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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Don Davidson of First Baptist Church, Alexandria, VA.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Dear God, our Heavenly Father, creator of this vast universe and lover of all mankind, we begin our day with the recognition that You are sovereign Lord and that we are accountable to You above all other allegiances.

Thank You for this rich and diverse country, the United States of America, and for this great deliberative body and the role each Member plays in leading our Nation. Grant that these Members of the Senate will have wisdom as they wrestle with issues large and larger. Show them what is right, and may they find the courage to act according to their convictions and not the whims of ever-changing culture.

As the prophet Jeremiah said: When they stand at the crossroads and look, may they ask for the ancient paths and where the good way is and walk in it. Then our Nation can have rest for her soul.

We ask You to pour out Your blessings on America. But we are weak, Lord, prone to wander, and we feel it; prone to leave the God we love. Yet You are gracious, compassionate, full of mercy, and eager to forgive. We turn to You for grace and hope and health.

May this be a day when all of us, inside and outside this Chamber, wherever we be, seek the fulfillment of Jesus's words: ''Thy kingdom come, Thy will be done, on Earth as it is in Heaven.''

I pray this in His precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period for the transaction of morning business this morning for 1 hour. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of S. 1315, the Veterans' Benefits Enhancement Act. There will be up to 60 minutes for debate on the Burr amendment prior to a vote in relation to the amendment, to be followed by a vote on passage of the bill.

Upon disposition of the veterans bill, the Senate will consider H.R. 493, the Genetic Nondiscrimination Act. The only amendment in order to the bill is a Snowe-Kennedy-Enzi substitute. There will be up to 2 hours for debate on the substitute and on the bill prior to a vote on passage of this legislation. We expect the first vote to occur around noon today, Mr. President.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington.

VETERANS' BENEFITS ENHANCEMENT ACT

Mrs. MURRAY. Mr. President, we are now 5½ years into the war in Iraq. We have been at war longer now than we fought in World War II, and we are creating hundreds of new veterans each and every year. Yet, too often, what we have seen is that this administration has failed to acknowledge the price our veterans and their families are paying in service. From the shameful conditions at Walter Reed Hospital a year ago, and VA facilities across the country, to a lack of mental health counselors, to a benefit claims backlog of months and sometimes years for our

veterans, our veterans have had to struggle to get the basic care they were promised. And now, just this week, in the last few days, we got more evidence that this administration has been covering up the extent of the toll this war has taken on our troops.

Internal e-mails that became public in a court hearing showed that the VA has vastly downplayed the number of suicides and suicide attempts by veterans in the last several years.

Last November, an analysis by CBS News found that over 6,200 veterans had, sadly, committed suicide in 2005. That is an average of 17 a day. When they were confronted then, the VA said: Oh, no, no, no, those numbers are much lower than that. Now we find that according to internal e-mails from the VA's head of mental health, Dr. Ira Katz, 6,570 veterans actually committed suicide in 2005, an average of 18 a day. Those e-mails also revealed that VA officials also knew that another 1,000 veterans who are receiving care at our VA medical facilities attempt suicide each month. Those numbers offer tragic evidence that our Nation is failing thousands of veterans every year, and they reflect an administration that has failed to own up to its responsibilities and failed even to own up to the true impact of the war on our veterans.

What is most appalling to me is that this is not the first time the VA has covered up the problems facing our veterans who have sacrificed for our country. Time and again, this VA told us one thing in public while saying something completely different in private. It is outrageous to me that our VA officials would put public appearance ahead of people's lives. Yet it appears that is what is happening again and again.

When we as Members of Congress sit down to try to determine what resources we need to give to the VA, we have to truly understand what is going on. If there is a problem, we have to act. It is our duty and the duty of this administration to care for our veterans. By covering up the true extent of the problem, the VA has actually hindered our ability to get those resources to the veterans who need them. That is irresponsible, and it is wrong.

I have come to the floor today because we now have an opportunity to extend benefits to our veterans. These benefits that are in the bill that is before the Senate today will help them with job training, insurance, housing, and other matters. The bill that is before us offers veterans peace of mind and will help them to readjust as they come home to civilian life.

The Veterans' Benefits Enhancement Act the Senate is currently considering expands traumatic injury insurance. It increases job training—vital to many of our veterans who are coming home. It extends housing benefits to veterans with severe burns, something we have to do. And critically, it restores limited pension benefits to Filipino veterans who fought for our country in World War II.

This is a bill that we have done in our VA Committee that normally would come to the floor and pass straight through this body by unanimous consent. It is budget neutral, and it works to provide long overdue care for some of our Nation's heroes. But, instead, this bill has languished for 9 months. Why? Because the Republicans chose obstruction over our veterans. The majority leader and our chairman, Senator AKAKA, have worked since last August to try to come to an agreement. They have tried to come to the floor and work out amendments and figure out a way to move this bill forward. But for 9 months the Republicans preferred to play political games and block this critically important bill. It is just part of an overall pattern we have seen on this floor with numerous bills we have been trying to bring forward.

Today, finally we have come to an agreement—late, but finally have come to an agreement—and the Republicans have agreed to move this bill forward.

Later this morning, we are going to have the opportunity to vote for legislation that extends important benefits to help our veterans transition back into civilian life. It expands home-improvement benefits to completely disabled servicemembers before they enter the VA system to help them adapt to their new homes. This will prevent months or even years of delays while they transition from the military into the VA care. The bill we are considering extends monthly educational assistance for veterans who are pursuing an apprenticeship or on-the-job training, and it requires the National Academy of Sciences to study the risk of developing multiple sclerosis as a result of serving in conflicts since the gulf war. This last piece is one I have worked on extensively, as I have worked with gulf war veterans in my State from the early nineties who are now coming in with high rates of multiple sclerosis, to find out if there is a connection. It is a critical piece of legislation.

But I am disappointed that the Republicans object to the provision in the bill before us that extends VA benefits to Filipino World War II veterans. Those now very elderly Filipino veterans were called to service by our country and by President Roosevelt in 1941. They served right alongside our U.S. troops. They fought to protect our interests as they were asked to in the Pacific. They consider themselves to be American troops, and we consider them to be part of our military.

We have a moral duty to repay their sacrifice by providing them with the care they have earned, just as we should do with all of our veterans. But in 1946, when the war was over, our Nation turned its back on them and stripped away their rights to their veterans benefits. That act of Congress denied those men the access to health care and limited compensation to half of what their U.S. counterparts received. I believe that act of Congress was wrong, but I believe it is just as wrong that 62 years later we still have not corrected that injustice.

Some on the other side are saying those benefits are too generous. Those veterans have been denied benefits for over 60 years. How can we say giving them a few hundred dollars in the last remaining months of their lives is too much? Sixty-two years later, those veterans are in their twilight years. They need and they deserve the care this country ought to give them. We cannot make up for lost time for these veterans, but certainly we can right this injustice. We have the opportunity today to do what is honorable, what is moral, and treat our Filipino veterans as the heroes they are, and it is long past time that we did.

I urge my colleagues to support this bill later this morning when we vote on it and to oppose the Burr substitute amendment which would remove those provisions for our Filipino veterans.

Our veterans have waited 9 months for this bill to come before the Senate. Our Filipino veterans have waited more than six decades. Our veterans have all earned these benefits by sacrificing for us. They should not be forced to wait any longer.

To our VA which has continually hidden the facts from us, we need them to be honest and forthright. This country wants to be there to support our veterans, and we cannot do that if we are being given misinformation.

So my message to the VA is: We stand beside you as a country to work to make sure our veterans get the care and support they need. We expect you to do the same.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I yield myself whatever leader time I may use.

The ACTING PRESIDENT pro tempore. The Senator has that right.

208TH ANNIVERSARY OF LIBRARY OF CONGRESS

Mr. MCCONNELL. Mr. President, the Library of Congress celebrates today its 208th anniversary. On this day in 1800, President John Adams approved the appropriation of $5,000 for the purchase of such books as may be necessary for the use of Congress.

The original collection included just 740 volumes and 3 maps, which are stored right here in the Capitol. In fact, what is now the reception area of the Republican leader's office was the Library's very first home. When British troops burned the Capitol building in 1814, they used the books and maps of the Library to ignite the flames, and all 3,000 volumes in the collection were destroyed.

Several years ago, when British Prime Minister Tony Blair addressed a joint session of Congress, he visited the leader's suite and told then-majority

leader Bill Frist that although it was coming a bit late, he was sorry for the fire incident.

Today, the Library of Congress is the largest library in the world. There are more than 138 million items, including books, recordings, photographs, maps, sheet music, and manuscripts. At the Library of Congress, access to this wonderful resource is no longer limited to Members of Congress. Today, the general public can browse everything from Presidential papers to books in over 470 languages, dating as far back as the 15th century.

Two hundred eight years after its launch, the Library is renowned for its original mission of making resources available and useful to the Congress and the American people and sustaining and preserving a universal collection of knowledge and creativity for future generations. Over 3,500 staff members work for the Library, and we thank them for doing so much to keep our rich history and heritage alive.

LOWER GAS PRICES

Mr. MCCONNELL. Mr. President, on another issue, 2 years ago today, Democrats announced they had a commonsense plan to lower gas prices. When Democrats took over control of Congress last January, the average price of a gallon of gas was $2.32. Today, it is $3.53, according to AAA. Apparently, their commonsense plan is not working as intended.

In fact, since taking control of Congress last year, Democrats not only failed to deliver on their promise to lower gas prices, they have repeatedly pushed for policies that in fact would raise, not lower, prices at the pump. Every week, I hear from Kentuckians who are feeling the squeeze each time they fill up their tanks. High gas prices hurt families, hurt commuters, hurt truckers, who are paying record prices for diesel, and drive up the prices of daily necessities, including food. Yet some of our friends, reverting to form, appear to have no plan except to increase taxes on energy companies, which of course will raise prices for consumers, not lower them.

At a time of record-high gas prices, Democrats want to tax them to even higher levels. The reality is high gas prices are the result of misguided policies that have been in place for many years and will take time to bring down. For example, for too long we have kept too much of America's oil and gas resources locked up, literally off limits and unavailable to help America's families meet their energy needs. This has left us 60 percent dependent on foreign sources of oil and vulnerable to price hikes and the whims of foreign governments.

We took a small step last Congress when we opened an area in the Gulf of Mexico to energy production, but there is much more we can and should do if we want to have a meaningful impact on supplies and prices in the long term. Back in 1995, when President Clinton vetoed a bill opening a very small portion of the Alaskan National Wildlife Refuge to exploration, the price of oil was $19 a barrel. Over a decade later, when a million barrels a day from ANWR would have been flowing to U.S. consumers, oil is $118 a barrel. While there is not much Government can do to lower gas prices overnight, this was a policy that, had it not been vetoed 13 years ago, could be making a difference today.

Democrats have also blocked proposals to increase refining capacity, which would lead to additional supplies and lower prices. We have had some successes when we have acted in a reasonable, bipartisan way, as we did when we raised the fuel economy standards and increased the use of renewable fuels in last year's Energy bill. But we will not have a balanced, effective, sensible energy policy until we also address the issue of making more of America's energy here at home available to American customers.

So we want to know what is the Democrats' commonsense plan to lower gas prices? It was announced 2 years ago. What is it? We haven't seen it yet. What is taking them so long to unveil it? The American people are waiting and paying more at the pump each day they wait.

HONORING OUR ARMED FORCES

CORPORAL CHRISTOPHER TYLER WARNDORF

Mr. MCCONNELL. Mr. President, I rise today in honor of a young man from Kentucky who was lost in the performance of his duty. CPL Christopher Tyler Warndorf, of Burlington, KY, was tragically killed on August 29, 2006, in Iraq's Al Anbar Province, after an explosion set by terrorists went off.

A U.S. marine, he was 23 years old. Corporal Warndorf's mother Tina explains the circumstances of her son's death and how he died a hero.

The suicide bomber's plan was to come through the gates of their base. Tyler stopped him before that happened.

For his bravery in uniform, Corporal Warndorf received several medals, awards, and decorations, including the National Defense Service Medal, the Navy Unit Commendation Ribbon, and the Purple Heart.

Looking back, it is clear Tyler's service to his country, and indeed his entire life, was a gift. Tina remembers how she and Tyler's father Christopher Joseph Warndorf were once told they could not expect to have children.

A month before we were to be married, the doctors told us children would not be possible. We were ecstatic when we found out we were going to have a baby. It was a pretty high-risk pregnancy and a tough delivery. Tyler came in fighting and left fighting.

Tina and Christopher went on to have three children in all—Nicholas and Katelyn soon joined eldest son Tyler, who went by his middle name because Tina didn't want to hear her son called Little Chris.

As a child, Tyler had to wear braces to straighten his legs. But that didn't stop him from going on to play sports and becoming a leader of other kids both on and off the playing field.

Tina remembers:

Tyler was often teased for being so small. When he went out for football, he was so small none of the gear would fit him. The coach got gear from the peewee football league and told me he was on the team because of his heart, his soul, and his determination.

In addition to playing football and soccer as a kid, Tyler was active in his church, the First Church of Christ in Burlington. He convinced his family to join as well and made friends through the church's youth group.

