we address the needs of cancer survivors throughout the lifespan, and help to improve the quality of life for the many children and families that struggle with a cancer diagnosis.

By Mr. SALAZAR:

S. 2879. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation to ensure responsible development of the energy resources under Colorado's Roan Plateau in a manner that minimizes the adverse impacts on its unique ecological resources while maximizing the financial returns to the State of Colorado and to our country. This legislation was developed jointly with my colleagues Representative JOHN SALAZAR and Representative MARK UDALL, who plan to introduce the legislation today in the House.

The Roan Plateau, an area of pristine wilderness in northwestern Colorado, rises 3,500 feet out of the Colorado River Valley. It boasts native cutthroat trout streams and has some of the best winter elk and mule deer habitat left in the heavily developed Piceance Basin. The Roan has long been a favorite destination for hunters and anglers. The mule deer, elk, black bear, and native trout that find habitat on top and at the base of the Roan Plateau are an economic engine all their own, drawing tourism and recreation dollars to towns like Glenwood Springs, Rifle, Silt, and Parachute.

Recently the Department of Interior's Bureau of Land Management, which oversees the public lands on the Roan and the minerals beneath them,

announced that it is opening these lands for energy development. Under the BLM plan, 67,000 acres of public lands on and around the Roan Plateau will be open for natural gas drilling as soon as this year. We in Colorado are blessed to be home to significant energy resources, and tapping these resources is important to sustain our Nation's energy needs and invigorate the Colorado State economy. But in its current form, the BLM plan lacks adequate protections for the Roan's land, water, and wildlife—the very things that support the outfitters, guides, hotels and restaurants in the area. And by proposing to lease all of the undeveloped public lands at once, the BLM plan would sell Colorado short.

Drilling is already happening on roughly half of the plateau that is either owned or leased by the natural gas industry. Without question, western Colorado is experiencing a boom in energy development. During the decade of the 1990s, the average number of completed gas wells per year in Garfield County—the home of the Roan—was 80. The number of completed wells has climbed rapidly since 2000, setting a new high each year. In 2006, 840 new wells were completed in Garfield County. This rapid expansion of activity has created new jobs in the region, but has also stoked new conflicts between the energy values and environmental, ecological, and recreation values of these lands. The impacts of this development are being felt by landowners and outdoor enthusiasts alike. Sportsmen have watched as public hunting areas, habitat, and important watersheds have been irreparably degraded as a result of widespread development.

With this level of development occurring we must ensure that the most pristine areas of the plateau that remain are protected, that oil and gas development in the region occurs with minimal disturbance, and that Colorado receives the best possible financial return on any oil and gas leases.

Our legislation has three main functions that work to address these issues. First, it requires phased leasing on top of the plateau to maximize state revenues and better protect wildlife habitat and the environment. Second, it ensures protection of critical cutthroat trout watersheds and other wildlife habitat on top and around the base of the Roan Plateau. Lastly, it contains a conforming amendment to the Transfer Act to ensure that Colorado receives its fair share of leasing revenues rather than directing this money, as the Transfer Act specifies, to the Anvil Points cleanup fund, which is in surplus.

The phased leasing provision requires BLM to lease less sensitive areas outside of cutthroat trout watersheds first, rather than leasing all available development areas at once. In selecting areas for leasing, BLM must take into consideration various factors designed to maximize leasing revenues and to minimize the environmental and eco-

logical impacts of development. Phased leasing will generate higher per-lease bids from industry—and more money for the Treasury and Colorado—than the current BLM plan to lease the entire designated development areas at once.

The special protection provisions of the bill expand BLM's designated "Areas of Critical Environmental Concern," ACECs, to include the headwaters of Northwater Creek and the East Fork of Parachute Creek above the confluence with First Anvil Creek—both of which are critical native cutthroat trout watersheds. The bill also permits gas development activities on top of the plateau outside ACECs that are within development corridors along existing ridge-top roads on slopes not exceeding 20 percent. These measures will protect critical elk and mule deer habitat around the base of the plateau, while allowing development and recovery of the available natural gas under the Roan.

In 1907, President Teddy Roosevelt told a crowd that, "In utilizing and conserving the natural resources of the Nation the one characteristic more essential than any other is foresight. The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life." President Roosevelt's wisdom—over a century later—is as valuable as ever to a Nation committed to protecting its land and water, but that is in dire need of affordable, domestic sources of energy.

The Roan is a special place. Protecting our State's last few remaining wild spaces, maximizing oil and gas leasing revenues from these areas and supporting the communities that surround them need not be at odds. This bill will replace BLM's plan with a better, more balanced approach that will protect the most critical areas on the top of the Roan and provide the most benefit to the State of Colorado.

By Mr. DURBIN:

S. 2881. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, if I said there was an industry that generates millions of gallons of wastewater every day and that can dump that waste with virtually no oversight, you might think that I was recalling the days before the Clean Water Act. The truth is, though, that such an industry exists today. I am talking about cruise ships.

That is why I am introducing the Clean Cruise Ship Act of 2008. This bill will require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology, which has been shown to significantly reduce the amount of pollutants discharged from ships. This technology is already being

used successfully on cruise ships in Alaska, thanks to that State's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year. Some of these ships can carry 3,000 passengers. That is the size of a small city. As cities do, these ships produce massive amounts of waste—over 200,000 gallons of sewage each week; a million gallons of graywater from galleys, laundry, and showers; and over 35,000 gallons of oily bilge water that collects in ship bottoms.

Wastewater from cities, of course, is highly regulated. America wouldn't tolerate anything less. A city cannot simply dump waste into our waterways. We've seen, of course, what happens when municipal wastewater treatment systems are poorly operated or break down. People fall ill, beaches are closed, and ecosystems are harmed.

So what's the story for waste from cruise ships? Let us start with "black water" sewage—human body wastes and other toilet waste. Within three miles of shore, vessels can discharge this waste provided that a "marine sanitation device" is installed. The Environmental Protection Agency released a draft report in December, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships are free to dump their sewage and foul U.S. waters with impunity.

The situation for graywater may be even more serious. Except in Alaska, cruise ship graywater requires no treatment whatsoever before being discharged, and there are no restrictions on where that dumping can be done. Yet graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants—amounts that would never be tolerated from a land-based business. Fecal coliform concentrations, for example, are ten to a thousand times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

The Clean Cruise Ship Act seeks to solve this oversight in the current regulations, just as Alaska State law has done. No discharges whatsoever would be allowed within 12 miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with

the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency study found that these "advanced wastewater treatment" systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned everywhere. No dumping would be allowed of sewage sludge and incinerator ash in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance to the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

There is one thing at this point I'd like to make clear. Many of us here have been working hard to stop aquatic invasive species that slip into our lakes and coastal waters in discharged ballast water. Alien species that have escaped into U.S. waters are causing massive harm. We have to do everything in our power to prevent new invasive species from getting loose.

With this in mind, many of us have been closely watching court cases surrounding the Environmental Protection Agency's responsibility for regulating ballast water under the Clean Water Act. That litigation may have implications for cruise ship wastewater pollution.

I have no intention of interfering with this court case. Likewise, I want to emphasize that this bill in no way undermines the provisions of the Clean Water Act that deal with discharges of pollution into the nation's waters. I have always supported the Clean Water Act. It will continue to be an important tool that, in conjunction with the Clean Cruise Ship Act, can significantly reduce wastewater pollution from cruise ships.

The protection of U.S. waters is vital to our Nation's health and economy. There are 4.5 million square miles of ocean in the U.S. territorial seas—23 percent larger than our Nation's landmass. That's more than any other country has. Cruise ship wastewater threatens the very environments that family vacationers want to visit. Current regulations and voluntary guidelines for the cruise ship industry just aren't good enough. No other industry is allowed to pollute our waters at will. The cruise ship industry is growing at nearly 5 percent each year, which means that the problem is growing, as well.

Uncontrolled dumping of cruise ship pollution must stop. We can achieve that goal with the Clean Cruise Ship Act. I recognize, though, that there may be other valid approaches. I encourage my colleagues to work with me to pass legislation this year that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

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. 2881

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Cruise Ship Act of 2008".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Prohibitions on the discharge of sewage, graywater, bilge water, sewage sludge, incinerator ash, and hazardous waste.

Sec. 5. Effluent limits for discharges of sewage, graywater, and bilge water.

Sec. 6. Alaskan cruise vessels.

Sec. 7. Inspection and sampling.

Sec. 8. Employee protection.

Sec. 9. Judicial review.

Sec. 10. Enforcement.

Sec. 11. Citizen suits.

Sec. 12. Sense of Congress on ballast water.

Sec. 13. Sense of Congress on air pollution.

Sec. 14. Funding.

Sec. 15. Effect on other law.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Cruise vessels carry millions of people through North American waters each year, showcase some of the most beautiful ocean areas in the United States, and provide opportunities for passengers to relax and enjoy the oceans and marine ecosystems.

(2) A single cruise vessel generates a tremendous amount of waste each week, including an estimated 140,000 to 210,000 gallons of blackwater (sewage) and 1,000,000 gallons of graywater (including wastewater from dishwashers, showers, laundry, baths, and washbasins). Onboard amenities such as photo-processing, dry-cleaning, and hairdressing also generate hazardous waste streams.

(3) In its final report, "An Ocean Blueprint for the 21st Century", released in 2004, the United States Commission on Ocean Policy found that these waste streams and the cumulative impacts caused when cruise vessels repeatedly visit the same environmentally sensitive areas, "if not properly disposed of and treated, can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life," thus threatening the very environments cruise vessel passengers seek to explore.

(4) The cruise industry has grown by more than 6 percent annually since 2003 and is projected to continue growing. Cruise vessel capacity is also expanding dramatically; today cruise vessels can transport 5,000 passengers and crew members, but the next generation of cruise vessels is expected to carry 7,000 passengers and crew members. As the total number of passengers increases and the number of passengers per ship increases, the volume of waste entering these ocean ecosystems and the impact of that waste on ocean ecosystems will also increase.

(5) In a 2005 report requested by the International Council of Cruise Lines, the Ocean Conservation and Tourism Alliance (OCTA) Science Panel recommended that "[a]ll blackwater should be treated", that discharging treated blackwater should be "avoided in ports, close to bathing beaches or water bodies with restricted circulation,



flushing or inflow", and that blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats.

(6) The OCTA Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities.

(7) The United States lacks a comprehensive wastewater management policy for large passenger vessels, and a new statutory regime for managing wastewater discharges from large passenger vessels that applies throughout the United States is needed to protect coastal and ocean areas from pollution generated by cruise vessels, to reduce and better regulate discharges from cruise vessels, and to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to protect the health and beauty of the marine and coastal ecosystems that cruise passengers enjoy, by—

(1) prohibiting the discharge of any untreated sewage, graywater, or bilge water from a cruise vessel calling on a port of the United States into the waters of the United States;

(2) prohibiting the discharge of any sewage sludge, incinerator ash, or hazardous waste from a cruise vessel calling on a port of the United States into the waters of the United States;

(3) establishing new national effluent limits for the discharge of treated sewage, treated graywater, and treated bilge water from cruise vessels not less than 12 miles from shore in any case in which the discharge is not within an area in which discharges are prohibited; and

(4) ensuring that cruise vessels calling on ports of the United States comply with all applicable environmental laws.

### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BILGE WATER.—The term "bilge water" means waste water that includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, or oily waste.

(3) CITIZEN.—The term "citizen" means a person that has an interest that is or may be adversely affected by any provision of this Act.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(5) CRUISE VESSEL.—The term "cruise vessel"—

(A) means a passenger vessel (as defined in section 2101(22) of title 46, United States Code), that—

(i) is authorized to carry at least 250 passengers; and

(ii) has onboard sleeping facilities for each passenger; and

(B) does not include—

(i) a vessel of the United States operated by the Federal Government; or

(ii) a vessel owned and operated by the government of a State.

(6) DISCHARGE.—The term "discharge"—

(A) means a release, however caused, of bilge water, graywater, hazardous waste, incinerator ash, sewage, or sewage sludge from a cruise vessel; and

(B) includes any escape, disposal, spilling, leaking, pumping, emitting, or emptying of a substance described in subparagraph (A).

(7) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 107 of title 46, United States Code.

(8) GRAYWATER.—The term "graywater" means galley, dishwasher, bath, spa, pool, and laundry waste water.

(9) GREAT LAKE.—The term "Great Lake" means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario; or

(E) Lake Superior.

(10) HAZARDOUS WASTE.—The term "hazardous waste" has the meaning given that term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(11) INCINERATOR ASH.—The term "incinerator ash" means ash generated during the incineration of solid waste or sewage sludge.

(12) NO DISCHARGE ZONES.—The term "no discharge zones" means important ecological areas including marine sanctuaries, marine protected areas, marine reserves, marine national monuments, national parks, and national wildlife refuges.

(13) PASSENGER.—The term "passenger" means a paying passenger.

(14) PERSON.—The term "person" means—

(A) an individual;

(B) a corporation;

(C) a partnership;

(D) a limited liability company;

(E) an association;

(F) a State;

(G) a municipality;

(H) a commission or political subdivision of a State; or

(I) an Indian tribe.

(15) SEWAGE.—The term "sewage" means—

(A) human body wastes; and

(B) the wastes from toilets and other receptacles intended to receive or retain human body wastes.