Tina remembers how little trouble Tyler gave her growing up.

He always told me where he was going to be. I wish all parents could have that relationship with their kids. Tyler set the bar with Katelyn and Nick because they saw how I trusted him. There was never a reason to worry.

Tyler was interested in bridges and architecture and for a while set his sights on becoming a structural engineer. After a family visit to California, he thought about going to school there. But then came the terrorist attacks of September 11, 2001, and those plans changed.

Tina said:

When 9/11 happened, he came and told me he was going to join. He loved the Marines. He excelled at it.

Tyler enlisted in the Marine Corps in the fall of 2003, a few months after graduating from Conner High School. He spent the whole summer beforehand running and getting in shape. He was assigned to Lima Company, 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, based in Camp Lejeune, NC, and was eventually sent to Iraq under the First Marine Expeditionary Force, Forward.

As a marine, Tyler deployed once to Haiti and twice to Iraq. While serving in Haiti, Tyler was appalled to see children forced to scavenge for food and eat out of garbage cans. He sent to his family a list of food to send, which he passed out to the neediest kids.

Tyler did not let the thousands of miles between Iraq and Kentucky weaken the bonds between him and his family. His little sister Katelyn received a special birthday present when she turned 13. Tyler had 13 white roses delivered to her class at Conner Middle School, while over the intercom a tape of Tyler singing ''Happy Birthday'' played. It was a touching gift from a big brother who, had he been there, would surely be looking over Katelyn's report card, as he had in the past. ''He made sure we got good grades,'' Katelyn remembers of Tyler. ''If not, he would give us a talking-to.''

Tyler's family was blessed to receive a phone call from him in Iraq before his tragic death, on the happy occasion of a new niece born into the family. ''My daughter and I got to talk to him 45

minutes before he was killed,'' Tina recalls. ''If anything, it was comforting, because if it had been weeks, it would have been really hard.''

The support the Warndorf family received during Tyler's funeral was of tremendous solace.

Tina said:

I didn't expect what we received. Streets were lined the entire way to the funeral. I had no idea. For the visitation, the people gave me strength. Over 4,000 people visited. They will never know how much their support and kindness meant.

One of those supporters was Tyler's captain, who used to invite Tyler to his house for dinner on weekends. He told the Warndorfs that Tyler was such a wonderful person, he was as proud of him as if he had been his own son.

My prayers go out to the Warndorf family for the loss of this fine young man. We are thinking today of his mother Tina; his brother Nicholas; his sister Katelyn; and many other beloved family members and friends. Tyler was predeceased by his father Christopher Joseph Warndorf.

Tyler leaves behind many grateful people who were happy to have known him and felt his presence in their lives. His mother Tina expresses this feeling best of all, so I will leave my colleagues with her words:

Many soldiers commented on how amazing he was. This made me very proud. He was my confidant, my son, and my best friend. At least we got to have him at all.

The Senate salutes Christopher Tyler Warndorf for his service to his country. He reminded those who knew him what it was to be a hero, and we will forever honor his noble sacrifice.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2903 introduced earlier today by myself.

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

The legislative clerk read as follows:

A bill (S. 2903) 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 25, 2008.

Mr. HARKIN. Mr. President, I ask unanimous consent to modify the bill at the desk to insert the date May 9, 2008, in both paragraph 1 and paragraph 2, in lieu of May 2.

The ACTING PRESIDENT pro tempore. Is there objection to the modification?

Mr. CRAIG. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. CRAIG. Mr. President, I am inclined to object. This is no reflection at all on the chairman of the Agriculture Committee and the ranking member. We are now 6 months into working on a new farm bill. In 2 weeks, we will probably start grain harvest in the panhandle of Texas. Last week, I came to the floor in a sense of frustration and urgency for American agriculture, for the Congress to complete its work. I am told by the chairman and the ranking member that a great deal has been accomplished this week and a sense of urgency is beginning to build. I would be willing to extend current farm policy for another week while the principals work on the finalization of a new farm bill because their work product is a good one. I am not here to destroy it. I am here to say, on behalf of American agriculture, they are sensing urgency—it is time Congress senses urgency. Six months negotiating a bill in most people's minds is about long enough.

So for a full 2-week extension, I will object. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HARKIN. Mr. President, I say to my colleague from Idaho that in 1996 when that farm bill came up, it was 6 months late. It was signed into law April 4, 6 months past due. I do not recall the Senator from Idaho raising any objections. He was here at that time. And that was an easy farm bill. This is a very tough one. It is tough because there are tax measures that have come into it—not of my doing, not of the doing of my ranking member. But the Finance Committee and others got involved in this, so we have tax measures that have been a long, drawn-out process. This has sort of been out of our jurisdiction.

Senator CHAMBLISS and I have been dogged in getting the work done on the Agriculture bill, and we have. I say to my friend from Idaho, if this were only the Agriculture bill, we would have had this done a long time ago. This has to do with tax measures. As such, neither Senator CHAMBLISS nor I have control of that; we are not chairman or ranking member of the Finance Committee or Ways and Means.

I say to my friend from Idaho, so they were 6 months overdue in 1996. So we are over 6 months overdue right now. We are very close to getting this agreement done. We worked today, worked yesterday, and things are coming together. We made real progress. It has been slow, but it has been real. We have reached a number of agreements, and we are very close to putting this together.

Why would we want a 2-week extension? The House is not even in tomorrow, for one thing. Then we have to finish this. We have to go back into full conference. There are some items that are going to require a little bit of debate and some votes. Even if we were to finish this bill by next Wednesday, which I think is possible, it is going to take another week just to do the paperwork and get everything together. It is humanly impossible—humanly impossible—legislatively impossible to get everything done in 1 week. That is why I asked for 2 weeks, because that is realistic. It is unrealistic, at this point in time, on Thursday, to say we can get everything done by next Thursday. It is just impossible. I want to be realistic.

I do not want to play any games around here. Frankly, we could finish our work, we can get the stuff done, but we can't get it all nailed down, the paperwork done, all that stuff that has to be done to clean up everything to get it to this body and get it to the House for a vote by next week—legislatively impossible.

I say to my friend from Idaho, you can either be realistic or unrealistic, you can help us out and be supportive of a process that has taken a lot of time and effort by both Senator CHAMBLISS and me, by Republicans and Democrats. We have been working very hard on this, and we are very close to getting it done. To put on just a 1-week extension is just unrealistic.

Mr. CRAIG. Will the Chairman yield?

Mr. HARKIN. I yield to my friend from Idaho.

Mr. CRAIG. In everything I say, it is not a reflection on the work of the Senate, it is a reflection of reality, and 1996 doesn't have anything to do with it. This is 2008, and agriculture today is considerably different than it was in 1996.

Today on the news you are actually hearing some supermarkets talk about the shortage of a food supply. I don't know if we have ever talked food supply shortages—ever in my lifetime—for American consumers.

If what the Chairman tells me is accurate, and I have no reason to doubt him—and Senator CHAMBLISS has done a wonderful job of keeping me and our colleagues informed—but collectively you have told this Senate more in the last 10 minutes than we have heard in a month from the collective principals on where we are with the progress. If by next week you have completed your work and we are simply ready to ink it and get it into a final package—I told Senator CHAMBLISS I wouldn't be on the floor today if that had happened this week. But it has not happened.

You have made progress. What is wrong, Mr. Chairman, with coming back here at the end of next week, reporting your work product and saying: Give us another extension and we will put it in final. That is a report to American agriculture, the kind they now deserve, more than they did 6 months ago. This is the fourth extension you have asked for, and I am simply saying I will give you one more,

but you said it—the House is going out tomorrow. Is that a sense of urgency, that they are not staying here and working and completing the work? Give them 2 weeks and they will go out another 3 days.

America's farming community senses urgency at this moment. I hope we do. I know you do, and I know the ranking member did. In no way is this a criticism of your work product and your work effort. You have done a marvelous job. But I think it is time collectively Congress get their work finished.

I thank the Senator for yielding.

Mr. HARKIN. We just have a disagreement on this issue. I guess, due to the objection—I guess we will be back here probably again next week asking for another extension.

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

Mr. CHAMBLISS. Let me say by way of reporting where we are on this bill to all of our colleagues that we have 13 titles on the farm bill. We have now closed six of those titles. I think by the end of the day there is the opportunity for us to close at least a couple more of those titles, maybe even more. Despite the fact that the House is going out today and we are still going to be here, the principals involved in this from the conference standpoint as well as staff are going to continue to work through this all through the weekend, as all of our staff have done for all of these 6 months. Staff has been unbelievable, trying to wade through this.

But here is our practical problem. We have never had this problem with the farm bill. This is the third one I have been involved in as a Member of Congress—I have also been participating in several others—and I have never seen this situation before; that is, we had to go to the Finance Committee and Ways and Means Committee to ask them for some spending savings and some revenue measures to allow us to write a farm bill that is truly a meaningful safety net for our farmers and ranchers.

But just as important, because 66 percent of the funding in this farm bill is going to our nutrition programs—our food stamps, our school lunches, our food banks, all of which are so integrally important and all of which are within the jurisdiction of the Agriculture Committee—we have had to look to Ways and Means to finance like we never had to before.

Second, the Senate had a tax package that is $7 billion on our bill that did not appear in the House bill. We had a lot of disagreement, a lot of argument about that. But as of last night, I think we made some real progress. As I have already told my friend from Idaho, I think his coming to the floor last week and trying to tighten the screw and saying he would object to another extension has had an impact on that, and I am not unappreciative of the efforts of Senator CRAIG.

But here we are today on the very verge, I think, based upon a meeting Senator HARKIN and I were in this morning. As soon as we leave here, we go back into another meeting. We are going to stay there until we get some of these key issues resolved. We are now getting to the point where, I think, within a short term—I hope it is Monday, I hope it is no later than that—it may be, but I hope we can come back in and stand on this floor and say that we have reached an accord and that we are going to be writing that bill over the course of the next 10 days, 2 weeks, whatever it may be that it takes to physically get the job done from the committee paper standpoint. But we are very close. And I think there is an opportunity to get this done. It is not going to be done, completed, in the next week, but I have no problem with a 1-week extension because I do think it will keep the pressure on. It will require us to ultimately get something done.

Another factor in here is the White House. The White House has to be involved because the President has to sign whatever product we send to him.

Another problem is, if it were up to Senator HARKIN and me, we would have had this bill done long ago. We had the shortest session in the Senate Agriculture Committee when we reported this bill out of the committee under your leadership. We got it done in a day and a half. We went into conference, and we appointed our conferees fairly quickly. It took the House almost 6 months to appoint their conferees. We have 11 conferees, the House has 49 conferees, all of whom have to be available to be in 1 room at the same time and all of whom had the opportunity to discuss their particular part of this bill. It has been a nightmare from that standpoint, but we are getting closer.

I appreciate the Senator from Idaho being reasonable with us as far as us getting a 1-week extension, and I would implore that we move forward with it, send it to the House, and hopefully get this concluded.

I yield the floor.

Mr. HARKIN. Mr. President, I wish to echo a little bit what my friend from Georgia just said. I will say in all candor to my friend from Idaho that his action last week had an effect. I will be very frank about that. It did not go unnoticed in our deliberations. Frankly, I think it caused us to do a lot of things in the last week. So I give that to my friend from Idaho.

I guess the only reason I was a little upset, I think sometimes when we try to do some things that are unrealistic—I think the specter of what you said last week was pretty realistic, and that caused us to do some things. I guess my only problem with this is that I think everyone recognizes that even though we are very close, we can get this done before next week, it cannot get done legislatively, the paperwork. Sometimes if you hold something out that is unrealistic, people tend to pooh-pooh it and say: Oh well, we will get another extension and we can dribble along. But if you know the curtain is coming down, then things happen. That is why I asked for 2 weeks. People know that is realistic. We have to get it done. It has to be done. But if it is 1 week, then, well, we will come back next week, and hopefully we can get whatever extension is necessary to get the paperwork done and everything.

I want to say again, Senator CHAMBLISS and I—all of us on the Agriculture Committee worked very hard. The groundwork was laid when Senator CHAMBLISS was chairman of the committee. When it changed hands after the last election and I was privileged to take over as chairman, we worked together. We passed a great farm bill in the Senate, something I was very proud of, and I think Senator CHAMBLISS—all of us were. We passed a farm bill with 79 votes.

Now, a lot of times people around the country—you hear them say: Can't you people quit your bickering and get things done? Well, I thought we did that on the farm bill. You can't get much better than 79 votes. That is the most votes the farm bill has ever had on the Senate floor. So Republicans, Democrats, East, West, North, South—different regions all were supporting it. So you would think the administration might have said: Well, gee, with that, maybe we ought to work with them and get it done. But we got a veto threat right away.

So, again, I thought we had a good product here when we passed it in the Senate. But, understanding that the House did not have the same views as we did, we had to go to conference. But I can say this again, that I hope in another farm bill that will come up 5 years from now, this is not going to happen again, that this is not going to happen again with the Finance Committee and the Ways and Means Committee basically controlling our agenda. They are good people. I do not want to cast aspersions on any committee or anything like that. But they have their agenda, they have what they want to do.

The Agriculture Committee did its work. As Senator CHAMBLISS said, if it had been just our bill, the Agriculture bill, we would have been done with this a long time ago. Our differences, whatever they are, are minor. We had basic agreements on different parameters and things such as that. So we had a good bill, and we have made good progress.

The other thing I wanted to say as long as I have the floor is that the President is not doing us any favors by the White House issuing the statement that we should have a 1-year extension. For some of the reasons that I think the Senator from Idaho pointed out, prices going up and things like that, people expect us to do something. And one of the big parts of this whole farm

bill—in fact, the biggest part of this farm bill is nutrition. Over 60 percent of this farm bill is nutrition; it is food stamps, it is the TEFAP program, the Temporary Emergency Food Assistance Program, WIC, it is all of these programs that help low-income people put food on their table. Yet we know, with the increasing prices of food, people are hurting, low-income people are hurting in this country.

Well, with a 1-year extension, we give no relief at all to low-income families. In this bill, what we have agreed upon so far is roughly about $10 billion more—not base—$10 billion more in nutrition programs. Now, if we have a 1-year extension, that is gone. So I think we have an obligation here to help people who are low-income, who maybe had a job and lost it, who need to go on food stamps for a short period of time to be able to help their families. Well, if we have an extension, that will not happen.

Energy. We hear a lot of talk—I think it is misguided—about some of the food going for ethanol and that is causing a lot of problems. That is not it at all. That is not it at all. A lot of people have the mistaken idea that the corn that is being made into ethanol is the corn people eat. That is not so. People do not eat that. It is not the kind of corn you buy and you eat on your plate at night. This is the corn which is fed to chickens and cows and hogs. Most of the hungry people in the world are not hungry because they are not getting meat; they are hungry because of subsistence diets. So the ethanol thing is kind of a bugaboo; that is a phony issue out there. But we recognize the limits, and we recognized that in the Energy bill we passed where we mandated a renewable fuels standard, but we said that, of that, no more than 15 billion gallons a year from present sources, corn. So therefore we want to move aggressively into cellulosic ethanol, using wood products and waste products and things such as those for making ethanol. This bill pushes us in that direction, moves us aggressively in that direction. Well, if we have a 1-year extension, we will lose yet another year or two on that.

Lastly, let me mention conservation. Millions and millions of acres are coming out to be used for crop production. You cannot stop it. These are contracts that farmers had to set aside land. The contracts are up. Because of the high prices of wheat and corn and beans and other commodities, farmers now see they can make money by planting row crops. That is fine. That is good. That will help keep the prices of food down. We need that productive capacity.

That is what was so good about the Conservation Reserve Program. It was like a reservoir, that if we needed it at some time, we could use it. Well, now is the time. We are going to use it. And more crops will be planted on this land. But some of these lands are fragile, they are hilly, they are highly erodable. So therefore we need to put some incentives in there for farmers to do it right, to put in grass waterways, to put in buffer strips, to do minimum tillage, to do all that is necessary to conserve our soil and clean up our water. We can have production, and we can have good conservation. This bill puts a lot more money into the very conservation programs that will allow farmers to go out and plant and grow and yet be good conservationists. Yet, if we have a 1-year extension, we do not have that.

So for that and for a lot of other reasons, I wish the White House would quit talking about that and say: Look, you have a good bill. You have done a lot of work. We will work with you. We will get this bill done, and the President will sign it into law. That is the kind of cooperation we need from the White House right now and not the veiled threats of a year extension, things like that.

I think the Senator from Idaho is right, we have been so locked up in meetings on this that perhaps Senators and their staffs and others have not really been brought up to speed on what we are doing. I want to take this opportunity to bring them up to speed as to where we are in all of these negotiations.

We are very close. We are meeting right now again at 10:30 and will proceed on today, tomorrow, through the weekend if necessary to get this done.

I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, no objection, but this was the original at the desk, not the one amended by the Chair?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CRAIG. I thank the Chair.

Mr. Chairman, let me thank you for that report. I do not know if there is anyone here in ag country who does not want your work product to become policy as soon as possible.

I think the colloquy this morning has been extremely valuable. Please go back to work.

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

The bill (S. 2903) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2903

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695)) is amended—

(1) in subsection (a), by striking ''April 25, 2008'' and inserting ''May 2, 2008''; and

(2) in subsection (d), by striking ''April 25, 2008'' and inserting ''May 2, 2008''.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

ORDER OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent that the time used in the colloquy we just heard not be charged to either side and that the remaining Democratic time be equally divided between Senator WEBB and myself.

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

Mr. KERRY. Mr. President, exactly how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 16 minutes on the Democratic side.

Mr. KERRY. I thank the Chair.

NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this is National Small Business Week. This country has nearly 27 million small businesses in total, and their contributions to the country are remarkable. They create the majority—the vast majority—of jobs, they drive the economy, and they are part of the solution to lead us out of economic downturns. But if we are going to really pay appropriate tribute to small business during Small Business Week, we frankly need to do more than simply provide lip service; we need to promote policies that work for small businesses, not policies that favor large businesses under the guise of helping small ones.

In the Committee on Small Business and Entrepreneurship, we have worked on behalf of small business on a bipartisan basis. Senator SNOWE, the ranking member, and I and the entire committee passed unanimously three bills to improve small business services that help America's job creators expand their payrolls. Unfortunately, these bills have been blocked for a full year by some in the Senate: S. 1256, the Small Business Lending Reauthorization and Improvements Act of 2007; S. 1662, the Small Business Venture Capital Act of 2007; and S. 1671, the Entrepreneurial Development Act.

S. 1256, the Small Business Lending Reauthorization Improvements Act, passed the Small Business Committee 19 to 0 on May 16, 2007, almost a year ago. This legislation authorizes the Small Business Administration's major lending programs which are the largest source of long-term capital for small businesses in the country. The bill also strengthens the microloan program, a concept that has proven unbelievably effective around the world in helping men and women lift themselves and their families out of poverty by accumulating assets, building wealth, and creating jobs. That is very important because the income gap, the economic gap, is growing year by year. When an

average White family's net worth is $67,000 but an average African-American family's income is only $6,100, we have a long way to go in terms of creating wealth and fairness. The SBA loans fill a gap left by traditional bankers and play a significant role in meeting the capital needs of business owners in underserved areas. If S. 1256 is enacted, we will be able to leverage $87 billion in loans to more than 100,000 small businesses and reduce redtape for borrowers and lenders.

S. 1662, the Small Business Venture Capital Act of 2007, passed the Small Business Committee 19 to 0 on June 26, 2007, 10 months ago. This bill would simplify the Small Business Investment Company Debenture Program so it is more attractive to investors and allow the SBA to stabilize losses in the SBIC Participating Securities Program. The version of the bill we are trying to pass does not reauthorize the SBIC Participating Securities Program, as some in the past have suggested in public debate. They used that as one of the justifications for opposing efforts to pass the bill last December. The bill focuses on improving the SBIC debenture program, which is an initiative that has actually given us extraordinary job creators, such as FedEx, Intel, Calaway Golf. They have more than repaid the cost of anything to the Federal Government through taxes paid and jobs created.

In addition, S. 1662 reauthorizes the New Markets Venture Capital Program. This program addresses the market gap in venture capital for companies located in low- and moderate-income, rural, and urban areas—i.e., high unemployment areas—as well as the need for smaller deals that neither traditional venture funds nor the SBIC Program will make. It has proven successful so far, and we need more community development venture capital to create sustainable, high-quality, local jobs. This bill would allow the SBA to start anywhere from 10 to 20 more funds. Without this Government partnership, these investments are not going to be done. So at a time when our economy is pressured and hurting, when we need to create jobs, it doesn't make sense for the Senate to be blocking something that came out of committee 19 to 0, in a totally bipartisan effort. The bill also aligns the New Markets Venture Capital Program with the New Markets Tax Credit Program, which is exactly what Congress intended.

S. 1671, the Entrepreneurial Development Act, passed the Small Business Committee 19 to 0 on June 26, 2007, also 10 months ago. This act reauthorizes and improves the Small Business Administration's entrepreneurial development programs such as small business development centers, women's business centers, and SCORE. Poor management decisions are the No. 1 reason businesses declare bankruptcy. In a shaky economy, the topnotch counseling provided by these services is critical to ensuring that small businesses survive the economic downturn and continue to provide jobs and income to families and communities.

This bill also increases assistance for small businesses wishing to conduct trade. Small businesses are 97 percent of all exporters, and for each additional $70,000 in exports generated, one additional U.S. job is created. These jobs pay 18 percent more on average than nontrade-related jobs. So small business success helps the economy and creates jobs.

Lastly, this bill creates a number of pilot programs to help small businesses deal with rising health care costs and regulatory burdens, all of which hinder small business success. It creates new programs in support of Native American entrepreneurship and takes steps to improve small business ownership by minorities in highly skilled fields such as engineering, manufacturing, science, and technology, and it guides them toward entrepreneurship as a career option.

These bills I have described have the ability to help more than 1 million small businesses. They would help with credit, with venture capital or with counseling. It makes no sense at all to have one or two folks in the Senate holding up the ability to move forward on these when our economy needs innovation and, frankly, the job creation these businesses create. With 80,000 jobs lost in March alone and almost 300,000 jobs lost since January, there is no time to waste.

I hope we can get these bills done and do so shortly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

VETERANS COMMUNITY ISSUES

Mr. WEBB. Mr. President, I rise to talk about two issues with respect to our veterans community. First, I express my strong support for S. 1315, as reported by the committee, and my thanks, as a member of the veterans committee, to Chairman AKAKA for all the work that went into this legislation.

I wish to spend a little time talking about the provision of the bill that is in question. As someone who began working on veterans law as a committee counsel in the late 1970s, I understand the concerns of the Senator from North Carolina about the provision with respect to Filipino veterans who are living in the Philippines who would receive pension benefits from this bill. I emphasize that I believe the chairman has done a great job in trying to balance a list of powerful competing considerations that go to the aspect of basic fairness to those who served.

This issue has been around a long time. People have struggled with a way to resolve it. The fairness aspect cuts both ways. As Senator INOUYE and others have been so clear in pointing out, the question of assisting Filipino veterans for their service in World War II is complicated by the notion of the political status of the Philippine Islands at the time. They were, in fact, a territory of the United States politically, and they served under the command, in many cases, of American commanders and not simply in affiliated allied status as, for instance, the veterans of the South Vietnamese Army during the Vietnam war.

This situation is unique. It is complex, and it does create a series of obligations by our Government toward these people.

There is precedent of sorts for this activity. I go back to 1976, when President Ford signed into law a provision that gave limited veterans' status to Polish and Czechoslovakian freedom fighters who served during World War II, not with the United States military at all but had migrated to the United States. The logic was given at the time that since Poland and Czechoslovakia had fallen under Communist rule, they had lost the government that would have been able to give them veterans' benefits, and our Government did provide limited veterans' benefits to those people.

What we are talking about in this bill is the notion of according veterans pension rights to Filipino veterans of World War II living in the Philippines. It is important to emphasize to my colleagues that under veterans law, pension is not a gratis benefit such as, for instance, a Social Security pension that is given no matter one's economic status. In veterans law, pension is given based on need. This has been the focus of the debate for more than 30 years, as to how do you define, under American law, the cutoff in terms of standards of living inside the Philippines.

This is where Chairman AKAKA and his staff have worked so assiduously to come up with something that is fair. In order to apply for a veterans pension, you have to be in financial need. And the amount you receive is basically to get you to a certain level that gets you above the poverty level. So the average annual pension in the United States for an American veteran is just under $10,000 a year. You can get up to nearly $15,000 a year in the United States in your veterans pension program, and under some extremely unusual cases, you can get up to $18,000. What we are talking about, the way the committee staff has worked this out in terms of equity, is giving the Filipino veterans living in the Philippines a $3,600-a-year pension based on need, once they go into the U.S. formula. It is not a perfect solution, but I do believe it is an equitable solution. I intend to support it.

The second issue I would like to discuss relates to a piece of legislation that was introduced a couple days ago by Senator BURR, with Senators GRAHAM and MCCAIN as cosponsors. It is apparently designed to be an alternative to S. 22, the comprehensive GI

bill I introduced nearly 16 months ago, which was recently modified and reintroduced to reflect the collective view of a wide range of experts, both inside Government and in the veterans community. S. 22, the bill I originally introduced, now enjoys strong bipartisan support. We have 57 cosponsors in the Senate. That includes 11 Republicans. Among the cosponsors on this bill are the Senator from Missouri; Senator WARNER, former chairman of the Armed Services Committee; and many others, Senator HAGEL, who, along with myself, is the only ground combat veteran from the Vietnam war. A majority of the House is cosponsoring the exact version of S. 22 that we reintroduced. Most, if not all, of our leading veterans organizations have endorsed S. 22. In fact, it is important to note that the major pieces in this legislation were specifically endorsed in the recent Independent Budget submitted by a consortium of our top veterans organizations.