(16) SEWAGE SLUDGE.—The term "sewage sludge"—

(A) means any solid, semi-solid, or liquid residue removed during the treatment of on-board sewage;

(B) includes—

(i) solids removed during primary, secondary, or advanced waste water treatment;

(ii) scum;

(iii) septage;

(iv) portable toilet pumpings;

(v) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations); and

(vi) sewage sludge products; and

(C) does not include—

(i) grit or screenings; or

(ii) ash generated during the incineration of sewage sludge.

(17) TERRITORIAL SEA.—The term "territorial sea"—

(A) means the belt of the sea extending 12 nautical miles from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation number 5928, dated December 27, 1988; and

(B) includes the waters lying seaward of the line of ordinary low water and extending to the baseline of the United States, as determined under subparagraph (A).

(18) WATERS OF THE UNITED STATES.—The term "waters of the United States" means the waters of the territorial sea, the exclusive economic zone, and the Great Lakes.

### SEC. 4. PROHIBITIONS ON THE DISCHARGE OF SEWAGE, GRAYWATER, BILGE WATER, SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.

(a) PROHIBITIONS ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—Except as provided in subsection (c) or section 6, no cruise vessel calling on a port of the United States may discharge sewage, graywater, or bilge water into the waters of the United States, unless—

(1) the effluent of treated sewage, treated graywater, or treated bilge water meets all applicable effluent limits established under this Act and is in accordance with all other applicable laws;

(2) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

(3) the cruise vessel is not less than 12 nautical miles from shore;

(4) the cruise vessel is not discharging in no discharge zones; and

(5) the cruise vessel complies with all applicable management standards established under this Act.

(b) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—No sewage sludge, incinerator ash, or hazardous waste may be discharged into the waters of the United States. Such sewage sludge, incinerator ash, and hazardous waste shall be off-loaded at an appropriate land-based facility.

(c) SAFETY EXCEPTION.—

(1) SCOPE OF EXCEPTION.—The provisions of subsections (a) and (b) shall not apply in any case in which—

(A) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving a human life at sea; and

(B) all reasonable precautions have been taken to prevent or minimize the discharge.

(2) NOTIFICATION OF COMMANDANT.—

(A) IN GENERAL.—If the owner, operator, master, or other individual in charge of a cruise vessel authorizes a discharge described in paragraph (1), such individual shall notify the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

(B) REPORT.—Not later than 7 days after the date on which an individual described in subparagraph (A) notifies the Commandant of a decision to authorize a discharge under paragraph (1), the individual shall submit to the Commandant a report that includes—

(i) the quantity and composition of each discharge authorized under paragraph (1);

(ii) the reason for authorizing each such discharge;

(iii) the location of the vessel during the course of each such discharge; and

(iv) such other supporting information and data as are requested by the Commandant.

(C) DISCLOSURE OF REPORTS.—Upon receiving a report under subparagraph (B), the Commandant shall—

(i) transmit a copy of the report to the Administrator; and

(ii) make the report available to the public.

### SEC. 5. EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.

(a) EFFLUENT LIMITS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels calling on ports of the United States.

(2) REQUIREMENTS.—The effluent limits shall, at a minimum—

(A) be consistent with the capability of the best available technology to treat effluent;

(B) require compliance with all relevant State and Federal water quality standards; and

(C) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including levels of nutrients, total and dissolved metals, pathogen indicators, oils and grease, classical pollutants, and volatile and semivolatile organics.

(b) MINIMUM LIMITS.—The effluent limits promulgated under subsection (a) shall require, at a minimum, that treated sewage,

treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subsection (d), meet the following standards:

(1) IN GENERAL.—The discharge shall satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation).

(2) FECAL COLIFORM.—With respect to the samples from the discharge during any 30-day period—

(A) the geometric mean of the samples shall not exceed 20 fecal coliform per 100 milliliters; and

(B) not more than 10 percent of the samples shall exceed 40 fecal coliform per 100 milliliters.

(3) RESIDUAL CHLORINE.—Concentrations of total residual chlorine in samples shall not exceed 10 milligrams per liter.

(c) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

(1) review the effluent limits promulgated under subsection (a) at least once every 5 years; and

(2) revise the effluent limits as necessary to incorporate technology available at the time of the review in accordance with subsection (a)(2).

(d) COMPLIANCE DATE.—

(1) IN GENERAL.—The date described in this subsection is—

(A) with respect to new vessels put into water after the date of the enactment of this Act, 2 years after such date of enactment; and

(B) with respect to vessels in use as of such date of enactment, 5 years after such date of enactment.

(2) NEW VESSEL DEFINED.—In this subsection, the term “new vessel” means a vessel the keel of which is laid, or that is at a similar stage of construction, on or after the date of the enactment of this Act.

#### SEC. 6. ALASKAN CRUISE VESSELS.

(a) IN GENERAL.—An Alaskan cruise vessel shall not be subject to the provisions of this Act (including regulations promulgated under this Act) until the date that is 10 years after the date of the enactment of this Act.

(b) DEFINITION OF ALASKAN CRUISE VESSEL.—In this section, the term “Alaskan cruise vessel” means a cruise vessel—

(1) while the vessel is operating in waters of the State of Alaska, as defined in section 159.305 of title 33, Code of Federal Regulations; and

(2) that complies with all relevant laws and regulations of the State of Alaska while in transit from a port of call outside of the State of Alaska to the waters of the State of Alaska.

#### SEC. 7. INSPECTION AND SAMPLING.

(a) DEVELOPMENT AND IMPLEMENTATION OF INSPECTION PROGRAM.—

(1) IN GENERAL.—The Administrator shall promulgate regulations to implement a sampling and testing program, and the Commandant shall promulgate regulations to implement an inspection program, sufficient to verify that cruise vessels calling on ports of the United States are in compliance with—

(A) this Act (including regulations promulgated under this Act);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including regulations promulgated under that Act);

(C) other applicable Federal laws and regulations; and

(D) all applicable requirements of international agreements.

(2) INSPECTIONS.—The program shall require that—

(A) regular announced and unannounced inspections be conducted of any relevant as-

pect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges; and

(B) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Administrator, shall promulgate regulations that, at a minimum—

(A) require the owner, operator, master, or other individual in charge of a cruise vessel to maintain and submit annually a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel;

(B) provide for routine announced and unannounced inspections of—

(i) cruise vessel environmental compliance records and procedures; and

(ii) the functionality and proper operation of installed equipment for abatement and control of any cruise vessel discharge, including equipment intended to treat sewage, graywater, or bilge water;

(C) require the sampling and testing of cruise vessel discharges that require the owner, operator, master, or other individual in charge of a cruise vessel—

(i) to conduct that sampling or testing at the point of discharge; and

(ii) to produce any records of the sampling or testing;

(D) require any owner, operator, master, or other individual in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of this Act (including regulations promulgated under this Act) to report immediately the discharge to the Commandant, who shall provide notification of the discharge to the Administrator; and

(E) require the owner, operator, master, or other individual in charge of a cruise vessel to provide to the Commandant and Administrator a blueprint of each cruise vessel that includes the location of every discharge pipe and valve.

(2) DISCLOSURE OF LOGBOOKS.—Upon receiving a logbook described in paragraph (1)(A), the Commandant shall—

(A) transmit a copy of the logbook to the Administrator; and

(B) make the logbook available to the public.

(c) EVIDENCE OF COMPLIANCE.—

(1) VESSEL OF THE UNITED STATES.—

(A) IN GENERAL.—A cruise vessel registered in the United States to which this Act applies shall have a certificate of inspection issued by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) VALIDITY OF CERTIFICATE.—A certificate issued under this paragraph—

(i) shall be valid for a period of not more than 5 years, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(D) SPECIAL CERTIFICATES.—The Commandant may issue special certificates to certain vessels that exhibit compliance with this Act and other best practices, as determined by the Commandant, after public notice and comment.

(2) FOREIGN VESSEL.—

(A) IN GENERAL.—A cruise vessel registered in a country other than the United States to which this Act applies may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a certificate of compliance by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) to a cruise vessel only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) ACCEPTANCE OF FOREIGN DOCUMENTATION.—The Commandant may consider a certificate, endorsement, or document issued by the government of a foreign country under a treaty, convention, or other international agreement to which the United States is a party, in issuing a certificate of compliance under this paragraph. Such a certificate, endorsement, or document shall not serve as a proxy for certification of compliance with this Act.

(D) VALIDITY OF CERTIFICATE.—A certificate issued under this section—

(i) shall be valid for a period of not more than 24 months, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(d) CRUISE OBSERVER PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall establish and carry out a program for the placement of 1 or more trained independent observers on each cruise vessel.

(2) PURPOSES.—The purposes of the cruise observer program established under paragraph (1) are to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

(A) this Act (including regulations promulgated under this Act); and

(B) all other relevant Federal laws, regulations, and international agreements.

(3) RESPONSIBILITIES.—An observer described in paragraph (1) shall—

(A) observe and inspect—

(i) onboard environmental treatment systems;

(ii) use of shore-based treatment and storage facilities;

(iii) discharges and discharge practices; and

(iv) blueprints, logbooks, and other relevant information, including fuel consumption and atmospheric emissions;

(B) have the authority to interview and otherwise query any crew member with knowledge of vessel operations;

(C) have access to all data and information made available to government officials under this section;

(D) immediately report any known or suspected violation of this Act or any other applicable Federal law or international agreement to—

(i) the Coast Guard; and

(ii) the Environmental Protection Agency; and

(E) maintain a logbook to be submitted to the Commandant and the Administrator annually and to be made available to the public.

(4) **ADAPTIVE MANAGEMENT.**—The program established and carried out by the Commandant under paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) **REPORT.**—Not later than 3 years after the establishment of the program described in paragraph (1), the Commandant shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for optimal observer coverage; and

(C) other recommendations for improvement of the program.

(e) **ONBOARD MONITORING SYSTEM PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator and the Commandant, shall establish, and for each of fiscal years 2008 through 2013, shall carry out, with industry partners as necessary, a pilot program to develop and promote commercialization of technologies to provide real-time data to Federal agencies regarding—

(A) discharges of sewage, graywater, and bilge water from cruise vessels; and

(B) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution.

(2) **TECHNOLOGY REQUIREMENTS.**—Technologies developed under the program described in paragraph (1)—

(A) shall have the ability to record—

(i) the location and time of discharges from cruise vessels;

(ii) the source, content, and volume of the discharges; and

(iii) the state of components relating to pollution control at the time of the discharges, including whether the components are operating correctly; and

(B) shall be tested on not less than 10 percent of all cruise vessels operating in the territorial sea of the United States, including large and small vessels.

(3) **PARTICIPATION OF INDUSTRY.**—

(A) **COMPETITIVE SELECTION PROCESS.**—Industry partners willing to participate in the program may do so through a competitive selection process conducted by the Administrator of the National Oceanic and Atmospheric Administration.

(B) **CONTRIBUTION.**—A selected industry partner shall contribute not less than 20 percent of the cost of the project in which the industry partner participates.

(4) **ADAPTIVE MANAGEMENT.**—The program established and carried out by the Administrator of the National Oceanic and Atmospheric Administration pursuant to paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for continuing the program; and

(C) other recommendations for improving the program.

## SEC. 8. EMPLOYEE PROTECTION.

(a) **PROHIBITION OF DISCRIMINATION AGAINST PERSONS FILING, INSTITUTING, OR TESTIFYING**

**IN PROCEEDINGS UNDER THIS ACT.**—No person shall terminate the employment of, or in any other way discriminate against (or cause the termination of employment of or discrimination against), any employee or any authorized representative of employees by reason of the fact that the employee or representative—

(1) has filed, instituted, or caused to be filed or instituted any proceeding under this Act; or

(2) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) **APPLICATION FOR REVIEW; INVESTIGATION; HEARINGS; REVIEW.**—

(1) **IN GENERAL.**—An employee or a representative of an employee who believes that the termination of the employment of the employee has occurred, or that the employee has been discriminated against, as a result of the actions of any person in violation of subsection (a) may, not later than 30 days after the date on which the alleged violation occurred, apply to the Secretary of Labor for a review of the alleged termination of employment or discrimination.

(2) **APPLICATION.**—A copy of an application for review filed under paragraph (1) shall be sent to the respondent.

(3) **INVESTIGATION.**—

(A) **IN GENERAL.**—On receipt of an application for review under paragraph (1), the Secretary of Labor shall carry out an investigation of the alleged violation.

(B) **REQUIREMENTS.**—In carrying out this subsection, the Secretary of Labor shall—

(i) provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation;

(ii) ensure that, at least 5 days before the date of the hearing, each party to the hearing is provided written notice of the time and place of the hearing; and

(iii) ensure that the hearing is on the record and subject to section 554 of title 5, United States Code.

(C) **FINDINGS OF SECRETARY.**—On completion of an investigation under this paragraph, the Secretary of Labor shall—

(i) make findings of fact;

(ii) if the Secretary of Labor determines that a violation did occur, issue a decision, incorporating an order and the findings, requiring the person that committed the violation to take such action as is necessary to abate the violation, including the rehiring or reinstatement, with compensation, of an employee to the former position of the employee; and

(iii) if the Secretary of Labor determines that there was no violation, issue an order denying the application.