The proponents of this newly introduced legislation, Senators BURR, MCCAIN, and GRAHAM, maintain S. 22 would be too generous to today's veterans of Iraq and Afghanistan, would be too difficult to administer, and would unduly harm the retention of our active duty military people. I emphasize that these assertions are incorrect. I would say to all those Senators, whom I deeply respect—and I enjoy a long friendship with Senator MCCAIN that goes back 30 years—we have a lot of issues to debate in this Senate. We have a lot of issues to debate in the campaign this year. But this should not be one of them.

S. 22 is hardly too generous, unless people are prepared to say that the World War II GI bill was too generous. To the contrary, we have taken 15 months, with daily cooperation with all the major veterans groups and with many Members of the Congress. We have listened to them. We have refined this legislation in many important ways, and it is our best collective, bipartisan effort to mirror the types of benefits that were given to those who served in World War II.

Nor would this bill be too difficult to administer. There was a list of concerns about our bill when they introduced this other version, which is the reason that compels me to explain this. We worked closely with the Department of Veterans Affairs and with committee staff on the Senate Committee on Veterans' Affairs. We have addressed every major concern. For these reasons, Chairman AKAKA of the Veterans' Affairs Committee and Chairman LEVIN of the Armed Services Committee have cosponsored this bill.

Finally, there is no indication this bill would unduly harm active duty retention. Recent statistics from the Army and Marine Corps show that 70 to 75 percent of soldiers and marines who enlist return to civilian life at, or before, the end of their first enlistment. This is the pool that is having readjustment difficulties, and this is the pool we are trying to assist with this legislation. The military is already doing a very good job of managing its career force. It is not doing a very good job of assisting this large group of people as they attempt to readjust to civilian life, and this is the primary focus of S. 22. With respect to active duty retention, a good GI bill will increase the pool of people interested in serving, lower first-term attrition, and would have a negligible impact on retention itself.

I see my time is about to be called by the Presiding Officer.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

GAS PRICES

Mr. BOND. Mr. President, I come to the floor today to note an anniversary. Although you may have noticed there has been no gift giving, no celebration, no remembrances of the day, the promise was made. That is because the people who made the promise failed to keep their promise. They failed to bring the change they promised.

Now, to what promise am I referring? I am referring to the day, 2 years ago today—April 24, 2006—when then-House minority leader NANCY PELOSI announced ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' She told the American people that if they put Democrats in charge of the House and the Senate, we would all see lower gas prices. The then-minority leader, the senior Senator from Nevada, said, on that same day, that it was just ''about priorities.''

Well, it is time to get real about energy. Democrats running for office across the Nation in 2006 said change would come with a Democratic Congress. Well, we certainly got change all right. Since the Democrats have come to power in the House and Senate, pain at the pump has increased by 50 percent. Americans who paid, on average, $2.33 a gallon in January 2007 now pay $3.53 a gallon, on average—hardly a change any of us bargained for. However, $3.53 is just the national average. Some are paying much more. To just take a few States, in California, it is $3.87; in Nevada, it is 3.60; in Illinois, it is $3.67; in New York, it is $3.67. Mr. President, $1.30 more for a gallon of gas is certainly not the kind of change I would believe in or support.

What is this doing to hardworking families struggling just to get by? ''With gas hitting record highs, drivers [are] feeling squeezed,'' as my home State Kansas City Star reported this week. For example, Carol Licata, a 75-year-old retiree, told in the story of how a larger part of her fixed income is now going toward gas. She said that ''to get to the doctors . . . it's an awful lot of money . . . I don't drive that often, but I have to take necessary trips . . . and [gas] takes a big chunk out of our budget.''

Fixed-income seniors, though, are not the only ones suffering record pain at the pump. Consider the plight of low-income workers struggling to get to work. Their affordable housing is a great distance, maybe, from where they have a good-paying job. Maybe they are driving from the inner city out to a suburban job or from a distant suburb, where housing prices are lower, to the city. Either way, modest-income folks with the least ability to pay higher gas prices are hit especially hard.

What about truckers? For all the hard work they put in on the open roads, they never seem to make more than a modest living. Now they are being hit with even higher diesel prices. At $4.20 a gallon, diesel prices are 40 percent higher than they were a year ago.

Unfortunately, this pain at the pump is just one more burden families and workers are bearing at the same time as a housing meltdown, higher food prices, higher health care prices, higher power bills, higher heating bills, and I expect, this summer, higher air-conditioning bills.

So what is the Democrats' ''commonsense plan'' to lower gas prices and help working families? With record-high gas prices, it is clear we are still waiting for the ''commonsense'' part of the solution. About the only thing we have heard proposed from the other side is to increase taxes on oil companies. Since when does raising taxes on something increase its supply or lower its price? Never. Again, that is all we hear.

What is so sad is the fact that we are sitting on top of a big part of the solution. We can lower the prices by tapping the millions of barrels of oil just waiting for us here in America.

In Alaska, above the barren Arctic Circle, Democrats refuse to allow us to tap millions of barrels of oil in an environmentally safe manner. They say drilling in an area smaller than the size of Dulles Airport would have too great an impact on an area the size of the State of South Carolina. Congress, in 1996, passed a budget resolution which would have allowed the opening of ANWR. However, President Clinton vetoed that resolution, pointing out that he opposed and would not support opening ANWR. Had ANWR been opened, there would be a million more barrels of oil a day flowing into the United States.

Now, speaking of South Carolina, Democrats refused to let us get at millions of barrels of oil and natural gas a safe distance off our coastal shores, literally unseen because it is over the horizon. Some say this is another example of ''not in my backyard,'' or ''NIMBY,'' but this is really a case of not in ''your'' backyard because the people, for example, of Alaska and Virginia are happy with and want to tap the oil and gas on their lands and off their shores.

But Democrats still refuse to unlock the vast untapped natural resources

here at home. Our dependence on foreign sources of energy grows greater, and families continue to suffer. Is it any wonder Americans are fed up? Democrats are looking at thirsty Americans and saying: You should drink less or drive less. Now, do not get me wrong, I support and have supported aggressive but achievable automobile fuel efficiency increases, incentivizing low-emission vehicles such as hybrids and plug-ins, and more fuels from renewable sources, but these are long-range solutions that will not pay dividends for years.

Some say opening our reserves would not pay dividends for years. While it will take time for the oil to start flowing, there would be a message. Right now, the market is factoring in the present U.S. attitude which says we will do nothing to increase our supplies of oil. A change in our attitude would change their attitude for the future. Saying we are going to increase supply and cut demand would help relieve the pressure. I think we need to support it.

Another pressure I support relieving is continuing to add to the strategic petroleum reserves during times of record-high prices. We need to stop supplying these strategic petroleum reserves when gas hits $3 a gallon.

Unfortunately, my friends on the other side, predominantly, support legislation that will send gas prices even higher. I am referring to the Warner-Lieberman climate bill the majority plans to bring to the floor in early June. In pushing forward that bill, Democrats are willing to say that $3.53 a gallon gas is not enough. They will be telling the American people that gas prices should be even higher.

The Environmental Protection Agency recently estimated that Lieberman-Warner will force gasoline prices to rise $1.44 per gallon higher. For those of you keeping score at home, that would mean $5-a-gallon gasoline. It boggles the mind, the majority advocating $5-a-gallon gas in just over a month, but that is what they would be doing supporting that bill. That is not the kind of change our families and workers need. That is not common sense. That is why there are no flowers today, no fancy dinner tonight. On this anniversary, there will only be more pain at the pump.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Missouri for making enormous common sense on a subject where, frankly, the Congress can only be characterized as having a schizophrenic approach to our energy crisis today. Congress always seems to talk a good game, but when it comes to actually doing something about it, the solutions seem to be few and far between.

I, too, think it is important to remember that since Speaker PELOSI made that promise 2 years ago, we have not had anything happen in the Congress that would indicate that this ''commonsense plan to help bring down skyrocketing gas prices'' is any closer today than it was 2 years ago. You would think, if any party has a commonsense solution to help reduce the pain at the pump, they would be eager to unveil it and to debate it on the floor, to show it off. But, of course, as we finished out the 2006 session of Congress, we got no such bill.

So again, as elections are heating up, and, as we all know, our constituents back home are feeling the pain at the pump—and whereas there is a lot of concern today about food prices—a lot of the increase in food prices is caused because of increased costs of production on the farm, primarily energy costs. Again, we see that as it becomes a political football, it has become something to talk about in election season. But when it comes to the fact that now our Democratic friends have control of both Houses of Congress, we have seen no action—zero action—taken to reduce the price of gas.

The price of gas, as we know, has continued to go up. Here is a chart that indicates—right here on Capitol Hill—that back in, I guess we can call it, the good old days, unleaded regular was $3.09 a gallon. Today, in April 2008, it is $3.49 a gallon, right here in Washington, DC. In some parts of the country, it is approaching $4 a gallon.

While $3.09 is certainly not a low price by anybody's reckoning, it certainly looks pretty good today. But, frankly, we have not seen our colleagues on the other side of the aisle work with us to support any legislation that would be calculated to bring down the price of gas at the pump. As a matter of fact, this is calculated into the inaction as a result of the energy policies by the majority, and you see it costs the average American family $1,400 a year in additional energy costs, additional gasoline costs.

So while the majority, which really runs the Congress, is quick to blame others for high oil prices, it is, in fact, their inaction that continues to raise gas prices. I wonder how long it will be before our friends on the other side of the aisle—who won the last election, who claimed a mandate as a result of that election—are actually going to act like the majority that they now are and help work with us to bring down prices at the pump. How long will it be before they stop pointing the finger of blame and start looking in the mirror for the solutions?

The only way we are going to resolve this schizophrenia when it comes to our energy policy is by Republicans and Democrats working together to pass commonsense legislation which will have the effect of bringing down the price of gasoline at the pump. I will talk about some of those in a minute.

The simple truth is, those who have been entrusted with the majority in the Senate and the House have failed to act to lower energy prices at all. Rather than show us their commonsense solution, as Speaker PELOSI talked about, they have opted to pursue political posturing, which has done nothing to deal with the problem. So, as we see, the problem just gets worse and worse and worse.

Now, our side does not have all the answers, but we have proposed some good solutions, I think, which would help address America's growing energy crisis that we should and could act upon to start bringing the price of gas down.

Let me say, first of all, there are several reasons why the price of gasoline is so high today. First and foremost is skyrocketing consumption in other parts of the world. This commodity is in great demand, and we are competing literally with the entire world for this scarce commodity known as oil that is then refined to make gasoline. Of course, we know there remains political unrest in producing countries as well.

Every one of these problems could be mitigated, if not solved outright, by promoting and investing in America's natural resources rather than continuing to be so dependent on imported oil and gas from dangerous parts of the world and from our enemies such as Hugo Chavez in Venezuela.

We are a politically stable nation with the resources to invest in maintaining our infrastructure and to add production that would greatly increase the available oil and gas supply. All of that adds up to lower costs at the pump and more money in the pockets of American citizens.

There is a lot Congress can do that would be positive, but the one thing we can't do is to repeal the law of supply and demand. When you have a fixed supply and the demand goes up, the price invariably goes up. I don't know why Congress refuses to acknowledge that simple law of economics of supply and demand, and add to the supply.

First and foremost, we need to increase American energy production right here at home. Unfortunately, we see time after time and, again, our colleagues on the other side of the aisle block commonsense energy policies that would give American companies access to valuable resources such as oil deposits in the Arctic, in Alaska, the Outer Continental Shelf, on Government lands, and shale oil sites that have great promise in terms of the volume of oil that can be produced, the major component of gasoline. Of all of the cost drivers in gasoline, it is the price of oil that causes the greatest increase. If we could increase the supply of oil by increasing America's supply of oil by developing the resources we have in our country, it would vastly improve the situation we are in now.

In addition to lowering prices at the pump and increasing domestic energy production, it would also create more jobs in America. At a time when Congress is passing economic stimulus programs, spending enormous sums of taxpayer money, one of the best things we

could simply do is to change the policies that would allow us to explore and develop our own natural resources rather than depend on imported oil from foreign sources. Personally, I have always liked to see the ''Made in America'' label when I buy a product. Wouldn't it be nice to see that on the side of a gas pump here at home? Think of the thousands of jobs that could help kick-start our economy if we actually encouraged American energy production and less dependence on foreign sources.

Beyond increasing the supply of oil, we also need to increase our refinery capacity, the place where that oil is then made into gasoline. We haven't built any new refineries in this country since the 1970s because of restrictive policies of the Federal Government. One of the most costly steps in producing gasoline is refining oil to make it usable in vehicles. Since we have limited refining capacity—again, the law of supply and demand—a fixed supply and increasing demand is driving up the cost of gasoline because we don't have the refinery capacity to make the gasoline out of the oil. So prices continue to go up.

Finally, any American energy policy must, of course, include alternative sources of energy. We need to look to technology in our American legacy of innovation and research to help reduce our need on oil and gas, whether domestic or foreign. But that is not going to happen overnight. It is not going to happen even in the near term. But long term, clean coal technology, nuclear energy, even biofuels and wind energy can help reduce the strain on our gas supply by taking some of the energy load off of oil.