(D) **ORDER.**—An order issued by the Secretary of Labor under subparagraph (C) shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

(c) **COSTS AND EXPENSES.**—In any case in which an order is issued under this section to abate a violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of the proceedings, shall be assessed against the person committing the violation.

(d) **DELIBERATE VIOLATIONS BY EMPLOYEES ACTING WITHOUT DIRECTION FROM EMPLOYER OR AGENT.**—This section shall not apply to any employee who, without direction from the employer of the employee (or agent of

the employer), deliberately violates any provision of this Act.

## SEC. 9. JUDICIAL REVIEW.

(a) **REVIEW OF ACTIONS BY ADMINISTRATOR OR COMMANDANT; SELECTION OF COURT; FEES.**—

(1) **REVIEW OF ACTIONS.**—

(A) **IN GENERAL.**—Any interested person may petition for a review, in the United States court of appeals for the circuit in which the person resides or transacts business directly affected by the action of which review is requested—

(i) of an action of the Administrator in promulgating any effluent limit under section 5; or

(ii) of an action of the Commandant or the Administrator in carrying out an inspection, sampling, or testing under section 7.

(B) **DEADLINE FOR REVIEW.**—A petition for review under subparagraph (A) shall be made—

(i) not later than 120 days after the date of promulgation of the limit or standard with respect to which the review is sought; or

(ii) if the petition for review is based solely on grounds that arose after the date described in clause (i), as soon as practicable after that date.

(2) **CIVIL AND CRIMINAL ENFORCEMENT PROCEEDINGS.**—An action of the Commandant or Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any civil or criminal proceeding for enforcement of such action.

(3) **AWARD OF FEES.**—In any judicial proceeding under this subsection, a court may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party in any case in which the court determines such an award to be appropriate.

(b) **ADDITIONAL EVIDENCE.**—

(1) **IN GENERAL.**—In any judicial proceeding instituted under subsection (a) in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to introduce additional evidence and demonstrates to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to introduce the evidence in the proceeding before the Commandant or Administrator, the court may order the additional evidence (and evidence in rebuttal of the additional evidence) to be taken before the Commandant or Administrator, in such manner and on such terms and conditions as the court determines to be appropriate.

(2) **MODIFICATION OF FINDINGS.**—On admission of additional evidence under paragraph (1), the Commandant or Administrator—

(A) may modify findings of fact of the Commandant or Administrator, as the case may be, relating to a judicial proceeding, or make new findings of fact, by reason of the additional evidence; and

(B) shall file with the return of the additional evidence any modified or new findings, and any related recommendations, for the modification or setting aside of any original determinations of the Commandant or Administrator.

## SEC. 10. ENFORCEMENT.

(a) **IN GENERAL.**—Any person that violates a provision of section 4 or any regulation promulgated under this Act may be assessed—

(1) a class I or class II civil penalty described in subsection (b); or

(2) a civil penalty in a civil action under subsection (c).

(b) **AMOUNT OF ADMINISTRATIVE PENALTY.**—

(1) CLASS I.—The amount of a class I civil penalty under subsection (a)(1) may not exceed—

- (A) \$10,000 per violation; or
- (B) \$25,000 in the aggregate, in the case of multiple violations.

(2) CLASS II.—The amount of a class II civil penalty under subsection (a)(1) may not exceed—

- (A) \$10,000 per day for each day during which the violation continues; or
- (B) \$125,000 in the aggregate, in the case of multiple violations.

(3) SEPARATE VIOLATIONS.—Each day on which a violation continues shall constitute a separate violation.

(4) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under subsection (a)(1), the Commandant or the court, as appropriate, shall consider—

- (A) the seriousness of the violation;
- (B) any economic benefit resulting from the violation;
- (C) any history of violations;
- (D) any good faith efforts to comply with the applicable requirements;
- (E) the economic impact of the penalty on the violator; and
- (F) such other matters as justice may require.

(5) PROCEDURE FOR CLASS I CIVIL PENALTY.—

(A) IN GENERAL.—Before assessing a civil penalty under this subsection, the Commandant shall provide to the person to be assessed the penalty—

- (i) written notice of the proposal of the Commandant to assess the penalty; and
- (ii) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed penalty.

(B) HEARING.—A hearing described in subparagraph (A)(ii)—

- (i) shall not be subject to section 554 or 556 of title 5, United States Code; but
- (ii) shall provide a reasonable opportunity to be heard and to present evidence.

(6) PROCEDURE FOR CLASS II CIVIL PENALTY.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

(B) RULES.—The Commandant may promulgate rules for discovery procedures for hearings under this subsection.

(7) RIGHTS OF INTERESTED PERSONS.—

(A) PUBLIC NOTICE.—Before issuing an order assessing a class II civil penalty under this subsection, the Commandant shall provide public notice of, and reasonable opportunity to comment on, the proposed issuance of each order.

(B) PRESENTATION OF EVIDENCE.—

(i) IN GENERAL.—Any person that comments on a proposed assessment of a class II civil penalty under this subsection shall be given notice of—

- (I) any hearing held under this subsection relating to such assessment; and
- (II) any order assessing the penalty.

(ii) HEARING.—In any hearing described in clause (i)(I), a person described in clause (i) shall have a reasonable opportunity to be heard and to present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—

(i) IN GENERAL.—If no hearing is held under subparagraph (B) before the date of issuance of an order assessing a class II civil penalty under this subsection, any person that commented on the proposed assessment may, not

later than 30 days after the date of issuance of the order, petition the Commandant—

- (I) to set aside the order; and
  - (II) to provide a hearing on the penalty.
- (ii) NEW EVIDENCE.—If any evidence presented by a petitioner in support of the petition under clause (i) is material and was not considered in the issuance of the order, as determined by the Commandant, the Commandant shall immediately—

- (I) set aside the order; and
- (II) provide a hearing in accordance with subparagraph (B)(ii).

(iii) DENIAL OF HEARING.—If the Commandant denies a hearing under this subparagraph, the Commandant shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for the denial.

(8) FINALITY OF ORDER.—

(A) IN GENERAL.—An order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of issuance of the order unless, before that date—

- (i) a petition for judicial review is filed under paragraph (10); or
- (ii) a hearing is requested under paragraph (7)(C).

(B) DENIAL OF HEARING.—If a hearing is requested under paragraph (7)(C) and subsequently denied, an order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of the denial.

(9) EFFECT OF ACTION ON COMPLIANCE.—No action by the Commandant under this subsection shall affect the obligation of any person to comply with any provision of this Act.

(10) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any person against which a civil penalty is assessed under this subsection, or that commented on the proposed assessment of such a penalty in accordance with paragraph (7), may obtain review of the assessment in a court described in subparagraph (B) by—

- (i) filing a notice of appeal with the court within the 30-day period beginning on the date on which the civil penalty order is issued; and

(ii) simultaneously sending a copy of the notice by certified mail to the Commandant and the Attorney General.

(B) COURTS OF JURISDICTION.—Review of an assessment under subparagraph (A) may be obtained by a person—

- (i) in the case of assessment of a class I civil penalty, in—
  - (I) the United States District Court for the District of Columbia; or

(II) the district court of the United States for the district in which the violation occurred; or

(ii) in the case of assessment of a class II civil penalty, in—

(I) the United States Court of Appeals for the District of Columbia Circuit; or

(II) the United States court of appeals for any other circuit in which the person resides or transacts business.

(C) COPY OF RECORD.—On receipt of notice under subparagraph (A)(ii), the Commandant shall promptly file with the appropriate court a certified copy of the record on which the order assessing a civil penalty that is the subject of the review was issued.

(D) SUBSTANTIAL EVIDENCE.—A court with jurisdiction over a review under this paragraph—

- (i) shall not set aside or remand an order described in subparagraph (C) unless—

(I) there is not substantial evidence in the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Commandant of the civil penalty constitutes an abuse of discretion; and

(ii) shall not impose additional civil penalties for the same violation unless the assessment by the Commandant of the civil penalty constitutes an abuse of discretion.

(11) COLLECTION.—

(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after the assessment has become final, or after a court in a proceeding under paragraph (10) has entered a final judgment in favor of the Commandant, the Commandant shall request the Attorney General to bring a civil action in an appropriate district court to recover—

- (i) the amount assessed; and
- (ii) interest that has accrued on the amount assessed, as calculated at currently prevailing rates beginning on the date of the final order or the date of the final judgment, as the case may be.

(B) NONREVIEWABILITY.—In an action to recover an assessed civil penalty under subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to judicial review.

(C) FAILURE TO PAY PENALTY.—Any person that fails to pay, on a timely basis, the amount of an assessment of a civil penalty under subparagraph (A) shall be required to pay, in addition to the amount of the civil penalty and accrued interest—

- (i) attorneys' fees and other costs for collection proceedings; and

(ii) for each quarter during which the failure to pay persists, a quarterly nonpayment penalty in an amount equal to 20 percent of the aggregate amount of the assessed civil penalties and nonpayment penalties of the person that are unpaid as of the beginning of the quarter.

(12) SUBPOENAS.—

(A) IN GENERAL.—The Commandant may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection.

(B) REFUSAL TO OBEY.—In case of contumacy or refusal to obey a subpoena issued under this paragraph and served on any person—

(i) the district court of the United States for any district in which the person is found, resides, or transacts business, on application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Commandant or to appear and produce documents before the Commandant; and

(ii) any failure to obey such an order of the court may be punished by the court as a contempt of the court.

(C) CIVIL ACTION.—The Commandant may commence, in the district court of the United States for the district in which the defendant is located, resides, or transacts business, a civil action to impose a civil penalty under this subsection in an amount not to exceed \$25,000 for each day of violation.

(d) CRIMINAL PENALTIES.—

(1) NEGLIGENT VIOLATIONS.—A person that negligently violates section 4 or any regulation promulgated under this Act commits a Class A misdemeanor under title 18, United States Code.

(2) KNOWING VIOLATIONS.—Any person that knowingly violates section 4 or any regulation promulgated under this Act commits a Class D felony under title 18, United States Code.

(3) FALSE STATEMENTS.—Any person that knowingly makes any false statement, representation, or certification in any record, report, or other document filed or required to be maintained under this Act or any regulation promulgated under this Act, or that falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under

this Act or any regulation promulgated under this Act, commits a Class D felony under title 18, United States Code.

(e) REWARDS.—

(1) PAYMENTS TO INDIVIDUALS.—

(A) IN GENERAL.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, of an amount not to exceed ½ of the civil penalty or fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

(B) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in subparagraph (A), the amount available for payment as a reward shall be divided equitably among the individuals.

(C) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this subsection.

(2) PAYMENTS TO STATES OR INDIAN TRIBES.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, to a State or Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

(3) PAYMENTS DIVIDED AMONG STATES, INDIAN TRIBES, AND INDIVIDUALS.—In a case in which a State or Indian tribe and an individual under paragraph (1) are eligible to receive a reward payment under this subsection, the Commandant or the court shall divide the amount available for the reward equitably among those recipients.

(f) LIABILITY IN REM.—A cruise vessel operated in violation of this Act or any regulation promulgated under this Act—

(1) shall be liable in rem for any civil penalty or criminal fine imposed under this section; and

(2) may be subject to a proceeding instituted in the district court of the United States for any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If the Commandant determines that any person is in violation of section 4 or any regulation promulgated under this Act, the Commandant shall—

(A) issue an order requiring the person to comply with such section or requirement; or

(B) bring a civil action in accordance with subsection (c).

(2) COPIES OF ORDER; SERVICE.—

(A) CORPORATE ORDERS.—In any case in which an order under this subsection is issued to a corporation, a copy of the order shall be served on any appropriate corporate officer.

(B) METHOD OF SERVICE; SPECIFICATIONS.—An order issued under this subsection shall—

(i) be by personal service;

(ii) state with reasonable specificity the nature of the violation for which the order was issued; and

(iii) specify a deadline for compliance that is not later than—

(I) 30 days after the date of issuance of the order, in the case of a violation of an interim compliance schedule or operation and maintenance requirement; or

(II) such date as the Commandant, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, determines to be reasonable, in the case of a violation of a final deadline.

(h) CIVIL ACTIONS.—

(1) IN GENERAL.—The Commandant may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which the Commandant is authorized to issue a compliance order under this subsection.

(2) COURT OF JURISDICTION.—

(A) IN GENERAL.—A civil action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business.

(B) JURISDICTION.—A court described in subparagraph (A) shall have jurisdiction to grant injunctive relief to address a violation and require compliance by the defendant.

**SEC. 11. CITIZEN SUITS.**

(a) AUTHORIZATION.—Except as provided in subsection (c), any citizen may commence a civil action on the citizen's own behalf—

(1) against any person (including the United States and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States) that is alleged to be in violation of—

(A) the conditions imposed by section 4;

(B) an effluent limit or performance standard under this Act; or

(C) an order issued by the Administrator or Commandant with respect to such a condition, an effluent limit, or a performance standard; or

(2) against the Administrator or Commandant, in a case in which there is alleged a failure by the Administrator or Commandant to perform any nondiscretionary act or duty under this Act.

(b) JURISDICTION.—The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

(1) to enforce a condition, effluent limit, performance standard, or order described in subsection (a)(1);

(2) to order the Administrator or Commandant to perform a nondiscretionary act or duty described in subsection (a)(2); and

(3) to apply any appropriate civil penalties under section 10(b).

(c) NOTICE.—No action may be commenced under this section—

(1) before the date that is 60 days after the date on which the plaintiff gives notice of the alleged violation—

(A) to the Administrator or Commandant; and

(B) to any alleged violator of the condition, effluent limit, performance standard, or order described in subsection (a)(1); or

(2) if the Administrator or Commandant has commenced and is diligently prosecuting a civil or criminal action on the same matter in a court of the United States (but in any such action, a citizen may intervene as a matter of right).

(d) VENUE.—

(1) IN GENERAL.—Any civil action under this section shall be brought in—

(A) the United States District Court for the District of Columbia; or

(B) any other district court of the United States for any judicial district in which a cruise vessel or the owner or operator of a cruise vessel is located.

(2) INTERVENTION.—In a civil action under this section, the Administrator or the Commandant, if not a party, may intervene as a matter of right.

(3) PROCEDURES.—

(A) SERVICE.—In any case in which a civil action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(B) CONSENT JUDGMENTS.—No consent judgment shall be entered in a civil action under this section to which the United States is not a party before the date that is 45 days after the date of receipt of a copy of the proposed consent judgment by—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(e) LITIGATION COSTS.—

(1) IN GENERAL.—A court of jurisdiction, in issuing any final order in any civil action brought in accordance with this section, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party, in any case in which the court determines that such an award is appropriate.

(2) SECURITY.—In any civil action under this section, the court of jurisdiction may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this section restricts the rights of any person (or class of persons) under any statute or common law to seek enforcement or other relief (including relief against the Administrator or Commandant).

(g) CIVIL ACTION BY STATE GOVERNORS.—A Governor of a State may commence a civil action under subsection (a), without regard to the limitation under subsection (c), against the Administrator or Commandant in any case in which there is alleged a failure of the Administrator or Commandant to enforce an effluent limit or performance standard under this Act, the violation of which is causing—

(1) an adverse effect on the public health or welfare in the State; or

(2) a violation of any water quality requirement in the State.

**SEC. 12. SENSE OF CONGRESS ON BALLAST WATER.**

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for ballast water to reduce the threat of aquatic invasive species.

**SEC. 13. SENSE OF CONGRESS ON AIR POLLUTION.**

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for air quality with respect to incineration and engine activities of cruise vessels to reduce the level of harmful chemical and particulate air pollutants.

**SEC. 14. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant and the Administrator such sums as are necessary to carry out this Act for each of fiscal years 2009 through 2013.

(b) CRUISE VESSEL POLLUTION CONTROL FUND.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the "Cruise Vessel Pollution Control Fund" (referred to in this section as the "Fund").

(2) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subsection (c)(5).

(3) USE OF AMOUNTS IN FUND.—The Administrator and the Commandant may use amounts in the Fund, without further appropriation, to carry out this Act.

(c) FEES ON CRUISE VESSELS.—

(1) IN GENERAL.—The Commandant shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this Act.

## (2) ADJUSTMENT OF FEE.—

(A) IN GENERAL.—The Commandant shall biennially adjust the amount of the fee established under paragraph (1) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during each 2-year period.

(B) ROUNDING.—The Commandant may round the adjustment in subparagraph (A) to the nearest  $\frac{1}{10}$  of a dollar.

## (3) FACTORS IN ESTABLISHING FEES.—

(A) IN GENERAL.—In establishing fees under paragraph (1), the Commandant may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

- (i) size;
- (ii) economic share; and
- (iii) such other factors as are determined to be appropriate by the Commandant and Administrator.

(B) FEE SCHEDULES.—Any fee schedule established under paragraph (1), including the level of fees and the maximum amount of fees, shall take into account—

- (i) cruise vessel routes;
- (ii) the frequency of stops at ports of call by cruise vessels; and
- (iii) other relevant considerations.

(4) COLLECTION OF FEES.—A fee established under paragraph (1) shall be collected by the Commandant from the owner or operator of each cruise vessel to which this Act applies.

(5) DEPOSITS TO FUND.—Notwithstanding any other provision of law, all fees collected under this subsection, and all penalties and payments collected for violations of this Act, shall be deposited into the Fund.

**SEC. 15. EFFECT ON OTHER LAW.**

(a) UNITED STATES.—Nothing in this Act restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States.

(b) STATES AND INTERSTATE AGENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act precludes or denies the right of any State (including a political subdivision of a State) or interstate agency to adopt or enforce—

(A) any standard or limit relating to the discharge of pollutants by cruise vessels; or

(B) any requirement relating to the control or abatement of pollution.

(2) EXCEPTION.—If an effluent limit, performance standard, water quality standard, or any other prohibition or limitation is in effect under Federal law, a State (including a political subdivision of a State) or interstate agency may not adopt or enforce any effluent limit, performance standard, water quality standard, or any other prohibition that—

(A) is less stringent than the effluent limit, performance standard, water quality standard, or other prohibition or limitation under this Act; or

(B) impairs or in any manner affects any right or jurisdiction of the State with respect to the waters of the State.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. ISAKSON):

S. 2882. A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States to the children of members of the Armed Forces who die in service; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator COLLINS and Senator ISAKSON to introduce legislation that would provide the secretaries of the military departments the authority to pay the necessary expenses that would accompany the presentation of a flag to each child of a

servicemember killed in the service of the Nation.

The presentation of a remembrance flag to the family of a deceased servicemember is a time-honored tradition for each of the services which commemorates and memorializes the service of our men and women in uniform who have made the ultimate sacrifice to protect the liberties and freedoms we cherish. The remembrance flag is a profound symbol of the enduring appreciation of a grateful Nation.

Regrettably, however, there is an oversight in current law affecting which family members of a deceased servicemember may receive a flag. At present, the statute authorizes the secretaries of the services to present only two remembrance flags—one to the parents of the deceased servicemember and one to the person authorized to direct disposition of the servicemember. In many instances, the person authorized to direct disposition is also a primary next of kin of the servicemember. However, in cases where the primary next of kin are the children of the deceased servicemember, which can occur in extended family situations, authorities do not exist for the secretaries of the services to provide a remembrance flag to the children of deceased servicemembers.

The legislation that my colleagues and I are introducing today will remedy this oversight. We believe that the children of deceased servicemembers should also be able to receive a remembrance flag in honor of the sacrifice made by their parent. Clearly, this is the right thing to do. I sincerely hope that my colleagues will join Senator COLLINS, Senator ISAKSON, and me in supporting this important legislation.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2883. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to the women of our Nation who have the cherished title of mother and grandmother. Whether through natural means, adoption or foster care, their patience and unending well-spring of love and affection make an incredible difference in the lives of children.

No treasure, no riches can ever compare with a profoundly reassuring hug, the kind words that soothe broken spirits, or that reminder, rooted in affection, that we're not living up to our full potential. They inspire, believe and ultimately profess enormous pride in us—no matter our successes or failures.

That is why it is not surprising that a young woman from Grafton, West Virginia, took to the streets of her hometown to honor her recently departed mother's love and life by passing out white carnations to all those who passed by. Anna Jarvis' one simple

act of personal commemoration in May 1908, grew year after year. Eventually, Grafton's efforts would be recognized by the entire State of West Virginia in 1910. This was the first time a state recognized Mother's Day, and many more would soon follow.

In 1914, President Woodrow Wilson declared the first national Mother's Day, and from that day until now, mothers have been honored with flowers, breakfast in bed, and of course, those endearing homemade cards by little children that are steeped in sentiment—and often covered in glitter, macaroni and school paste.

My wife Sharon would tell you that there is nothing more important than these simple gifts—first from our children, and now our grandchildren. They are cherished touchstones.

At the same time, we think of our mothers as invincible. However, not even our mothers are immune to age or disease. For many families across the country, Mother's Day takes on even deeper meanings as parents get older.

In my own life, my mother was a tremendous force. Each Mother's Day was a celebration of her spirit, intellect and determination—and all this was put to the test in her battle with Alzheimer's disease. It's not easy seeing the woman who raised you struggle with an illness that robs her of her dignity and quality of life. I know that my family is not the only one that has been touched by this disease—and I am certainly not the only son who could talk in such a deeply personal way about losing a mother. But just like Anna Jarvis, my sisters and I sought to honor our mother—and perhaps in the process help another mother or grandmother or family—by opening the Blanchette Rockefeller Neurosciences Institute.

So it is altogether fitting and proper that as we prepare to commemorate that first, historic Mother's Day celebration in Grafton, that we as a Nation begin to reconnect with what Anna Jarvis was trying to achieve—community recognition of the role that women play in all our lives.

Today, I am introducing legislation that authorizes the U.S. Treasury to mint commemorative coins to celebrate the centennial of Grafton's celebration. I am proud to have Senator ROBERT C. BYRD as an original cosponsor. The companion bill also has been introduced in the House of Representatives by my West Virginia colleague, SHELLEY MOORE CAPITO. The proceeds from the sale of these coins won't go to the Government. Instead they will go to two organizations that are actively working to make a difference in the lives of our Nation's women who are battling breast cancer and osteoporosis—the Susan G. Komen for the Cure Foundation and the National Osteoporosis Foundation.

Every day can, and should be Mother's Day. Through this bill, Americans will now have the chance to show, with the purchase of these coins, the high



regard we have for not only our mothers and grandmothers, but our sisters and nieces, and all the women who have made a difference in our lives. In the process, we can contribute to funding research that will improve the quality of their lives.

I urge my colleagues to support this legislation.

By Ms. COLLINS (for herself and Mr. HATCH):

S. 2884. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Research & Development Tax Credit Improvement Act of 2008, legislation which would extend the R&D tax credit for 5 years, phase-out the Basic Credit, and raise the rate of the Alternative Simplified Credit from 12 percent to 20 percent by 2010.

Those who have followed the ongoing discussions regarding the R&D tax credit will recognize that the legislation I am introducing shares the framework of a proposal already put forward by the senior Senator from the State of Utah, my good friend ORRIN HATCH. Senator HATCH has done a superb job building a consensus around the need to transition to the Alternative Simplified Credit, and to raise that credit to provide a real incentive to the many companies that are unable to benefit from the Basic Credit structure. I applaud his efforts in this regard, and I thank him for lending his support to the bill I am introducing today.

I also want to note the contribution of the distinguished Chairman of the Finance Committee, Senator BAUCUS, who has worked side-by-side with Senator HATCH on the Research and Development tax credit.

The chief distinction between our two bills is the duration of the credit. The Hatch-Baucus bill proposes a permanent credit, while my bill would extend the R&D tax credit for five years. I certainly share the goal of providing a permanent R&D tax credit, but I fear that the cost of doing so puts it beyond our reach. Yet we simply cannot continue to play "stop-and-go" with this critical research incentive. Since the R&D tax credit was first enacted in 1981, Congress has had to extend it a dozen times, and it expired again at the end of last year. The constant uncertainty about the status of the credit has made it impossible for companies to plan their research investments, and has seriously diminished the credit's role as an incentive for research and development here in the U.S.

A 5-year extension would give companies enough time to plan their research investments with the credit in mind, restoring the incentive-effect the R&D credit has always been intended to provide. Just as important, the time frame I am proposing, coupled with the increase in the rate to 20 percent will

allow for a smooth transition away from the Basic Credit to the Alternative Simplified Credit. The Basic Credit has served its purpose, but it has become hopelessly outmoded. Under the Basic Credit methodology, companies wishing to calculate their R&D credit must measure their current investments against a base that is stuck in the past—literally the tax years between 1984 and 1988. This period is simply not relevant to today's investment decisions, and because of that, fewer and fewer companies get any benefit at all from the Basic Credit.

By contrast, the Alternative Simplified Credit methodology allows companies to calculate their credit using a rolling average of their domestic investments over their three most-recent tax years.

The value of doing this is evidenced by the fact that most companies have already switched to the Alternative Simplified Credit, even though it has been on the books for less than a year-and-a-half, and even though the credit rate is only 12 percent compared to the Basic Credit rate of 20 percent.

The five-year extension I am proposing will allow for a smooth transition to the Alternative Simplified Credit, and will bring the R&D tax credit up-to-date. Companies which still rely on the Basic Credit will be allowed to continue that credit for another two years, just as is contemplated by the legislation that Senators HATCH and BAUCUS have worked so hard on.

Investment in research and development is critical to the breakthroughs we need to keep our economy competitive, and to create the good, high-paying jobs the American people deserve. The R&D tax credit provides an important incentive for this investment, but it needs to be updated so more companies can benefit from it. While making the credit permanent is a worthwhile goal, the 5-year extension I am proposing today is "do-able", and I urge my colleagues to support it.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Mr. BROWN):

S. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would provide State and local development finance authorities with greater flexibility in promoting economic growth that meets the changing realities of an ever more global economy. Specifically, my bill would expand the definition of "manufacturing" as it pertains to the small-issue Industrial Development Bond, IDB, program to include the creation of "intangible" property. I am pleased to be joined by colleagues from both sides of the aisle

including Senators KERRY, SMITH, and BROWN, in introducing this critical legislation to promote economic development.

Our Nation's capacity to innovate is a key reason why our economy remains the envy of the world, even during these difficult economic times. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs in North America.