We need to be careful not to cherrypick a few politically correct solutions. We have already seen the increase in the cost of food, in significant part because of food being used for fuel. Even with the best of intentions of an ethanol policy, it has created an impending crisis when it comes to using food for fuel.

I think it is time for us to take definitive steps to help reduce the cost of gasoline at the pump. We have some solutions, if we would get some cooperation on the other side of the aisle. Since the Democrats are now in charge, we would expect them to lead, to keep the promise that Speaker PELOSI made 2 years ago. We wish to help them come up with a commonsense plan to help bring down skyrocketing gas prices. But continued obstruction, continued schizophrenia, and continued reliance on politically correct solutions which sometimes end up backfiring is not the way forward. The American people are looking to us for a solution and it is high time we deliver.

I yield the floor.

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

Mr. MARTINEZ. Mr. President, I want to follow my colleague from Texas in pursuing that very same discussion on the issue of energy. I was here before the Presiding Officer joined the Senate and I remember daily diatribes about how Republicans being in charge was leading Americans to have higher gas prices. In fact, I recall a great deal being made about what the gas prices were then, when they reached $3 a gallon in April of 2006, and I recall a big show up here at the gas station on the corner, right here on Capitol Hill, about how if Democrats were in charge, this wouldn't be happening; it was only because Republicans were in charge that gas prices had reached $3 a gallon. Now we are looking at a situation where they are $3.69 in April of 2008, 2 years later.

The Democrats, as my colleague from Texas said, the House and the Senate leadership, with great enthusiasm, took control of both Houses of the Congress and promised the American people they would lower gas prices, they would change the dynamics, and they would deliver. We were promised an alternative to paying $3 a gallon. I don't think what they meant was to pay $4 a gallon, but it was an alternative to pay less.

American families are hurting. AAA reports that today's price of $3.50 a gallon is the highest average price they have ever had on record. Families are paying record high gas prices and we still haven't passed a sensible energy policy that gets to the heart of this matter. Until that policy is passed, we ought to do what we can to offer Americans who are frustrated with the current prices some much needed relief.

Currently, oil is nearly $120 a barrel. High fuel prices are translating into higher prices for groceries. What families need is relief. We need to do what we can to stem the rise of gasoline prices at the pump.

One of the ways I think we could do that and benefit our economy at the same time is a summer holiday from the 18-cent-a-gallon Federal gas tax. I have joined with several of my colleagues in supporting a gas tax holiday from Memorial Day to Labor Day. What a concept. Wouldn't it be nice. By suspending the gas tax 18 cents a gallon on gas and 24 cents on diesel, it would be putting money back into the pockets of American families. This would help those who have to drive great distances for work.

Many people in Florida who want to find affordable housing have to be a long ways from work. Florida doesn't have the kind of mass transit system many places in the Northeast and other parts of the country have. They have no option but to get in a car. When they do, they get hammered at the gas pump. People in the trucking industry are finding increasing problems in meeting their needs because diesel fuel costs are so high, so the cost of transporting goods is also going up. One of the things that benefits my State greatly is when the American family jumps in their car and goes for a summer vacation. As the gas prices begin to hurt the pocketbook of the American family, fewer and fewer of them will have the joy of enjoying a vacation and more and more Floridians, already threatened by a weak economy, would have an additional problem of seeing vacationers not come to our attractions and beaches and maybe hurt our tourism economy as well.

Something else we can do is to seriously consider suspending the production of so-called boutique fuels. This is a requirement by States that mandate the use of different fuel blends to meet clean air standards. As States develop more and more requirements, the blends of fuel increase in number and now there are dozens of these fuel blends. Each one of them puts a strain on oil refineries which already are stretched to the max. States need to work to reduce the number of boutique fuels and increase their cooperation with oil refineries to harmonize fuel blend requirements. In other words, we all want clean air, but every State's version of how we get there ought to not be an individual act, but ought to be harmonized so we can then shorten or lessen the number of additional fuel blends that have to be made.

In addition, we need to expand refinery capacity in this country. We haven't built a new refinery in 30 years, yet we keep saddling our fuel system with more and more mandates. We do need to find a way where we can create more avenues for refining fuel. Our industry refines approximately 18 million barrels a day, but we use over 20 million barrels a day. That means we have a shortfall between what we can refine, what we can actually do in that regard, and what must be imported from other parts of the world. So as unthinkable as it is, the United States has to import refined fuel. We shouldn't be in that fix; we should be able to stay ahead of the demand.

We need long-term solutions to our energy problems. There are alternative sources of fuel, such as cellulosic ethanol, where it is synthesized using agricultural waste, biomass, and other byproducts that are renewable sources of energy and that do not compete with the food chain, which is an increasing problem we are finding. Florida could play a huge role in developing these fuels of the future and fuel technologies.

I was pleased that our energy bill last year included a very robust focus on these new emerging technologies that will require 21 billion gallons of cellulosic ethanol by the year 2022. Florida has a real potential to be a leader in biomass production, and we are quickly becoming leaders in this field.

So for the long term, we have taken some steps necessary to provide Americans with more alternatives to paying high gas prices at the pump, but more must be done. We must increase, where possible, more domestic production. We

need to also continue to expand avenues of research and opportunities for new fuel breakthroughs. I continue to believe that America's ingenuity is our greatest strength and we can look to ways in which we can utilize that ingenuity to find ways so we might conquer this addiction, as it might be called, to refined fuel. We must do better. We also have to help the American family to get away from $3 and $4 a gallon for gasoline. It is time we find a way to help the American family.

Beyond that, I think there is one thing every American can do today, and that is to conserve. If we were to conserve fuel and do that in a significant way, I know we would lower the prices of gas, not only of fuel in the barrel but also at the pump. I think all Americans have an interest in conservation and we should seek and lead our people to do more and more conservation, because until we have alternative fuels available, this may be the very best way in which we can lower our fuel prices.

We need leadership. We look for leadership from the majority party, and we hope part of that will include opening additional sources of exploration in America, where possible and where prudent, in compatibility with our environment; creating more options for fewer fuel blends, and more refining capacity; also, looking to cellulosic, but also conserving more energy.

I yield the floor.

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

Mr. BURR. Mr. President, I yield back any morning business time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1315, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

Pending:

Burr amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States.

AMENDMENT NO. 4572

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, there is 60 minutes of debate equally divided on the Burr amendment. Who yields time?

The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I see that my colleague is here, Senator INOUYE of Hawaii. Before I make my statement on S. 1315, I yield time to the senior Senator from Hawaii, Mr. INOUYE.

The PRESIDING OFFICER. The senior Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, in 1898, when the United States defeated Spain in the Spanish-American War, we found ourselves suddenly becoming a colonial power. In opposition was the Philippines. Until the end of the war, World War II, we exercised jurisdiction over the Philippines like a colonial power.

However, in July of 1941, when we noted the presence of war clouds over the Pacific and Asia, we called upon the Filipinos to consider volunteering to serve the United States under American command. Thirteen days after December 7, we issued a command order inviting Filipinos to volunteer—it was a crucial time—and 470,000 Filipinos volunteered. From that number, we developed the Commonwealth Army of the Philippines—200,000. We set aside 200,000 of them to serve as guerrilla fighters and about 50,000 to serve as guards and patrols on the shore and along the borders.

History now shows us the Japanese attack, and as a result we had two tragic battles, Corregidor and Bataan. Before these battles were determined and ended, General MacArthur, the commander, was ordered to leave the Philippines, and he left with his staff and arrived in Australia. The Filipinos were left to do their part without proper armament, proper medicine, and with inadequate food. But they fought.

I think all of us remember the Bataan Death March when 75,000 were ordered to march 65 miles without food, medicine, or water. Along that trip, only 54,000 survived—the rest died. I think all of us recall the heroic movies that were filmed as a result of that march. The Bataan Death March became part of the vocabulary of the United States.

We saw Americans being bayoneted, hit, and killed. But the facts show that of the over 75,000 who had to undergo and suffer the Bataan Death March, 15,000 were Americans and 60,000 were Filipinos. They are the ones who got bayoneted. They are the ones who were slaughtered and killed.

Well, these Filipinos were willing to fight for the United States, to stand in harm's way on our behalf. They fought throughout the war as guerilla fighters. They suffered thousands of casualties. Those who were fighting for America's cause and fighting under the command of American officers, strangely, could not receive American medals.

Now, if one should go to Baghdad, if he is wounded, he gets a Purple Heart. If he does something heroic, he gets a Bronze Star or Silver Star or DSC. Once in a while, someone gets a Medal of Honor. Well, in this case, these matters were not recognized.

The war ended on September 2, 1945, when the Japanese signed the surrender on the deck of the USS *Missouri*. At that moment, we did not have an ambassador nor an embassy, but we had a high commissioner who was not authorized to accept applications for citizenship. Remember, one of the promises was citizenship.

So about December, Washington sent an official of the Immigration and Naturalization Service to receive applications from Filipinos. Well, he had no staff; he had to do it all on his own. But within a month, Washington decided to recall him. So here we had line upon line of Filipinos waiting to submit their application but no one to receive it.

Then, in early February of 1946, the Congress of the United States passed a measure signed by the President repealing and rescinding the act that we passed in July of 1941, and the Executive order that was issued right after December 7, in which we promised Filipinos if they fought for us, shed their blood, risked their lives and limbs, if they wished they could become citizens of the United States and get all of the veterans' benefits.

Keep in mind Manila was the most devastated city in World War II, so there were no veterans hospitals. That came later.

Well, this veterans bill has a provision in it—a provision of honor—in which, finally, after over 65 years, we will restore our honor and tell the Filipinos: It is late, but please forgive us. There are few remaining of the hundreds of thousands of Filipinos who volunteered and risked their lives. At this moment, I think there are about 18,000 left. As I speak, I am certain some are on their deathbed and dying.

This provision has some rather insulting provisions, but the Filipinos are willing to take it. Some of my colleagues have suggested that the cost of living in the Philippines is less than the cost of living here, so their pension should be one-third of an American GI's, who did the same thing, with the same injury—but one-third. That is all right. But to suggest only those who were in combat, I don't know what that means.

For example, in Iraq, whether you are out on the street or on the boulevard in a truck or in the so-called Green Zone, you are on the front line. Bombs can hit you anywhere. It is the same thing with a guerrilla fighter. Where is the front line for a guerrilla fighter? Is it the jungle? Is it the city? Is it his home?

My colleagues, I hope we will take this opportunity today to restore the honor of the United States and undo the broken promise and make it good. There are a few Filipino World War II veterans left. At least we can face them and say: Yes, it took us a little while, but we are going to carry out our promise. Let's do that.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Hawaii has 20 minutes remaining.

Mr. AKAKA. Mr. President, I am very pleased that S. 1315, as reported by the Veterans' Affairs Committee, the proposed Veterans' Benefits Enhancement Act of 2007, is finally before the Senate for consideration and action.

I want to express my huge gratitude to the majority leader, also the minority leader, and especially to my friend, the ranking member, for coming to an agreement for our offering today.

This comprehensive legislation would improve benefits and services for veterans both old and young.

The Veterans' Affairs Committee reported S. 1315 to the full Senate in August of last year. At that time, my belief was that debate and consideration of this legislation by the full Senate, would take place during September. That did not happen. Now we have a good agreement.

As I have described in detail this week, further action on the bill has been blocked because of opposition from the other side of the aisle to certain benefits for Filipinos who fought under U.S. command during World War II.

Mr. President, the people of the Philippines did not shy from the call to fight during World War II. They were true brothers in arms who fought valiantly under U.S. command in World War II. This bill, at long last, recognizes the valor of all Filipino veterans in sacrifice to this noble cause and loyalty to their American commanders.

On July 26, 1941, President Franklin D. Roosevelt issued an Executive order ordering all military forces of the Commonwealth of the Philippines into the service of the Armed Forces of the United States under the command of a newly created command structure called the U.S. Armed Forces of the Far East.

According to orders from General MacArthur, Philippine units once mustered into U.S. service would be paid and supplied from American sources.

The unique relationship between the Philippines and the United States made the Philippine islands particularly susceptible to Japanese aggression during the war.

Historians agree that the Japanese strategy was based upon a plan to destroy or neutralize the U.S. Pacific Fleet at Pearl Harbor, and to deprive the United States of its base in the Philippines. Were it not for the U.S. presence, the Philippines would not have presented the Japanese with a strategic threat and turned into a battlefield.

The Philippine forces under U.S. command suffered heavy casualties as a result of the Japanese invasion. It is estimated that 10,000 Filipinos died during the Bataan Death March, along with 3,000 U.S. soldiers. The Philippines, throughout the war, suffered great loss of life and tremendous physical damage.

By the end of the war, the capital city of Manila was in ruins and up to one million Filipinos had been killed.

In October 1945, General Omar Bradley, then Director of the Veterans' Administration, affirmed that all Filipinos who served under U.S. command were entitled to all benefits under laws administered by that agency.

However, in 1946, the U.S. Congress, through the Rescissions Act of 1946, withdrew veteran status from certain Filipino veterans of World War II.

Upon passage of the Rescissions Act, President Harry Truman expressed his disapproval of the withdrawal of benefits from Filipino veterans. He stated:

> There can be no question, but that the Philippine veteran who is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side.