It is clear that the promotion of knowledge-based industries can be a key economic tool for states and localities. This is especially true for states that have seen a loss in traditional manufacturing. In my home state of Maine, we lost 28 percent of our total manufacturing employment over the last decade. I believe that it critical that we provide states and localities with a wider range of options in promoting economic development. My legislation will do just that by expanding the availability small-issue IDBs to new economy industries, such as software and biotechnology, that have proven their ability to provide high-paying jobs.

These IDBs allow State and local development finance authorities, like the Finance Authority of Maine, to issue tax-exempt bonds for the purpose of raising capital to provide low-cost financing of manufacturing facilities. These bonds, therefore, provide local authorities with an invaluable tool to attract new employers and assist existing one's to grow. The result is a win-win situation for local communities providing them with much needed jobs. Consequently, it only makes sense to ensure that these finance authorities have maximum flexibility in options to grow jobs.

In addition, my bill provides some technical clarity to distinguish between the phrases "functionally related and subordinate facilities" and "directly related and ancillary facilities." Until 1988, there was little confusion based on Treasury regulations going back to 1972 that made it clear that "functionally related and subordinate facilities" were clearly eligible for financing through private activity tax-exempt bonds.

But, Congress enacted the Technical and Miscellaneous Revenue Bond Act of 1988 that imposed a limitation that not more than 25 percent of tax-exempt bond financing could be used on "directly related and ancillary facilities." While these two phrases appear to be very similar, they are indeed distinguishable from each other. Unfortunately, the Internal Revenue Service has blurred this distinction between the phrases which has had an adverse impact on the way facilities are able to utilize tax-exempt bond financing. My

legislation would make it clear that “functionally related and subordinate facilities” are not susceptible to the 25 percent limitation.

We must continue to encourage all avenues of economic development if Americas to compete in a changing and increasingly global economy and my legislation is one small step in furtherance of that goal. I urge my colleagues to join me in supporting this bill.

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. 2885

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

**SECTION 1. EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.**

(a) EXPANSION TO INTANGIBLE PROPERTY.—

(1) IN GENERAL.—The first sentence of section 144(a)(12)(C) of the Internal Revenue Code of 1986 (defining manufacturing facility) is amended—

(A) by inserting “, creation,” after “used in the manufacturing”, and

(B) by inserting “or intangible property which is described in section 197(d)(1)(C)(iii)” before the period at the end.

(2) CLARIFICATION.—The last sentence of section 144(a)(12)(C) of such Code is amended to read as follows: “For purposes of the first sentence of this subparagraph, the term ‘manufacturing facility’ includes—

“(i) facilities which are functionally related and subordinate to a manufacturing facility (determined without regard to this clause), and

“(ii) facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

“(I) such facilities are located on the same site as the manufacturing facility, and

“(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Mr. KERRY. Mr. President, today, Senator SNOWE and I are introducing legislation that would expand the availability of the Industrial Development Bond, IDB, program. The small-issue IDB program has given State and local governments a low-cost source of financing to create and retain jobs in manufacturing plants.

Over the years, numerous technological advances have driven software and biotechnology to the forefront of our economy. According to the U.S. Census Bureau, there are more than 400 biotechnology companies in Massachusetts alone, employing more than 42,000 and paying more than \$5 billion in annual salaries.

Currently, the small-issue IDB program is limited only to manufacturing facilities. As our economy continues to evolve, so must our policies. Our legislation would allow IDBs to be used for high-technology and biotechnology uses. The definition of manufacturing

would be broadened to include the creation of intangible property—specifically, patents, copyrights, formulas, processes, designs, patterns, know-how and other similar items.

Expanding the current definition of manufacturing to include “knowledge based” companies would promote economic development in our local communities as well as nationwide. This legislation is supported by the Council of Development Finance Agencies.

In addition to expanding the definition of manufacturing, the legislation clarifies that a manufacturing facility includes functionally related and subordinate facilities as part of the facility.

This legislation will provide a boost to the economy by fostering development in technology. I urge my colleagues to support this common sense change.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. CRAPO, Mr. ROCKEFELLER, Mr. KYL, and Ms. SNOWE):

S. 2886. A bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a tax package that would extend relief from the alternative minimum tax and extend other much-needed individual and business provisions.

When the economy is turning down, Americans need certainty about their taxes. Families and businesses need to know what the tax law is.

That is why my bill provides a one year patch for the AMT. The patch will hold the number of taxpayers subject to the AMT at 4.2 million. We will not let more taxpayers fall into the alternative minimum tax.

Last year, Congress did not put a patch in place until December. We must act sooner this year. Through this bill, Congress can act.

That is why my package contains a 2-year extension of provisions that expired at the end of last year.

These include the qualified tuition deduction to give families relief from high tuition costs.

My package also includes the teacher expense deduction. This deduction gives teachers some of the money that they spend on school supplies to educate our children.

The package also includes the State and local sales tax deduction for those States without an income tax.

The bill offers an extension of the research and development credit. This credit gives an incentive to businesses to invest in research. It helps to keep America competitive in the global economy.

My package will also extend provisions that expire this year for an additional year.

The bill extends much-needed energy provisions.

Public and private investment in the renewable energy sector was about \$90 billion worldwide last year. That’s a 27 percent increase over 2006.

Congress can direct this investment toward the U.S.—rather than overseas—by supporting clean energy tax incentives.

These incentives include tax credits for wind and solar power, efficient buildings and appliances, and clean renewable energy bonds.

These provisions are not only good energy policy. They also create jobs.

This package would also extend wind and solar provisions.

The American solar industry employs 20,000 Americans. With a long-term extension of the solar tax credit, that number would triple.

The American wind industry expanded by 45 percent in 2007. It contributed about 30 percent of the new power capacity in America last year.

These job-creating industries are growing fast. We should support them. We know what happens when we don’t.

For example, the tax credit for production of renewable energy was enacted in 1992, starting the growth of renewable power in the U.S.

But since 1999, this credit has expired three times. And when it expires, clean energy suffers, leading to declines between 73 percent and 93 percent in wind energy investment.

We need to keep this credit going to ensure consistent investment in the wind power industry.

This package would also promote energy efficiency. Efficiency is the low-hanging fruit in the energy debate. We can make big strides toward energy independence and a clean environment by getting more for our energy buck.

For example, ENERGY STAR—a voluntary labeling program designed to promote energy-efficient products—saved businesses, organizations, and consumers an estimated \$14 billion in 2006.

Efficiency also creates jobs. The American Solar Energy Society reported that in 2006, the efficiency industry created 8 million jobs, over half of them in manufacturing.

The government plays a key role in sustaining the efficiency industry, through tax incentives for efficient commercial buildings, homes, and appliances.

This package would also extend the clean renewable energy bonds, or CREBs.

CREBs passed in the Energy Policy Act of 2005. CREBs spurred more than 700 new wind, biomass, solar, and hydro projects. The number of projects far exceeded the funding available to pay for them.

But CREBs funding lapsed at the end of 2007. That halted development of new projects and the green-collar jobs that go with them. We must keep these projects going.

The CREBs provision was written for non-taxable entities like rural co-ops. Those non-taxable entities cannot use other tax incentives in this package.

I've listed just a few of the important energy items in this extenders bill. There are more. And I plan to build upon this package as it makes its way through the legislative process, with edits and additional items. The Finance Committee has been working to that end for the better part of a year.

Last June, the Finance Committee passed a roughly \$30 billion energy-tax package, with a resounding bipartisan vote. A majority of the Senate voted for that bill.

But we were just shy of getting the required 60 votes.

We tried again in December, with a slimmer package. That time, we fell short of the required 60 by just one vote.

We then tried in February, as part of economic stimulus bill. We offered a package very similar to what passed last week. That amendment got 58 votes.

Last week, this body passed, by a solid 88-8 vote, a package of energy-tax extenders, similar to the package considered during the economic stimulus debate.

A vote of 88 to 8 might suggest that there is smooth sailing ahead on energy-tax legislation. But I'm afraid that's not the case.

The day before the Senate passed its housing bill, including the energy-tax package, the House Ways and Means Committee passed its own housing relief bill.

The Ways and Means bill restated the House's position on pay-go. The House requires that the most of the tax package be offset.

How did the Ways and Means Committee offset the bill? Largely with a provision called "basis reporting." President Bush included this in his 2009 budget proposal.

In other words, the House paid for a tax package with an item already supported, at least in principle, by the President.

While I believe that this Congress should have paid for energy-tax legislation with the offsets passed by Finance Committee last year, it's not clear that passing that package gets us any further to extending these important tax incentives.

That is why I have been working on offsets that can pass both bodies and be signed by the President. That is what I will continue to do to get these important energy items—as well as other vital extenders—passed.

By taking care of this now, we can spend more of our time on other things like tax reform.

I plan to hold several hearings and roundtables to cuss tax reform. We began this week. I'm serious about simplifying our tax code. I am serious about helping the American people.

Congress should do more than just extend legislation. Congress needs to work on new policy, new legislation, and new ideas. And by enacting this legislation, we can turn to those important goals. I urge my colleagues to support this package.

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. 2886

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

# SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alternative Minimum Tax and Extenders Tax Relief Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

## TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

## TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.

Sec. 202. Distributions from retirement plans to individuals called to active duty.

Sec. 203. Deduction for State and local sales taxes.

Sec. 204. Deduction of qualified tuition and related expenses.

Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 206. Modification of mortgage revenue bonds for veterans.

Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 208. Treatment of certain dividends of regulated investment companies.

Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.

Sec. 210. Qualified investment entities.

Sec. 211. Qualified conservation contributions.

## TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.

Sec. 302. New markets tax credit.

Sec. 303. Subpart F exception for active financing income.

Sec. 304. Extension of look-thru rule for related controlled foreign corporations.

Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.

Sec. 306. Enhanced charitable deduction for contributions of food inventory.

Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.

Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.

Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.

Sec. 311. Parity in the application of certain limits to mental health benefits.

Sec. 312. Extension of economic development credit for American Samoa.

Sec. 313. Extension of mine rescue team training credit.

Sec. 314. Extension of election to expense advanced mine safety equipment.

Sec. 315. Extension of expensing rules for qualified film and television productions.

Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 317. Extension of qualified zone academy bonds.

Sec. 318. Indian employment credit.

Sec. 319. Accelerated depreciation for business property on Indian reservation.

Sec. 320. Railroad track maintenance.

Sec. 321. Seven-year cost recovery period for motorsports racing track facility.

Sec. 322. Expensing of environmental remediation costs.

Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.

## TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.

Sec. 402. Extension of credit for nonbusiness energy property.

Sec. 403. Extension of credit for residential energy efficient property.

Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.

Sec. 405. Extension of new energy efficient home credit.

Sec. 406. Extension of energy credit.

Sec. 407. Extension and modification of credit for clean renewable energy bonds.

Sec. 408. Extension of energy efficient commercial buildings deduction.

## TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.

Sec. 502. Permanent disclosures of certain tax return information.

Sec. 503. Disclosure of information relating to terrorist activities.

## TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

### SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

### SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking “(\$66,250 in the case of taxable years beginning in 2007)” in subparagraph (A) and inserting “(\$69,950 in the case of taxable years beginning in 2008)”, and

(2) by striking “(\$44,350 in the case of taxable years beginning in 2007)” in subparagraph (B) and inserting “(\$46,200 in the case of taxable years beginning in 2008)”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

## **TITLE II—INDIVIDUAL TAX PROVISIONS**

### **SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.**

(a) **IN GENERAL.**—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) **CONFORMING AMENDMENT.**—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

“(4) **EARNED INCOME.**—The term ‘earned income’ has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

### **SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.**

(a) **IN GENERAL.**—Clause (iv) of section 72(t)(2)(G) is amended by striking “December 31, 2007” and inserting “January 1, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

### **SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.**

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### **SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.**

(a) **IN GENERAL.**—Subsection (e) of section 222 (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

### **SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking “or 2007” and inserting “2007, 2008, or 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

### **SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.**

(a) **QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.**—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting “and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010” after “January 1, 2008”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

### **SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) (relating to termination) is

amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

### **SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) **INTEREST-RELATED DIVIDENDS.**—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **SHORT-TERM CAPITAL GAIN DIVIDENDS.**—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

### **SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NON-RESIDENTS NOT CITIZENS.**

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to decedents dying after December 31, 2007.

### **SEC. 210. QUALIFIED INVESTMENT ENTITIES.**

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1, 2008.

### **SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.**

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

## **TITLE III—BUSINESS TAX PROVISIONS**

### **SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.**

(a) **EXTENSION.**—Section 41(h) (relating to termination) is amended—

(1) by striking “December 31, 2007” and inserting “December 31, 2009” in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) **TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.**—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.”

(b) **MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.**—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

“(A) **IN GENERAL.**—

“(i) **CALCULATION OF CREDIT.**—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to the applicable percentage (as defined in clause (ii)) of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

“(ii) **APPLICABLE PERCENTAGE.**—For purposes of the calculation under clause (i), the applicable percentage is—

“(I) 14 percent, in the case of taxable years ending before January 1, 2009, and

“(II) 16 percent, in the case of taxable years beginning after December 31, 2008.”

(c) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

### **SEC. 302. NEW MARKETS TAX CREDIT.**

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking “and 2008” and inserting “2008, and 2009”.

### **SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.**

(a) **EXEMPT INSURANCE INCOME.**—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking “January 1, 2009” and inserting “January 1, 2010”, and

(2) by striking “December 31, 2008” and inserting “December 31, 2009”.

(b) **EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.**—Paragraph (9) of section 954(h) (relating to application) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

### **SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.**

(a) **IN GENERAL.**—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

### **SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.**

(a) **IN GENERAL.**—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2007.

### **SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2007.

### **SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.**

(a) **EXTENSION.**—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) **CLERICAL AMENDMENT.**—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting “of books” after “to any contribution”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made after December 31, 2007.

### **SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) **IN GENERAL.**—Clause (iv) of section 512(b)(13)(E) (relating to termination) is

amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

**SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

**SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

**SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.**

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking “and” at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting “, and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and”, and

(3) by adding at the end the following new paragraph:

“(4) after December 31, 2009.”.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting “, and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009” after “December 31, 2007”.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting “, and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009” after “December 31, 2007”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

**SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first two taxable years” and inserting “first 4 taxable years”, and

(2) by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.**

Section 45N(e) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.**

Section 179E(g) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.**

Section 181(f) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking “first 2 taxable years” and inserting “first 4 taxable years”, and

(2) by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.**

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking “and 2007” and inserting “2007, 2008, and 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

**SEC. 318. INDIAN EMPLOYMENT CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

**SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

**SEC. 320. RAILROAD TRACK MAINTENANCE.**

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking “January 1, 2008” and inserting “January 1, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

**SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

“(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

**SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.**

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief

Act of 2005 is amended by striking “2-year” and inserting “4-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

**TITLE IV—EXTENSIONS OF ENERGY PROVISIONS**

**SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.**

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking “calendar year 2006 or 2007” each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting “calendar year 2006, 2007, 2008, or 2009”.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting “beginning after December 31, 2007” after “for all prior taxable years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

**SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking “December 31, 2007” and inserting “December 31, 2009”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

**SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.**

Section 25D(g) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.**

Section 45(d) (relating to qualified facilities) is amended by striking “January 1, 2009” each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting “January 1, 2010”.

**SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.**

Subsection (g) of section 45L (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 406. EXTENSION OF ENERGY CREDIT.**

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

**SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.**

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking “\$1,200,000,000” in paragraph (1) and inserting “\$1,600,000,000”, and

(2) by striking “\$750,000,000” in paragraph (2) and inserting “\$1,000,000,000”.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

“(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a

clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period)."

(2) **TECHNICAL AMENDMENT.**—The third sentence of section 54(e)(2) is amended by striking "subsection (1)(6)" and inserting "subsection (1)(5)".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

#### **SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.**

Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

### **TITLE V—TAX ADMINISTRATION**

#### **SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.**

(a) **IN GENERAL.**—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

#### **SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.**

(a) **DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.**—

(1) **IN GENERAL.**—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking "REPORTING" in the heading thereof and all that follows through "The Secretary" in subparagraph (A) and inserting "REPORTING.—The Secretary", and

(B) by striking subparagraph (B).

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) **DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.**—

(1) **IN GENERAL.**—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) **TECHNICAL AMENDMENT.**—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

#### **SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.**

(a) **DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.**—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) **DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.**—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

By Mr. KOHL (for himself, Ms. COLLINS, and Mrs. LINCOLN):

S. 2888. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. The legislation I have introduced with Senators COLLINS and

LINCOLN attacks the growing problem of foreclosure rescue scams. I held a revealing hearing in the Aging committee that uncovered the ways scam artists prey on homeowners already in financial and emotional distress. These scams are another consequence of the mortgage crisis that is plaguing our country.

For most people, their home is their greatest asset. When a homeowner falls behind in their mortgage payments, it is a great emotion strain. Scam artists prey on an owner's desperation and give them a false sense of security, claiming they can help "save their home." The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

There are three types of prevalent scams. The first is "phantom help," where the "rescuer" claims that they call the homeowner's lender and renegotiate the loan for a fee. Often the homeowner will pay the fee and the "rescuer" will abandon the homeowner without performing any intervention. The second is a "rent-to-own" scheme which is set up to fail. A homeowner will sign over the title of the house and make monthly payments to the scammer in order to help rebuild their credit. However, the monthly payments are extremely high and often result in the homeowner violating the contract and being evicted. Finally, a homeowner may be tricked into unknowingly signing over the title of their house and power of attorney to the scammer and the scammer will then sell the house to a third party. The scam artist might give the homeowner a small amount of money, but often only a fraction of the actual selling price.

As one can clearly see, these scams are well crafted and extremely complicated. Catie Doyle, the Chief attorney for Legal Aid Society of Milwaukee, testified before the Special Committee on Aging, describing the difficulties and problems lawyers are facing when trying to help victims of these scams. One major problem she pointed out was that lawyers have to piece together both state and federal laws to untangle these scams.

The Foreclosure Rescue Fraud Act that Senators COLLINS, LINCOLN and I are offering will remedy Ms. Doyle's concerns. While there are some states that have foreclosure rescue scam laws or are in the process of enacting them, many homeowners still go unprotected from these predators. This legislation will require that all contracts between a foreclosure consultant be in writing and fully disclose the nature of the services and the exact amount. Additionally, the bill prohibits up-front fees from being collected and prohibits a "consultant" from obtaining the power of attorney from a homeowner.

I also have a letter of support from a variety of consumer groups including the Center of Responsible Lending, Consumer Federation of America, Na-

tional Community Reinvestment Coalition, and the National Council of La Raza.

The foreclosure crisis is real. Most communities across the country are experiencing both the primary and secondary effects. It is important that we address fraud at the front end of the lending process, as well, as for those who face foreclosure. I hope that we can work together to move this legislation forward.

By Mr. AKAKA (by request):

S. 2889. A bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This "by-request" bill would address a range of issues. On the health care side, it would allow VA to contract with community residential care programs for veterans with serious traumatic brain injury. It would also eliminate copayments for all hospice care. Further, it would expand continuing education benefits for physicians and dentists. Finally, it would allow the Secretary to disclose the names and addresses of certain VA patients without prior written consent to collect payment from third-party health plans.

On the benefits side, this legislation would permanently authorize VA to use data provided by the IRS and the Social Security Administration to verify the incomes of recipients of needs-based benefits from VA. VA uses this data to ensure that it does not disburse benefits and payments to individuals who do not legally qualify to receive them.

This legislation would also provide a cost-of-living increase for VA disability compensation for service-connected veterans and dependency and indemnity compensation for survivors.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

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

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

S. 2889

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

#### **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.**

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans Health Care Act of 2008".



(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## SEC. 2. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

“(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and who, because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran’s nursing needs.

## SEC. 3. REIMBURSEMENT FOR CERTAIN CONTINUING EDUCATION.

Section 7411 is amended to read:

“The Secretary shall provide full-time board-certified physicians and dentists appointed under section 7401(1) of this title the opportunity to continue their professional education through VA sponsored continuing education programs. The Secretary may reimburse the physician or dentist up to \$1,000 per year for continuing professional education not available through VA sources.”.

## SEC. 4. COPAYMENT EXEMPTION FOR HOSPICE CARE.

(a) Section 1710(f)(1) is amended by adding “(except if such care constitutes hospice care)” after “nursing home care”;

(b) Section 1710(g)(1) is amended by adding “(except if such care constitutes hospice care)” after “medical services”.

## SEC. 5. UPDATE OF VOLUNTARY HIV TESTING POLICY.

Section 124 of the Veterans’ Benefits and Services Act of 1988 (title I of Public Law 100-322, as amended; 38 U.S.C. 7333 note) is repealed.

## SEC. 6. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end of the following new subsection:

“(1) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.”

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph: “(F) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.”

## SEC. 7. PERMANENT AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317 is amended by striking subsection (g).

## SEC. 8. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2008, increase the dollar amounts in effect

for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code;

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title;

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title;

(4) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title;

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title;

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title;

(7) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under subsections (c) and (d) of section 1311 of such title;

(8) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2008.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law No. 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

THE SECRETARY OF VETERANS AFFAIRS,  
*Washington, March 18, 2008.*

Hon. RICHARD B. CHENEY,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: We are transmitting a draft bill, “To amend title 38, United States Code, to improve veterans’ health care benefits and for other purposes.” We request that the bill be referred to the appropriate committee for prompt consideration and enactment. Enclosed with the bill is a sectional analysis that describes each provision, provides a rationale for the provision, and provides estimates of the costs, savings and revenues that would result from enactment. Our draft bill includes proposals contained in the President’s FY 09 budget request, to include a cost-of living increase in

rates of disability compensation and dependency and indemnity compensation. Two of the proposals are discussed in further detail below.

This Administration advocates focusing greater attention on the long-term residential rehabilitation needs of veterans with traumatic brain injuries who do not require nursing home care but are unable to live independently in their homes. In furtherance of that policy, our bill would authorize the Secretary, in carrying out the Department of Veterans Affairs (VA) community residential care program, to contract for specialized residential care and rehabilitation services for veterans of Operation Enduring Freedom and/or Operation Iraqi Freedom (OEF/OIF) who: (1) suffer from traumatic brain injury, (2) have an accumulation of deficits in activities of daily living and instrumental activities of daily living that affects their ability to care for themselves, and (3) would otherwise receive their care and rehabilitation in a nursing home, which exceeds their nursing needs. This authority would provide the Department with a far more appropriate treatment setting for the provision of long-term rehabilitation services. VA estimates the discretionary cost of this proposal to be \$1,427,000 in fiscal year 2009 and \$79,156,000 over a 10-year period.

In 2004, Congress amended the law to eliminate copayment requirements for hospice care furnished in a VA nursing home. The bill contains a provision to exempt all hospice care from copayments by amending 38 U.S.C. §1710 to eliminate co-payment requirements for veterans receiving VA hospice care either in a VA hospital or at home on an outpatient basis. The provision would provide equitable treatment for all veterans receiving such care and would also align VA with the Medicare program, which does not impose co-payments for hospice care (regardless of setting). There are no costs associated with enactment of this proposal. Projected discretionary revenue loss is estimated to be \$149,000 in fiscal year 2009 and \$1,400,000 over 10 years.

The Office of Management and Budget advises that the transmission of this legislative package is in accord with the President’s program.

Sincerely yours,

JAMES B. PEAKE, M.D.

By Mr. McCAIN (for himself, Mr. KYL, Mr. BURR, Mr. GRAHAM, Mr. MARTINEZ, Mr. WARNER, Mr. CHAMBLISS, Mr. LIEBERMAN, and Mr. SUNUNU):

S. 2890. A bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday; to the Committee on Finance.

Mr. McCAIN. Mr. President, I am pleased to be joined today by Senators KYL, BURR, GRAHAM, MARTINEZ, WARNER, CHAMBLISS, LIEBERMAN, WICKER and SUNUNU in introducing legislation that would provide all Americans with a “gas tax holiday” this summer. This bill would suspend the 18.4 cents-per-gallon Federal tax on gasoline and the 24.4 cents-per-gallon tax on diesel fuel from Memorial Day to Labor Day.

Today, this legislation was put forward on the Senate floor as an amendment to the Highway Technical Corrections bill, but it was blocked from being considered. I now call on my colleagues on both sides of the aisle to come together to support this proposal that would provide immediate relief to all Americans suffering from the high price of gas.

Mr. President, hardworking American families are facing many difficult challenges due to the current economic realities facing our country. Now, more than ever, they find themselves having to choose between basic needs to provide for their families, and this is being greatly exacerbated by rising gasoline prices, which have risen by more than 58 percent in the last 14 months. That is why I am pleased to be joined by so many of my colleagues in offering a proposal to provide some needed relief for every person who will be filling their gas or diesel tanks this summer.

In the past year, the price of unleaded regular gas has increased 53 cents per gallon. Diesel fuel prices nationwide are now over \$1.30 more per gallon more than this time last year. With the growing financial strains placed on so many Americans—rising food prices and falling home prices—the additional hit of rising fuel prices is becoming the breaking point.

In an effort to ease some of the hardship caused by the higher fuel prices, our bill would suspend the Federal tax on gas and the tax on diesel fuel from Memorial Day to Labor Day. Last Memorial Day, alone, approximately 32 million Americans traveled by car 50 miles or more from home. Suspending the federal excise tax during the summer, when fuel prices have historically been at the highest annually, would allow Americans to keep a few more of their hard-earned dollars.

Now, let me be clear: this bill would not harm the Highway Trust Fund. This bill would ensure that the Highway Trust Fund remains whole during this “gas tax holiday” by transferring monies from the General Treasury. We all agree that our roads and highways must be maintained and improved to ensure the safety of the road-traveling public, and this amendment would do nothing to impact highway construction.

So, my colleagues have an opportunity to take meaningful action to ease some of the financial burdens that are impacting all hardworking Americans every time they fill up their gas or diesel tanks. Let's put some action behind the usual rhetoric around here and vote to ease their tax burden this summer.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 2891. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is important for Congress to do more to guarantee graduate students the right to organize and to bargain over their wages and working conditions as teaching and research assistants, so I am introducing legislation today to do so.

More than ever in modern education, teaching and research assistants are in

classrooms every day, educating students in colleges and universities across the country. Their numbers are increasing as the number of full time faculty dwindles. Often, teaching and research assistants are now doing the same job as junior faculty members.