The action by Congress in 1946 to strip Filipino veterans who served under the American flag during World War II of the recognition and benefits that were their due was a grave injustice. It is especially regrettable that this injustice has existed for so many years.

I wish to speak briefly about the purpose of pension benefits and more specifically about the pension benefit in the pending bill.

Veterans' pension benefits are provided to allow veterans to live in dignity and meet their basic needs. The amounts proposed in this legislation would permit Filipino veterans who have been denied their rightful status as United States veterans for too long to finally live in dignity.

Unlike other World War II veterans, these veterans have been denied pension benefits for over 60 years. It is also important to note that these benefits are not retroactive.

The amounts proposed are sufficient to give aged Filipino veterans a payment that would allow them to meet their basic needs for adequate nutrition and medicine.

The pension proposed for Filipino veterans is less than one-third of the basic amount provided to veterans living in the United States, in recognition of the lower cost of living in the Philippines. Measured against the aid and attendance standard, the proposed benefit is about one-sixth of the amount provided to veterans in the United States.

Because the income and asset verification procedures used in the United States are not available in the Philippines, and it is not feasible to develop an administratively efficient system in the Philippines to monitor the income and assets of pension recipients, the bill provides a flat benefit amount substantially lower than that paid in the United States.

I believe firmly that the proposed amount is a reasonable benefit taking into account all of these factors.

As I have said time and time again, this legislation would correct an injustice that has existed for over 60 years. I, like President Truman, believe it is the obligation of the United States to care for those who have fought under the U.S. flag. It is past time to right that wrong.

As my fellow World War II veteran, the senior Senator from Alaska, said only yesterday, this is about honor. I believe it is the moral obligation of this Nation to provide for those who served under the U.S. flag and alongside the U.S. troops during World War II.

The soldier's creed is to leave no fellow warrior behind. I believe in that creed. I believe it is important to acknowledge the valiant service of those Filipino veterans of World War II who served under U.S. command.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield me time, please?

Mr. BURR. Mr. President, I yield the Senator what time he may use.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Veterans Benefits Enhancement Act of 2007 would recognize the service and sacrifice of Filipino veterans who fought under our flag in World War II. I join my good friends and fellow World War II veterans, Senator INOUYE and Senator AKAKA, in supporting the restoration of veterans benefits to these heroic individuals.

Filipino troops fought as American nationals, under the American flag, alongside American soldiers, and under the command of American GEN Douglas MacArthur, earning themselves the status of U.S. veterans.

Like most American troops, Filipino soldiers were effectively drafted into the U.S. military.

When war with Japan became imminent, President Franklin Roosevelt ordered the military forces of the Philippines into the service of the U.S. Armed Forces. The President held this authority because the Philippine Islands were a U.S. possession and the power was written into our law.

The position of these Filipino soldiers was similar to the thousands of courageous Alaskans who volunteered to serve in the Alaska Territorial Guard and protect Alaska before it became a state.

Nearly 60 years later, in 2000, Congress determined that the service of the Alaska Territorial Guard was ''active duty'' service, making them eligible for the same veterans benefits Filipino veterans now seek.

Just 10 hours after the attack on the U.S. at Pearl Harbor, Japan invaded the Philippines. In the years of war that followed, Filipino soldiers fought alongside American troops with uncommon valor and loyalty to the United States.

Stories of their heroism and sacrifice are abundant. Outnumbered by the Japanese and forced out of Manila, Filipino soldiers and U.S. troops held

their ground for months before being forced to surrender on the Bataan Peninsula and in Corregidor.

Nearly 80,000 Filipino and U.S. soldiers were taken prisoner and forced to walk to a prison camp over 65 miles away in what became known as the infamous ''Death March.'' As many as one in three of these men, weakened by disease and malnutrition and tortured by their captors, died before reaching their destination.

After their American leader, GEN Douglas MacArthur, was ordered to Australia, thousands of Filipino guerilla soldiers continued resisting Japanese occupation for nearly 3 years. When MacArthur and allied forces returned, Filipino soldiers fought fiercely until Japan's surrender.

One million Filipino combatants and noncombatants died in World War II. In comparison, approximately 400,000 U.S. troops lost their lives in all theaters of the war.

As President Truman would later say of the Filipino troops: ''Their assignment was as bloody and difficult as any in which our American soldiers engaged.''

Congress should remember the vital contributions of Filipino veterans to the success of the allied forces. Their resistance distracted the Japanese in the Islands, preventing them from deploying elsewhere and possibly reaching the U.S. mainland.

These soldiers bought precious time for General MacArthur to mount a successful counterstrike.

After the war, the U.S. Veterans' Administration determined these service members met the definition of ''active Service'' in the U.S. Armed Forces and were eligible for full VA benefits.

Under the Rescission Acts of 1946, however, many Filipino veterans' World War II service no longer qualified as 'active duty' service. Congress stripped these soldiers of the benefits they had earned. Filipino veterans and their advocates have fought for the Restoration of these benefits for more than 60 years.

This bill contains provisions that would restore U.S. veteran status to all Filipino World War II Veterans, increase service-connected disability compensation, and provide a reduced flat rate pension to many Filipino veterans residing in the Philippines.

Nonservice-connected pension and death pension benefits are available to all qualifying U.S. veterans regardless of race, national origin, or citizenship status.

Many Filipino World War II veterans and their survivors have been excluded from receiving these benefits. This bill proposes a reasonable and fair way to assist to these veterans.

The expense of this reduced benefit is justified by the contribution of Filipino veterans to this country. If not for their service, the fate of the United States could have been very different. For this, they should be treated as American veterans.

The proposed benefit would cost only a fraction of what it would have if pensions were made available to alL Filipino veterans who were entitled. The Embassy of the Philippines claims there were 470,000 Filipino veterans after the war.

Today only about 18,000 of these veterans—most in their eighties—still survive.

Filipino World War II veterans residing in the Philippines have been denied eligibility for pension benefits for more than 60 years. A pension benefit about one third the size of that available to veterans in the United States is not overly generous.

I hope Congress will recognize the service of all our Filipino World War II Veterans just as we have for the Alaska Territorial Guard.

It is time we show our Nation's gratitude for the role Filipino World War II veterans played in our history, fighting alongside soldiers from the U.S. and helping us secure victory over tyranny.

Mr. President, I am grateful to the Senator from Hawaii, Mr. AKAKA, for the comments he made. I do believe this is a matter of honor. I understand how some of the younger Senators might view this as being costly, but I wish to put it in perspective.

As I pointed out, there were approximately 1 million Filipinos killed in action in the defense of our country in World War II. Approximately a half a million survived. Actually, during the war, as I have also pointed out, President Roosevelt said all Filipinos were subject to service in our Armed Forces; in effect, he conscripted the Filipinos to serve.

Those who survived were treated at first as our veterans on the mainland. Subsequently, it was determined that those who came to our country, to the mainland, would be treated fully as veterans of all types in the country were treated. We have to remember, this was an all-male military, primarily a draftee Army of over 16 million men.

First the VA determined all Filipino veterans were subject to the same laws as in the United States. If a person came to the United States as a veteran from the Philippines, he was automatically given citizenship and entitled to full benefits of all the veterans laws, including the GI bill, the right to have money to build a home, and a lot of other benefits were involved in those actions taken by Congress to try and deal with the returning veterans and help them regain their lives.

Later, it was determined that those benefits would not be paid to many of those who stayed in the Philippines. We have been trying for many years to restore those payments. I commend the Senators from Hawaii for trying to do so.

Actually, we had a parallel situation in the Alaska Guard. The Alaska Guard was primarily made up of Eskimos and Alaska Native people who patrolled the borders of Alaska. I remind the Senate that we have half the coastline of the United States. Those people who were in the Alaska Guard patrolled with their dogsleds without any uniforms being issued to them. It took us a period of time until we were able to recognize them, and we did so. We finally awarded those people in the National Guard their rights as veterans of the United States military forces.

This is something we have to do, as far as I am concerned. The provision in this bill restores the benefits these Filipino veterans have earned. I do believe, as I pointed out the other night on the floor, the Senate should know that Senator INOUYE and I went to the Philippines this year and met with some of these people. I am 85 this year and my friend is 84, and we were the youngsters at the meeting. These Filipino veterans who are surviving are our age or older. Most of them are infirm. There are 18,000 left out of the 470,000 plus, almost half a million survivors. This bill restores their benefits.

How long can they last? People who have talked about the cost of this benefit I think misunderstand the situation. This is not a cost of today's economy. This is not a cost for today's taxpayers. This is a burden that should have been borne before.

These people have not had these benefits during all of these years, and they have asked us now, as a matter of honor, to restore their rights before they leave this planet.

I, for one, appeal to the Senate. As I said, there are now only five of us from World War II left in the Senate. When I came here, there were more than 70. There would be no question—I didn't know this actually happened, I have to tell you. We discovered a year ago, when Senator AKAKA raised it, that this situation exists in the Philippines. I do believe it is an action that must be taken. These people not only now are our allies, but they have warmly supported our efforts throughout the world. I do believe to recognize the service and sacrifice of these Filipino veterans who fought under our flag in World War II is absolutely essential. These benefits are going to the heroes of the Philippines who are now surviving.

Lastly, I again point out to the Senate, those who lived through that time know if they had not made this sacrifice, if they had not lost two-thirds of their men in World War II, we would not have had the time to rebuild America. We would not have had the time to bring in the forces, to train the people who finally carried the war throughout the world to two tyrants, to Hitler and to the Japanese.

We have not had a world war since that time, and I do hope the world will never see another world war. But these people were the keys to the Pacific. Without them, we would have certainly been at war another couple of years at least and certainly would have seen an exchange of atomic weapons by that time. They gave us the time to survive,

and I think we ought to give them their rights before they leave this planet.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, I yield myself as much time as I may consume.

Chairman AKAKA is a good man and a fair man. He is a wonderful chairman. He has produced a bill which has a tremendous amount of good. I am in deep respect of Senator INOUYE and Senator STEVENS. This country owes both, as well as all World War II veterans, a tremendous thanks for their commitment.

As Senator STEVENS mentioned ages, it made me think, on Monday my dad turned 87. He fought in the Pacific. He did it because it was the right thing to do. I believe protection of our veterans is the right thing to do.

Let me, if I may, focus everybody on what S. 1315 is. I ask a chart be put up. One might hear this debate and think this is all about a special pension for Philippine veterans who live in the Philippines who have no service-connected disability. There is a difference. This bill is so much more.

It is $332 million in Philippine benefits, of which $221 million is devoted to a new special pension that does not exist. There is a term life insurance program for our veterans of $83 million over 5 years and $326 million over 10 years; state approving agencies, $60 million; mortgage life insurance for our veterans, $51 million, retroactive traumatic injury, on-the-job training benefits, supplemental insurance, housing grants for burned injured, auto grants for burned injured, COLA for surviving spouses, and much more.

I wanted to highlight those items that are mandatory spending in the bill.

This is a good bill. Regardless of the outcome of my amendment, I want my colleagues to support final passage of this bill.

Having said that, I highlight the fact that we do have a difference as it relates to the pensions. Before I get into the specifics of why I believe, not as some have portrayed it that I believe it is too costly, I believe that, one, there was not a promise made. We did not imply it. It was not an impression that people had; that, in fact, when we look back at those individuals who served in this Chamber who made the decision on the Rescissions Act, they looked at the history very well. They looked at what Franklin Roosevelt said and the documents that backed it up. They looked at what General MacArthur said and the documents that backed it up. And they felt this was not the way for us to go.

Mr. President, I wish to yield a short period of time to my colleague, Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate Senator BURR's leadership on this issue. I, too, express my appreciation, and I have to say our two Senators from Hawaii are beloved by all Members of this Senate and people whom we respect enormously, as well as the Senator from Alaska.

My father was a veteran of World War II, and the service each of these veterans has provided for our country and for our freedom and security is something we can never thank them for enough.

I agree with Senator BURR that this bill is largely a very good bill, and I am proud to have contributed some provisions that helped enhance veterans' benefits, primarily by cutting redtape that would allow disabled Active-Duty Military personnel to get housing benefits before they officially retire from Active Duty; making family members eligible for housing grants if they are caring for a wounded warrior—and I especially want to recognize the good work of Rosie Babin, the mother of Alan Babin, of Round Rock, TX, who brought this to my attention, and so now we have this provision—and ensuring that burn victims are eligible for housing grants—and this is an area where I want to recognize the work of Christy Patten, the wife of Everett Patten, from Kentucky, who was hospitalized at the Brooke Army Medical Center with burns he received from an IED, and I thank them for the help they provided me in working with the Veterans' Affairs Committee to make sure they were provided for here.

I appreciate the good work our Filipino allies contributed to our effort in the Far East, but I have to say that the problem I have with this bill, and the reason why I agree with Senator BURR, is that the U.S. Treasury is not bottomless, and the funding that is being provided to create this new pension for these Filipino allies, which were of course fighting not only with us but for themselves and for the freedom of their country, is that it would literally be at the expense of U.S. veterans.