In fact, the classroom is a workplace for these scholars. It's where they earn the money they need to pay to put food on their tables and a roof over their heads. They deserve the right to stand together and make their voice heard in their workplace. Like other employees, they should have the right to join a union and improve their working conditions. Obviously, better wages and working conditions for them also means better education for their students.

In 2004, however, a decision by the National Labor Relations Board changed the law and denied fundamental workplace rights and protections for teaching and research assistants. This ruling stopped an active organizing movement in its tracks and deprived thousands of teaching and research assistants of their right to organize and bargain over their wages and working conditions.

It is hardly the only bad decision by the National Labor Relations Board under the Bush administration, which has been the most anti-worker, anti-labor, anti-union NLRB in history. The Board has let workers down at every turn. It has blocked efforts to gain union representation, undermined workers' attempts to improve their pay and benefits, and exposed them to penalties for seeking to improve their working conditions.

The National Labor Relations Board is supposed to protect the rights of American workers, but it is failing teaching and research assistants, just as it has failed so many others. By passing the Teaching and Research Assistants Collective Bargaining Rights Act, Congress will give these workers back the rights that the National Labor Relations Board has taken away. This legislation amends the definition of employee under the National Labor Relations Act to explicitly include teaching and research assistants at private universities and colleges and restores the law to where it was before the Bush board's anti-worker decision.

This bill is a significant step forward in restoring workers' rights, and I urge my colleagues to join in supporting this important legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—WELCOMING POPE BENEDICT XVI TO THE UNITED STATES AND RECOGNIZING THE UNIQUE INSIGHTS HIS MORAL AND SPIRITUAL REFLECTIONS BRING TO THE WORLD STAGE

Mr. BROWNBACK (for himself, Mr. CASEY, Mr. MCCAIN, Mr. COLEMAN, Mr.

BURR, Ms. COLLINS, Mr. DOMENICI, Mrs. DOLE, Mrs. HUTCHISON, Mr. CRAIG, Ms. MURKOWSKI, Mr. THUNE, Mr. CHAMBLISS, Mr. ENZI, Ms. MIKULSKI, Mr. HATCH, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas Pope Benedict XVI will travel to the United States for his first pastoral visit as Pope and will visit Washington, DC, and New York;

Whereas Pope Benedict XVI was elected as the 265th Bishop of Rome on April 19, 2005, succeeding the much beloved Pope John Paul II;

Whereas the visit of Pope Benedict XVI will mark the 9th visit of a pope to the United States, recognizing the historical importance of the Catholic Church in American life, the deep faith and charity of its members, and the responsibilities of the United States in world affairs;

Whereas Pope Benedict XVI has spoken approvingly of the vibrance of religious faith in the United States, a faith nourished by a constitutional commitment to religious liberty;

Whereas Pope Benedict XVI remains committed to ecumenical dialogue and, during his trip to the United States, will meet with leaders of world religions and representatives of other Christian denominations and will visit a synagogue in New York City, all demonstrating his commitment to sincere dialogue and unity among all members of the human family;

Whereas Pope Benedict XVI has authored 2 encyclical letters inviting the world to meditate on the virtues of love and hope, “Deus caritas est” and “Spe salvi”;

Whereas millions of Americans have discovered in Pope Benedict's words a renewed faith in the power of hope over despair and love over hate;

Whereas Pope Benedict XVI has been a clear and courageous voice for the voiceless, working tirelessly for the recognition of human dignity and religious freedom across the globe;

Whereas Pope Benedict XVI has spoken out for the weak and vulnerable;

Whereas Pope Benedict XVI seeks to advance a “civilization of love” across our world; and

Whereas Catholics in parishes and schools across the Nation, and countless other Americans as well, eagerly await the visit of Pope Benedict XVI to the United States: Now, therefore, be it

*Resolved*, That the Senate welcomes Pope Benedict XVI on the occasion of his first pastoral visit to the United States and recognizes the unique insights his moral and spiritual reflections bring to the world stage.

SENATE RESOLUTION 520—DESIGNATING MAY 16, 2008, AS “ENDANGERED SPECIES DAY”

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Ms. SNOWE, Mr. LEVIN, Mrs. BOXER, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 520

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas  $\frac{2}{3}$  of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 16, 2008, as "Endangered Species Day"; and

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species; and

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution to establish the third annual Endangered Species Day on May 16, 2008. I am introducing this resolution with Senators COLLINS, CANTWELL, LIEBERMAN, CLINTON, KERRY, BROWN, SNOWE, LEVIN, BOXER, and FEINGOLD whose co-sponsorship I appreciate.

I want to commend my constituent, Mr. David Robinson, who first suggested the establishment of an Endangered Species Day. Mr. Robinson is an example of people who really do make a difference.

The designation of Endangered Species Day will provide many wonderful opportunities for the public to familiarize themselves with the status and recovery efforts of endangered species in our country and around the world.

Last year, more than 50 events were held across the country to highlight endangered species success stories. The Governor of Maine, and the cities and counties of Santa Barbara, San Diego, and San Francisco also declared state and local Endangered Species Days. Zoos and aquariums across the country, such as the Roger Williams Zoo and the San Diego Wild Animal Park, also held educational events.

Based on the success of last year, I am confident that the events of this year's Endangered Species Day will continue to foster increased communication and awareness about many of the most endangered species by encouraging such activities as school field trips to the zoo or attending a lecture at the local library. In my city of San Francisco, the Golden Gate National Recreation Area and the Farralones National Marine Sanctuary plan to hold special tours and viewings of endangered species to commemorate this special day.

Endangered Species recovery programs in California are examples of the conservation and management efforts that have helped significantly restore populations of California condor, the least Bell's vireo songbird, and the California gray whale. Over 300 species classified as either endangered or threatened currently call California home, and efforts to protect them will ensure that they continue to do so.

Despite these success stories, we need to be aware that more can be done. At this time, we have more than 5,000 threatened species in the U.S. and abroad, which receive protection. One small step is to increase awareness about the seriousness of the circumstances facing many of these endangered species and educating the public about them.

I am introducing this bill with the hope that Endangered Species Day can spark the wonder and interest in our youth to continue the conservation efforts we have begun, but still are far from finishing.

I urge my colleagues to join me in supporting this resolution.

#### SENATE RESOLUTION 521—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 521

*Resolved*, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 3, 2008, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

#### SENATE RESOLUTION 522—RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL AND REAFFIRMING THE BONDS OF CLOSE FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND ISRAEL

Mr. REID (for himself, Mr. McCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 522

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is an outgrowth of the existence of the historic kingdom of Israel established in the Land of Israel 3,000 years ago, with the city of Jerusalem as its capital;

Whereas for over 2,000 years, there has been continuous Jewish presence and residence in the land comprising the modern State of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jewish people followed the slaughter of more than 6,000,000 European Jews during the Holocaust;

Whereas since its establishment 60 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas Israel has developed some of the leading universities in the world, and 8 Israeli citizens have been awarded the Nobel Prize;

Whereas Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources;

Whereas Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece;

Whereas Israel has absorbed millions of Jews from countries throughout the world and fully integrated them into Israeli society;

Whereas Israel has bravely defended itself from repeated terrorist and military attacks since its independence;

Whereas successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors;

Whereas Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear;

Whereas for 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect;

Whereas the American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage; and

Whereas the United States continues to regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people;

(2) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past 60 years, and commits to strengthening those bonds;

(3) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic, democratic society in the face of terrorism, as well as hostility, ostracism, and belligerence from many of their neighbors;

(4) reaffirms its support for Israel's right to defend itself against threats to its security and existence;

(5) reaffirms its enduring support for Israel as Israel pursues peace with its neighbors; and

(6) extends the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

Mr. REID. Mr. President, I come to the floor today with the distinct honor of introducing a resolution with my friend Senator McCONNELL commemorating the 60th anniversary of the founding of the modern State of Israel.

On this historic occasion, Jews and non-Jews from around the world will come together to celebrate 60 years of Israeli independence. Out of the dark shadows of the Holocaust, which claimed the lives of over 6 million Jews, and many others, the state of Israel was reborn on the very same lands where the Jewish people had maintained a continuous presence for more than 2 millennia.

As an American, I am so proud that the United States has stood by Israel, our closest of allies, from the very beginning of its modern existence. On May 14, 1948, the date on which the people of Israel proclaimed the establishment of the sovereign and independent state of Israel, the United States was right there to offer our unwavering support and establish full diplomatic ties with our new friend. Sixty years later, I want the new generations of Israelis and Jewish-Americans to know that America reaffirms its commitment to the U.S.-Israel alliance and pledges to strengthen the bonds we have forged throughout the decades.

Yom Ha'atzmaut, the Israeli Independence Day, falls on May 8th this year, the same day the world traditionally celebrates the Allied victory over Nazism. Because of America's commitment to defeating European fascism, the histories of the United States and Israel will be forever linked. For it was from the ashes of World War II that our great country rose to become a global superpower at the same time a beacon of democracy and hope was established in the Holy Land.

Today, we face a new set of challenges to peace and freedom. As we have so many times before, the United States and Israel will stand together to combat those who seek to undermine the right of a Jewish state to exist. The Middle East remains an extremely volatile region with a series of ongoing violent conflicts, so it is a great comfort to know that we have a strong partner in such a strategically important part of the globe.

In a region long dominated by autocratic and monarchic traditions, Israel has been a paragon of democratic pluralism. Over the course of its modern existence, Israeli society has defended the principles we, as Americans, hold in such high esteem: freedom of speech, religion, and the press, an independent judiciary, and free market capitalism. Israel's strong democracy, despite being constantly under siege from neighboring states and terrorist entities, shows a remarkable commitment to the ideals of freedom and democracy.

Millions of Americans will undoubtedly commemorate this momentous anniversary, including thousands in my home State of Nevada. I am very fortunate to hail from a part of the country with such a dynamic Jewish community; one that is committed to promoting the interests of our great State in any way they can. I would like to offer special congratulations to all

those folks in Nevada who have worked so hard to put on events to honor the 60th anniversary of Israeli independence.

In the spirit of continuing the tradition of strong U.S.-Israel relations, I urge this entire chamber to wish all those who choose to celebrate this occasion another 60 years of happiness and prosperity. My best wishes for a safe and peaceful anniversary celebration.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4542. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

SA 4543. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4544. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4545. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4546. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4547. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4548. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4549. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4550. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4551. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4552. Mr. DODD (for himself, Mr. SHELBY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4553. Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. STEVENS, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. MARTINEZ, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4554. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4555. Mr. KENNEDY submitted an amendment intended to be proposed to

amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4556. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4557. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

SA 4558. Mr. KYL (for himself, Mr. McCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4542.** Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 7 and 8, insert the following:

(s) DEFINITION.—Section 14504a(a)(5) of title 49, United States Code, is amended by striking “title.” and inserting “title, except carriers that the unified carrier registration plan board of directors deems appropriate.”.

**SA 4543.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

(3) in item number 1663 by inserting “and construct intermodal facilities and fixed guideways in Jersey City” after “right-of-way”; and

(4) in item number 614 by inserting “and for

**SA 4544.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, after line 20, insert the following:

(e) PROJECT MODIFICATION.—The description for item 67 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended to read as follows: “Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana”.

**SA 4545.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible,

Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 15 and 16 and insert the following:

(3) in item number 1483 by striking the project description and inserting “Lapalco Boulevard Improvements in Jefferson Parish”; and

(4) in item number 614 by inserting “and for

**SA 4546.** Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 17 and 18, insert the following:

(1) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “A State” and inserting “Subject to subparagraph (D), a State”; and

(2) by adding at the end the following:

“(D) EXCEPTION.—Subparagraph (A) shall not apply to the use of Appalachian development highway system funds for any highway project relating to United States Route 219 (Corridor N) in Somerset County, Pennsylvania.”.

**SA 4547.** Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, after line 2, insert the following:

(s) PROJECT MODIFICATION.—The description for item 422 in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) in amended to read as follows: “People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska”.

**SA 4548.** Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) MILEAGE EXTENSION.—Section 14501(a) of title 40, United States Code is amended by striking “three thousand and ninety miles” and inserting “3,142 miles”.

(b) DEVELOPMENT OF MULTI-LANE HIGHWAY.—

(1) AUTHORIZATION.—A multi-lane highway, to be designated as Corridor P-1, shall be developed in Pennsylvania along the route de-

scribed in paragraph (2) as an extension of the Appalachian development highway system, with intersections and interchanges at appropriate crossroad locations.

(2) DESCRIPTION.—Corridor P-1 shall—

(A) extend approximately 52 miles along the alignment of United States Route 15 from its intersection with United States Routes 22 and 322 near Duncannon, Pennsylvania;

(B) extend northward, crossing the Susquehanna River north of Shamokin Dam, Pennsylvania;

(C) merge onto Pennsylvania Route 147; and

(D) proceed northward to the connection with Interstates 80 and 180 north of Milton, Pennsylvania.

(3) EFFECT ON APPORTIONMENTS.—The mileage and the estimate of the costs to complete Corridor P-1 shall not affect apportionments made to Pennsylvania to complete the Appalachian development highway system.