The $221 million that is addressed by Senator BURR's amendment would actually go back in to supplement benefits for United States veterans. And while we appreciate and honor and do nothing but show our respect to all of our allies who fought alongside of us in World War II, certainly that doesn't mean we are going to grant pension benefits to all of our allies, starting with the Filipino veterans, or the British, or the Australians, and all the other allies that fought with us in defeating Hitler and the threat in Japan.

Frankly, I can't see our priorities are correct if we do this at the expense of American veterans. That is why I support the amendment by Senator BURR, and I hope our colleagues will vote for it, because certainly our American veterans should be our priority.

I yield the floor.

Mr. BURR. Mr. President, I thank the Senator from Texas.

Let me highlight one area from these 11 points of the substance of Senator AKAKA's bill, and it is the creation of a new special pension of $300 a month to Filipino veterans who live in the Philippines who have no service-connected disability and who did not serve in the United States services.

Now, the reason I want to draw that distinction—and I will ask for the next chart—is there are four groups of Filipino veterans. It is important to understand that the group we refer to as Old Scouts enlisted in the U.S. Army. Because they enlisted in the U.S. Army, they are extended every benefit a U.S. veteran has. We had three other groups, though, the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Philippine Scouts. Of those three categories, none were enlisted in the U.S. service.

Senator INOUYE was correct, they were under U.S. command. There were a lot of people in the Second World War who were under the U.S. command. But the official account lists this as the Commonwealth Army of the Philippines. Now, the question that is at the heart of the matter here is: Were Filipino veterans promised VA benefits? According to the information provided in a 1998 congressional hearing, the Department of the Army examined its holdings on General McArthur and President Roosevelt and found no reference by either of these wartime leaders to post-war benefits for Filipino veterans.

Let me draw a distinction. For any Philippine veteran who has a service-connected disability, they are compensated today, whether they live in the United States or whether they live in the Philippines. For the soldier in the Commonwealth Army of the Philippines, those whom Senator STEVENS referred to from the Bataan Death March or side by side in the foxhole, and who had a service-connected disability, they receive compensation from the U.S. Government today, and have continually. The reference that they only got part of what the U.S. vet gets is, in fact, accurate. Because of the difference in the two economies, it was structured to recognize their economy and not to provide more than an equal share to U.S. veterans.

In this bill, we make a change, and that is why, when I alluded to the fact there is $320 some million designated for Filipinos but only $221 million designated to the special new pension, the other $100 million Senator AKAKA has recognized that 50 cents on the dollar is very difficult to substantiate. What he does is he raises it dollar for dollar with U.S. veterans.

Let me put that in perspective. For a 100-percent disabled veteran in the Philippines today, it means today they get $1,200 a month. After this bill passes, they will get $2,400 a month, in an economy where the average annual income is $2,800 a month. We will take every servicemember, regardless of which of those three branches of the commonwealth army they served in, and they will be in the elite class from

a standpoint of income. I support that. I support Senator AKAKA's change in the law.

But the root issue raised is: They were promised something more. Was it Congress's intent to grant full VA benefits to Filipino veterans? First, it is important to note that it was a 1942 VA legal opinion which concluded that Filipino veterans had served ''in the active military or naval service of the United States'' and on that basis were eligible for VA benefits. Senator Carl Hayden, who in 1946 was the chairman of the Subcommittee on Appropriations, had this to say about VA's legal determination regarding Philippine Army veterans during the committee proceedings in March of that year:

There is nothing to indicate that there was any discussion of the meaning of that term, probably because it is generally well recognized and has been used in many statutes having to do with members or former members of the American armed forces. It would normally be construed to include persons regularly enlisted or inducted in the regular manner in the military and naval service of the United States.

He goes on to say:

But no one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted—under the GI Bill of Rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any of the laws enacted by Congress for the benefit of veterans to indicate such intent.

He goes further to say:

It is certainly unthinkable that Congress would extend the normal meaning of the term to cover the large number of Filipinos to whom it has been suggested that the Servicemen's Readjustment Act of 1940 applies, at a cost running into billions of dollars, aside from other considerations, without some reference to it either in the debates in Congress or in the committee reports.

Maybe this is the debate in Congress.

This issue was raised in 1997, and in June of that year, when the Clinton administration was asked to testify on this, Stephen Lemons, Acting Under Secretary for Benefits, was quoted in the hearing as saying this:

History shows that the limitations on eligibility for U.S. benefits based on service in these Philippine forces were based on a carefully considered determination of the government's responsibilities toward them.

They testified against extending that benefit.

In 1948, there was a House hearing, and in that House hearing there was an exchange between witnesses and Members of the House. There was a Father Haggarty who came to testify, and I read from the official accounts of that hearing. This is Father Haggarty:

It was constantly promised, as the ambassador mentioned, in radio broadcasts, official American broadcasts to the Philippines in the war. It was definitely promised by General McArthur, General Wainwright, and also it has been acknowledged, I believe, that the Philippine groups recognized the guerrillas, acting as members of the United States Armed Forces, were entitled at one time to complete GI bill of rights. That is, they were included. I believe that is correct, and were later left out.

Mr. Allen, Member:

May I say there, Father, I know you are sincere about it, but I think you are in error. Because there are three or four of us here on the committee who were present when the GI bill was written, and I don't think that ever entered into it.

So the individuals who wrote the GI bill in a committee hearing are verifying that was not even discussed, much less their intent.

There are a number of documents that have existed as committees have held hearings over a period of time from the Department of the Army, from the Roosevelt library. There have been searches everywhere to try to find any documentation that would lead one to believe that there was a promise, that there was an insinuation, and the fact is, whether it is Roosevelt documents, whether it is Army documents, whether it is General MacArthur's personal documents, no one can find anything, other than ''we believe this existed.''

What factors influenced Congress's decision to limit certain VA benefits to Philippine veterans in what is known as the Rescissions Act of 1946, where it was made perfectly clear in legislation that this was going to happen? Well, you have heard it from the authors of the GI bill. ''We never intended this to be extended.'' The Congressional Research Service testimony in April of 2007 provided the following conclusion based on its review of the congressional history.

It seems clear that Congress considered the Rescissions Act in the context of providing for the comprehensive economic development of the soon to be sovereign Republic of the Philippines.

President Truman, in signing the Rescissions Act, reminded everyone in the United States that we shared responsibility with the Philippine Government for the welfare of Philippine veterans, but recognized that certain practical difficulties exist in applying the GI bill of rights to the Philippines.

Again, the second President in the line suggesting that this was not the intent.

As I said earlier, we extend disability compensation to any Filipino veteran, regardless of Commonwealth Army or of the U.S. Army, who was injured in service or disabled because of service. Now, what have we done? What specifically has the United States done since we left the Philippines?

After the war, the U.S. provided $620 million—in today's dollars that is $6.7 billion—for repair of public property and war damage claims and assistance to the Philippine Government. VA compensation for service-related disabilities, as I said, and survivor compensation was also provided, and again paid at a rate that reflected differences in the cost of living.

We are changing that. We are raising it to 100 percent. The United States provided $22.5 million—$196 million in today's dollars—for the construction and equipping of a hospital in the Philippines for the care of Filipino veterans. In addition, the U.S. Government provides annual grants to support the operation of the hospital, which was later donated to the Philippine Government. The grants continue to exist today.

Survivors of the Filipino veterans who died as a result of service are eligible for educational assistance benefits. Filipino veterans legally residing in the United States are eligible for full-rate disability compensation, full-rate cash burial benefits, full access to the VA health care clinics, medical centers, and burial in our national cemeteries.

I am not sure anybody can leave this debate and say we have not done our share. So we are back to one issue: the special pension. We are back to the creation of a special pension for some number of Filipinos who served or were affiliated with the Commonwealth Army of the Philippines that would place them in a pension category of $300 a month.

I will ask for the last chart to go up. I made this case 2 days ago extremely hard, and I want my colleagues to listen. The proposal to raise $300 is on top of what is currently paid by the Filipino Government to every veteran. That is $120 a month. That $120 a month in the Philippines puts every veteran 400 percent above the poverty line in the Philippines. Let me put it in perspective to the United States. For our veterans who receive a special pension because of income, that pension equates to 10 percent above the poverty line. Today, the $120 a month equates to 400 percent above the poverty line.

What we are being asked to do in 1315, and what I am cutting from 1315 and allocating to our veterans, is $300 a month, which would raise the Filipino veterans to 1400 percent over poverty.

Mr. President, that is 27 percent over the median annual income of a Filipino.

I might once again say, for U.S. veterans under special pensions, they are 10 percent above poverty; they are at 21 percent of median income—under, not over. This one change, this one creation of a new program, puts the whole group at 1400 percent over the poverty line and 27 percent over the median income. This is on top of the $1,200, if they are fully disabled, that they are currently getting each month. What Senator AKAKA will do in his bill, and I support, raises that to $2,400 if they are 100 percent disabled.

I say to my colleagues, we are not here to create another class in the Philippines. I hold Senator INOUYE's and Senator STEVENS' belief that we owe these individuals so much—but so do we to our veterans, to my dad who just turned 87 who fought in the Pacific. Senator CRAIG, in the committee markup, attempted to reach a compromise. He offered $100 versus $300. It was rejected. The chairman knows I do not have any ill will over that; a decision was made, and it was rejected on a party-line vote.

I hope—and I say this to the chairman today—I hope this is the last time while I am here when the Veterans' Affairs Committee brings a bill to the floor that does not have the bipartisan consensus that history has proven, and I think he and I can accomplish that.

We inherited something on which we were incapable of coming to some compromise, so we have a tough decision to make. That decision today is about, frankly, our veterans or their veterans. Are we going to enhance the benefits for housing grants and for car grants or are we going to create a new special pension for Filipino veterans who live in the Philippines who have no service-connected disability? It is an issue of, Is it equitable?

What my amendment does is simple. It eliminates this new special pension and takes the $221 million and increases the grants that we have in adaptive housing for our burned veterans and for car grants.

We respect and we are grateful for the brave Filipino fighters, but this is about today, not yesterday. It is about the needs of our veterans, the equity of our generosity. It is not about broken promises, it is about recognizing priorities. It is not about young Members looking and saying that is too much money. No, it is about young Members looking and saying: You know what, when you can't fund everything you have to prioritize.

I urge my colleagues, I implore my colleagues, support my amendment and make sure we put our priorities in the right place. Then vote for passage. Support the chairman in his efforts for passage and know that each one of us will have upheld our responsibilities to our warriors, those individuals who protect us every day we are here.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The time of the Senator has expired. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, the Veterans' Benefit Enhancement Act we are debating contains a number of important benefits to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, and help disabled veterans make their homes more accessible. That is all worthy.

There is also another issue. In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland and joined us in support of our efforts in the Pacific theater. They fought and died at Corregidor, they were with us on the beaches of Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerrilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, ''I have returned.''

Throughout the war, Filipino soldiers fought under the American flag, serving with valor, strength, and dignity. President Roosevelt guaranteed those brave soldiers that the United States would come to their aid in times of peace, just as they had come to our aid during times of war.

He guaranteed them equal veterans' benefits—a fair promise, considering their service and considering the law of the land, as they were full members of the U.S. military.

But in 1946 in one of the most misguided legislative actions at the time, Congress took away the benefits that the President of the United States had promised them, benefits they had rightfully earned.

Of the approximately 250,000 Filipino veterans who fought for us in America, only 18,000 are still alive today. Many of them are searching for ways to pay for health care and struggling in ways they never should. These veterans have more yesterdays than tomorrows. They are well into their eighties, and in terms of our budget, what this bill would cost over the next 10 years we are spending in Iraq every 18 hours. Those who say it will cost too much are the same voices who said it would cost too much to do what Democrats did under the leadership of Senator AKAKA when, for the first time, we fully funded the veterans independent budget.

When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises? We need to right an injustice of the past and show our allies, for future purposes as well, when we tell people to join us in our fight against terrorism, to join us in our fight against other challenges in the world, that America honors its obligations to those who fight for the values and principles we collectively share.

This is a critical time to send a message to friends of freedom across the world that we remember our allies, and we pay our debts.

Our distinguished colleagues in this Senate who have served during World War II have said this is not simply a question of budget, this is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line.

Let's just show a fraction of the bravery they did and vote to restore to them what they were promised, what was the law, and what they rightfully earned.

Now, like lawyers, there are some who are picking on points here or there to build a case against these benefits. In my mind it is a case made of sand. Let's vote to bring an honorable ending to this story and in however small a way let us pledge now to give them dignity in the twilight of their lives.

I urge my colleagues to support Senator AKAKA's bill as it is to be able to keep our word in the world.

Mr. President, to reiterate, the Veterans' Benefits Enhancement Act that we are debating contains a number of important measures to provide for our veterans. It would expand eligibility for traumatic injury insurance, provide job training, help disabled veterans make their homes more accessible. And that is all worthy. But there is also another issue.

In 1941, President Roosevelt called on the people of the Philippines to fight for their freedom and ours, and thousands of brave Filipinos answered the call. They carried out operations to liberate their homeland, and joined us in support of our efforts in the Pacific Theater. They fought and died at Corregidor. They were with us on the beaches at Bataan, and in the death marches. They were there when General MacArthur promised he would return, they fought using guerilla tactics to tie down the Japanese, and they fought under General MacArthur when he came back and said, ''I have returned.''