(4) FEDERAL SHARE.—Federal assistance authorized under section 14501 of title 40, United States Code, shall not be more than 80 percent of the cost of developing a 13-mile segment of Corridor P-1 designated by the Secretary of Transportation.

**SA 4549.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 13 and 14 and insert the following:

(19) in item number 777 by striking the project description and amount and inserting “Akutan Airport access” and \$3,500,000”, respectively;

On page 31, strike lines 20 through 23 and insert the following:

(98) in item number 161 by striking the project description and amount and inserting “Construct False Pass causeway and road to the terminus of the south arm breakwater project” and “\$1,000,000”, respectively;

**SA 4550.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 4, strike “and” and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and

(C) in paragraph (15), by striking “South Carolina Department of Transportation Light Rail study” and inserting “South Carolina Department of Transportation Corridor Study”.

**SA 4551.** Mr. SMITH submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

"In item number 3544, by striking the project description and inserting 'Construction of access road including sidewalks, bike lanes, and railroad crossing from Highway 99W to Cascade View Industrial Properties and/or construction of transportation improvements for the Airport Industrial Park, Corvallis.'"

**SA 4552.** Mr. DODD (for himself, Mr. SHELBY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, after line 12, insert the following:

(8) MODIFICATION OF TERMS OF SECTION 5338(B)(2)(E) OF TITLE 49, UNITED STATES CODE.—Of the funds authorized for fiscal year 2007 in section 5338(b)(2)(E) of title 49, United States Code, \$213,600,000 that is not otherwise designated for specific projects under section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (Public Law 109-59) shall be allocated by the Federal Transit Administration in accordance with the "Bus and Bus Facilities Discretionary Program Grants Notice of Availability and Solicitation of Grant Applications" published in the Federal Register on March 23, 2007 (FR 13968-13971). Such allocation shall be made within 90 days of enactment of this Act, and the Federal Transit Administration shall notify the appropriate Congressional committees of such allocation 3 days before publication of the Federal Register notice. Allocations of funds pursuant to this paragraph shall be published in the Federal Register not later than 90 days after enactment of this Act.

**SA 4553.** Mrs. HUTCHISON (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. STEVENS, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. MARTINEZ, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 24 and 25, strike "in Clifton".

On page 49, line 18, strike "160" and insert "169".

On page 57, strike lines 8 through 11 and insert the following:

(250) in item number 3909 by striking the project description and inserting "S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 90";

On page 78, strike lines 3 and 4 and insert the following:

(386) in item number 273, by striking the project description and inserting "Improvements to on/off ramp system from I-10 to Ryan Street (LA 385), including installation of an exit ramp for eastbound traffic on I-10, incorporating, as necessary, portions of Front Street and Ann Street, and including repair and realignment of Lakeshore Drive, and to include the expansion of Contraband Bayou Bridge";

(387) in item number 3735 by striking the project description and inserting "Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49";

(388) in item number 2406 by striking "in Fort Worth" and inserting "; or Construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth"; and

(389) in item number 370 by striking the On page 107, line 4, strike "and" and all that follows through line 5, and insert the following:

(B) by striking paragraph (10); and  
(C) in paragraph (15), by striking "South Carolina Department of Transportation Light Rail study" and inserting "South Carolina Department of Transportation Corridor Study".

On page 114, line 21, strike "; and" and insert a semicolon.

On page 114, strike line 22 and insert the following:

(xxvi) in item number 422 by striking the project description and inserting "People Mover Public Transportation System buses and bus facilities, Anchorage, Alaska";

(xxvii) in project number 67 by striking the project description and inserting "Union Passenger Terminal Planning and Master Plan and Infrastructure Improvements in Orleans Parish, Louisiana"; and

(xxviii) by adding at the end—

**SA 4554.** Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2008.**

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "National Capital Transportation Amendments Act of 2008".

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9-1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

**"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS**

**"SEC. 18. (a) AUTHORIZATION.**—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

**"(b) USE OF FUNDS.**—The Federal grants made pursuant to the authorization under

this section shall be subject to the following limitations and conditions:

**"(1)** The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

**"(2)** Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

**"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.**—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

**"(d) AMENDMENTS TO COMPACT.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

**"(1)(A)** An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

**"(B)** For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

**"(2)** An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2008.

**"(3)** An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

**"(e) AMOUNT.**—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

**"(f) AVAILABILITY.**—Amounts appropriated pursuant to the authorization under this section—

**"(1)** shall remain available until expended; and

**"(2)** shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

**"(g) ACCESS TO WIRELESS SERVICES IN METRO RAIL SYSTEM.**—



“(1) **REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

“(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, in the 20 underground rail station platforms with the highest volume of passenger traffic.

“(B) Not later than 4 years after such date, throughout the rail system.

“(2) **ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.**—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

“(3) **PERMITTING REASONABLE AND CUSTOMARY CHARGES.**—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

“(4) **REPORTS.**—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2008, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

“(5) **DEFINITION.**—In this subsection, the term ‘licensed wireless provider’ means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.”

(C) **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.**—

(1) **ESTABLISHMENT OF OFFICE.**—

(A) **IN GENERAL.**—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the “Transit Authority”) shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the “Office”), headed by the Inspector General of the Transit Authority (referred to in this subsection as the “Inspector General”).

(B) **DEFINITION.**—In subparagraph (A), the “Washington Metropolitan Area Transit Authority” means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(2) **INSPECTOR GENERAL.**—

(A) **APPOINTMENT.**—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) **TERM OF SERVICE.**—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) **REMOVAL.**—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) **DUTIES.**—

(A) **APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.**—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) **CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.**—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) **REPORTS.**—

(i) **SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.**—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) **ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.**—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) **INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.**—

(i) **AUTHORITY.**—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) **NONDISCLOSURE.**—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) **PROHIBITING RETALIATION.**—An employee or member of the Transit Authority

who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) **INDEPENDENCE IN CARRYING OUT DUTIES.**—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) **POWERS.**—

(A) **IN GENERAL.**—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) **STAFF.**—

(i) **ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.**—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) **INDEPENDENCE IN APPOINTING STAFF.**—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) **APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.**—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) **EQUIPMENT AND SUPPLIES.**—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) **TRANSFER OF FUNCTIONS.**—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) **STUDY AND REPORT BY COMPTROLLER GENERAL.**—

(1) **STUDY.**—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) **REPORT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

**SA 4555.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 4146 proposed by Mrs. BOXER to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, beginning with line 13, strike through line 17 on page 13, and insert the following:

(1) **LIMITATION ON LIABILITY.**—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if the employer proves that—

(A) the violation occurred in the one-year period beginning on August 10, 2005;

(B) as of the date of the violation, the employer did not have actual knowledge that section 4142 of Public Law 109-59 changed the applicability of section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)); and

(C) the employer's primary reliance on section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)) led to the violation.

(2) **ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.**—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid, or agreed to be paid, before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the one-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305 of this Act);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations pre-

scribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

**SA 4556.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 18, insert “sediment control and” after “Boulder Creek”.

**SA 4557.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 14, strike the period at the end, insert a semicolon, and insert the following:

(26) by striking item number 234; and  
(27) in item number 236, by striking “\$10,000,000” and inserting “\$17,000,000”.

**SA 4558.** Mr. KYL (for himself, Mr. MCCAIN, Mr. WARNER, Mr. BURR, Mr. MARTINEZ, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

**... HIGHWAY FUEL TAX HOLIDAY.**

(a) **TEMPORARY SUSPENSION OF HIGHWAY FUEL TAXES ON GASOLINE AND DIESEL FUEL.**—

(1) **IN GENERAL.**—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

“(f) **TEMPORARY SUSPENSION OF TAXES ON GASOLINE AND DIESEL FUEL.**—

“(1) **IN GENERAL.**—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

“(2) **RATES OF TAX.**—The rates of tax referred to in this paragraph are—

“(A) the rate of tax otherwise applicable to gasoline under clause (i) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C),

“(B) the rate of tax otherwise applicable to diesel fuel under clause (iii) of subsection (a)(2)(A), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C), and

“(C) the rate of tax otherwise applicable to diesel fuel under paragraph (1) of section 4041(a) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

“(3) **APPLICABLE PERIOD.**—For purposes of this subsection, the term ‘applicable period’ means the period beginning on May 26, 2008, and ending on September 1, 2008.

“(4) **MAINTENANCE OF TRUST FUND DEPOSITS.**—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and to the Leaking Underground

Storage Tank Trust Fund under 9508, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section or section 4041.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(b) **FLOOR STOCK REFUNDS.**—

(1) **IN GENERAL.**—If—

(A) before the tax suspension date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed under such Code on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”), against the taxpayer's subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax suspension date.

(2) **TIME FOR FILING CLAIMS; CERTIFICATIONS NECESSARY TO FILE CLAIMS.**—

(A) **IN GENERAL.**—No credit or refund shall be allowed or made under this subsection—

(i) unless claim therefor is filed with the Secretary before the date which is 6 months after the tax suspension date, and

(ii) in any case where liquid is held by a dealer (other than the taxpayer) on the tax suspension date, unless the taxpayer files with the Secretary—

(I) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax suspension date, and

(II) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax suspension date.

(B) **REASONABLENESS OF CLAIMS CERTIFIED.**—Any certification made under subparagraph (A) shall include an additional certification that the claim for credit was reasonably based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(B) the term “tax suspension date” means May 26, 2008.

(4) **CERTAIN RULES TO APPLY.**—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendment made by subsection (a), and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding a liquid on the floor stocks tax date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) **METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) **TIME FOR PAYMENT.**—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(3) **DEFINITIONS.**—For purposes of this subsection—

(A) **HELD BY A PERSON.**—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) **GASOLINE AND DIESEL FUEL.**—The terms “gasoline” and “diesel fuel” have the respective meanings given such terms by section 4083 of such Code.

(C) **FLOOR STOCKS TAX DATE.**—The term “floor stocks tax date” means September 2, 2008.

(D) **APPLICABLE PERIOD.**—The term “applicable period” means the period described in section 4081(f)(3) of such Code.

(4) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to gasoline or diesel fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(5) **EXCEPTION FOR FUEL HELD IN VEHICLE TANK.**—No tax shall be imposed by paragraph (1) on gasoline or diesel fuel held in the tank of a motor vehicle.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1)—

(i) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel held on such date by any person if the aggregate amount of diesel fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT FUEL.**—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) **CONTROLLED GROUPS.**—For purposes of this paragraph—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) **OTHER LAW APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

(d) **SECRETARY.**—For purposes of this section, the term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(e) **BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.**—It is the policy of Congress that—

(1) consumers immediately receive the benefit of the reduction in taxes resulting from the amendment made by subsection (a), and

(2) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of subsection (b).

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 10 a.m., in 215 Dirksen Senate Office Building.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 3 p.m. to hold a working coffee meeting with His Excellency Ahmed Aboul Gheit, Foreign Minister of the Arab Republic of Egypt.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 17, 2008, at 10:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing on the National Indian Gaming Commission.

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

##### AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 17, 2008, at 2 p.m. to conduct a hearing entitled, “Focus on Fusion Centers: A Progress Report.”

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 17, 2008, at 2:30 p.m. to hold a closed hearing.

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

##### SUBCOMMITTEE ON WATER AND POWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be au-

thorized to meet during the session of the Senate to conduct a hearing on Thursday, April 17, 2008, at 2 p.m., in room SD366 of the Dirksen Senate Office Building.

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

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

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

#### VETERANS’ BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Mr. President, I spoke to the minority leader last evening and indicated to him that I was going to move to the Veterans’ Benefits Act. As a result of that, I have no alternative—not speaking to him but not having heard back—I have no alternative but to file cloture on this matter. Otherwise, of course, another day would be lost. So I am disappointed that I need to file this. This is a veterans’ benefits enhancement bill. I would hope that on Monday, we could have Senator AKAKA and his ranking member be allowed to move to this legislation. We have already announced there will be no votes tomorrow or on Monday. It would sure be good if we could do that.

In view of the situation we have here, I have no alternative but to move to proceed to S. 1315, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 336, S. 1315, the Veterans’ Benefits Enhancement Act.

Harry Reid, Daniel K. Akaka, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, April 22, following a period of morning business, the Senate resume consideration of the motion to proceed and the time until 12 noon be equally divided and controlled between the leaders or their designees; that at noon, the Senate proceed to a vote on a motion to invoke cloture on the motion to proceed to S. 1315; further, that the mandatory quorum be waived.

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

# AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. REID. Mr. President, there is a resolution at the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 521) authorizing the taking of a photograph in the Chamber of the U.S. Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that there be no intervening action or debate on this matter.

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

The resolution (S. Res. 521) was agreed to, as follows:

S. RES. 521

*Resolved*, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the

Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, June 3, 2008, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

## ORDERS FOR FRIDAY, APRIL 18, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, April 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, and that there then be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## PROGRAM

Mr. REID. As previously announced, there will be no votes tomorrow or Monday because of the Passover holiday.

RECESS UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous that it stand in recess under the previous order.

There being no objection, the Senate, at 6:40 p.m., recessed until Friday, April 18, 2008, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF JUSTICE

KELLY HARRISON RANKIN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE MATTHEW HANSEN MEAD, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. PHILIP M. BREEDLOVE

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

REAR ADM. (LH) ROBERT S. HARWARD, JR.