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But in 1946, in one of the most misguided legislative actions of the time, Congress took away the benefits that the President of the United States had promised them—benefits they had rightfully earned. Of the approximately 250,000 Filipino veterans who fought for us in America, only about 18,000 are still alive today. Many of them are searching for ways to pay for health care, and are struggling in ways they never should.

These veterans have more yesterdays than tomorrows. They are all well into their eighties. In terms of our budget, what this bill would cost over the course of 10 years, we are spending in Iraq every 18 hours.

So those who say it costs too much are the same voices who said that it would cost too much to do what Democrats did under the leadership of Senator AKAKA, when for the first time we fully funded the veterans independent budget. When we bring this bill to a vote, we will be answering a very simple but powerful question: Does our Nation keep its promises?

We need to right an injustice of the past and show our allies for future purposes as well; when we tell people join us in our fight against terrorism, join us in our fight against other challenges in the world that America honors its obligation to those who fight for the values and our principles that we collectively share. This is a critical time to send a message to friends of freedom across the world: we remember our allies and we pay our debts.

Our distinguished colleagues in the Senate who have served during World

War II have said, this is not simply a question of budget. This is a question of honor. These individuals of honor put their lives on the line for our Nation, and now the honor of our Nation is on the line. Let us show them just a fraction of the bravery they did, and vote to restore them what they were promised, what was the law and what they rightfully earned.

Now, like lawyers there are some who are picking on points here and there to build a case against these benefits, in my mind is a case made of sand. Let us vote to bring an honorable ending to this story and in however small a way, let us pledge now to give them dignity in the twilight of their life. I really urge my colleagues to support Senator AKAKA's bill as it is, and be able to keep our word in the world.

If I have any remaining time, I yield it back to Senator AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I would like to yield 5 minutes to the Senator from Florida, Mr. NELSON.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, the underlying bill that the Senators from Hawaii and North Carolina have put together is a step in the right direction: increasing life insurance benefits, increasing disability benefits—particularly for traumatic brain injury—and doing that retroactively.

There is another portion in here that makes a lot of sense. If under current law a veteran who is deployed to a war zone can get out of his apartment rental contract, why should not he be able to get out of his cell phone lease contract? That provision is in here. That is in the underlying bill.

Let me tell you what is not in here—I am going to have to take this up on the Defense authorization bill—taking care of the widows and the orphans in the offset between survivor benefits plans and dependents' indemnity compensation—SVPDIC. The veterans' survivors, the widows and orphans, are entitled under both by law—but by law they offset each other. Thus widows and orphans are suffering. We will address that in the Defense authorization bill.

I want to expand on what the two Senators from Hawaii have said. There is one thing that America should never do, and that is break her word. When we have allies who are side by side with us in war, and they are depending on our word that we are going to take care of them, it is the obligation of America to do that.

I yield the floor.

Mrs. CLINTON. Mr. President, I rise today in support of providing benefits to Filipino veterans who served our Nation during World War II. S. 1315, the Veterans' Benefits Enhancement Act of 2007 introduced by Senator AKAKA, specifically includes a provision that would restore health and pension benefits to Filipino veterans who fought for the United States during World War II. This provision is based on S.57, the Filipino Veterans Equity Act of 2007 originally introduced by Senator INOUYE and which I am proud to cosponsor. I have supported rectifying this injustice since I entered the Senate in 2001.

Senator BURR's amendment would strip the provision benefitting Filipino veterans from S. 1315. I strongly oppose this amendment.

In 1942, President Roosevelt issued an order conscripting Filipino soldiers into the U.S. Armed Forces. More than 250,000 Filipino soldiers joined the U.S. Armed Forces in the months before and days following the attack on Pearl Harbor. These men served on the battlefield and fought courageously alongside American soldiers throughout World War II, took part in the guerilla resistance, and suffered in prisoner-of-war camps including the infamous Bataan Death March in which untold numbers of Americans and Filipinos soldiers suffered and died under brutal conditions.

The United States promised these Filipino veterans the same health and pension benefits as those of American servicemembers, but after World War II ended, Congress passed the Rescission Act of 1946, rescinding benefits that the Filipino soldiers were entitled to receive as U.S. veterans. Since then, these veterans have been fighting for these benefits which were unjustly revoked by the 1946 Rescission Act.

I reiterate the statements I made recently in honor of the 66th anniversary of the Bataan Death March that this is a matter of restoring the honor and dignity of these courageous veterans. I will continue to support and fight for the Filipino veterans equity bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, how much time do we in the majority have?

The PRESIDING OFFICER. Five minutes. The time of the Senator from North Carolina has expired.

Mr. AKAKA. Mr. President, I thank the Senator from Florida for his remarks.

Mr. President, on July 26, 1941, President Roosevelt issued an Executive Order ordering all military forces of the Commonwealth of the Philippines into service of the Armed Forces of the United States. This happened after a bit of history.

In 1898 the Philippines became a colony of the United States. It was on March 24, 1934, that the Tydings-McDuffie Act passed Congress. That provided for independence for the Philippines. It was mandated in that bill that there would be a 10-year period—that is to 1944—when the Philippines would formalize and shape and develop its entity. But what was mandated was that the United States would provide the control and supervision of the national defense of the Philippines, and also of its foreign affairs.

This was in that bill in 1934. The 10-year period ended in 1944. So the United States was very much a part of the Philippines. In 1941, under the declaration and Executive Order of President Roosevelt, they served in the U.S. Armed Forces of the Far East. All of the military forces of the Commonwealth of the Philippines remained under the command of the U.S. Armed Forces of the Far East throughout World War II and until the Philippines was granted independence on July 4, 1946.

Our Nation has a long history of caring for aging veterans, particularly those who served the country during a time of war. Philippine veterans of the Second World War are now in their twilight years, and many are struggling to make ends meet, especially with global food prices on the rise. Now, perhaps more than ever, the modest pension benefits that are in S. 1315 are of the greatest value to veterans who earned them on the battlefield so many years ago.

I urge my colleagues to stand with me, with my World War II colleagues, Senators Inouye and Stevens, and a majority of the Veterans' Affairs Committee and not accept the amendment of the Senator from North Carolina.

AMENDMENT NO. 4576

Mr. AKAKA. Mr. President, under the agreement entered yesterday, I now call up the managers' technicals package and ask unanimous consent that the amendment be considered and agreed to and the motion to reconsider laid upon the table.

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

The amendment (No. 4576) was agreed to, as follows:

On page 12, beginning on line 8, strike ''June 1, 2008'' and insert ''April 1, 2009''.

On page 13, line 17, strike ''January 1, 2008'' and insert ''January 1, 2009''.

On page 14, line 9, strike ''January 1, 2008'' and insert ''January 1, 2009''

On page 29, line 7, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 29, line 12, strike ''December 31, 2008'' and insert ''December 31, 2009''.

On page 30, line 19, strike ''December 31, 2008'' and insert ''December 31, 2009''.

On page 35, line 22, add after the period the following: ''The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.''.

On page 38, beginning on line 21, strike ''the date of the enactment of this Act'' and insert ''April 1, 2009''.

On page 41, line 16, strike ''May 1, 2008'' and insert ''April 1, 2009''.

On page 41, line 18, strike ''May 1, 2008'' and insert ''April 1, 2009''.

On page 41, line 24, strike ''the date of the enactment of this Act'' and insert ''April 1, 2009''.

On page 42, line 1, strike ''the date of the enactment of this Act'' and insert ''that date''.

On page 59, line 17, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 62, line 22, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 67, line 23, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 71, beginning on line 9, strike ''October 1, 2007, and ending on September 30, 2011'' and insert ''October 1, 2008, and ending on September 30, 2012''.

On page 71, line 23, strike ''March 31, 2011'' and insert ''March 31, 2012''.

On page 72, line 3, strike ''September 30, 2011'' and insert ''September 30, 2012''.

On page 72, line 14, strike ''fiscal years 2008 through 2011'' and inserting ''fiscal years 2009 through 2012''.

On page 73, line 4, strike ''fiscal year 2011'' and insert ''fiscal year 2012''.

On page 75, beginning on line 22, strike ''December 31, 2010'' and insert ''December 31, 2011''.

Mr. AKAKA. Mr. President, I yield back the remaining time and I ask for the vote.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4572.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—41

Alexander	Corker	Isakson
Allard	Cornyn	Kyl
Barrasso	Craig	Martinez
Bayh	Crapo	McConnell
Bennett	Dole	Roberts
Bond	Domenici	Sessions
Brownback	Ensign	Shelby
Bunning	Enzi	Smith
Burr	Graham	Snowe
Chambliss	Grassley	Sununu
Coburn	Gregg	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Wicker
Collins	Inhofe	

NAYS—56

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Stevens
Conrad	Lincoln	Tester
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Hagel	Murray	

NOT VOTING—3

DeMint	McCain	Obama

The amendment (No. 4572) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I would like to offer my support for S. 1315, the Veterans' Benefits Enhancement Act of 2007. This is a tremendously important piece of legislation, and I commend Senator AKAKA and the Veterans' Affairs Committee for their work.

This bill says to the men and women who have served and suffered horrible injuries and paid the price of war, ''We have not forgotten you. You and your families deserve the respect and care of a grateful Nation, and we will do all that we can to see to it that you live lives of dignity.'' Among other things, this legislation enhances life insurance benefits to disabled servicemembers, improves benefits for veterans who need to renovate their homes to accommodate their injuries, and increases education benefits so our veterans will have an easier time going back to school and getting good jobs when they finish military service.

But just as important as taking care of our newest generation of veterans, this bill also takes care of some of the oldest veterans who were a part of the ''greatest generation.''

In 1941, President Roosevelt issued an order that directed the Commonwealth Army of the Philippines to fight alongside our Armed Forces, as he was authorized to do under the Philippine Independence Act of 1934. Some 250,000 Filipinos would swear allegiance to the United States of America in the months before and the days after Pearl Harbor.

Under our flag, they went on to fight and die on the same battlefields as U.S. troops. They gathered intelligence, organized a guerilla resistance against the Japanese invasion of their island home, and assisted in rescue operations of American prisoners of war.

When the fighting stopped, the members of the Filipino Army were to have been eligible for full veterans' benefits, just like American veterans. In October of 1945 GEN Omar Bradley, who at the time was the head of the Veterans' Administration, affirmed that the Filipino soldiers would be treated no differently and were to receive all the benefits that they rightly deserved.

Unfortunately, the Rescission Act of 1946 changed all that. It stated that the Filipinos who fought alongside Americans had not performed ''active service'' and that they had no standing or claim to any ''rights, privileges, or benefits.''

Mr. President, there are now only about 18,000 of these heroic Filipinos left. About 13,000 of them are still in the Philippines, where they have waited over 60 years for the United States Government to provide the benefits they were promised and are owed for serving our Nation and defending the cause of freedom. That is what this legislation does. It also extends the benefits available to all U.S. servicemembers to the 5,000 Filipino veterans living here in the United States.

Unfortunately, for the past 9 months, the other side of the aisle has balked at allowing this legislation to come up for a vote. I am certainly thankful that they have no problem with extending full benefits to Filipino veterans living here. But sadly they feel that $300 a month for a single person and $375 for a married person is too high a pension for someone who lives in the Philippines but fought for the United States 60 years ago and hasn't received a penny since. Instead they are insisting on no pension at all for these veterans.

However, I am glad that we have now moved to the bill, and we can debate the merits of this vital legislation that will address the needs of those who have paid the price of war.

Senator INOUYE, who has so faithfully lead this effort for the past 16 years and knows what it means to have fought under our flag in World War II, recently stated, ''What happened 61 years ago was not right; it was shameful and disgraceful. . . . The legislation is about fairness and dignity—core American values. It is also about correcting an injustice that has stood for way too long.''

I could not agree more, and I urge my colleagues to support this bill and bring these well-deserved and urgently needed benefits to those veterans—both young and old—who have fought on our behalf.

The PRESIDING OFFICER. Under the previous order, the amendment in the nature of a substitute, as amended, is agreed to.

The clerk will read the bill for the third and final time.

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

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

Mr. AKAKA. Mr. President, I ask for the yeas and nays on final passage and urge my colleagues to support the pending measure.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—96

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Barrasso	Boxer	Cardin
Baucus	Brown	Carper
Bayh	Brownback	Casey
Bennett	Bunning	Chambliss

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

NAYS—1

Vitter

NOT VOTING—3

DeMint	McCain	Obama

The bill (S. 1315), as amended, was passed, as follows:

S. 1315

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 ''Veterans' Benefits Enhancement Act of 2007''.

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

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES 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 title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

''§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

''(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

''(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

''(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

''(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

''(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

''(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

''(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

''(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

''(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

''(B) A veteran who is 70 years of age or older.

''(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

''(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

''(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

''(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

''(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

''1922B. Level-premium term life insurance for veterans with service-connected disabilities.''.

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2009.

SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking ''directly from such fund'' and inserting ''directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund''.

SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking '', if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking ''Payments under'' and inserting ''(1) Payments under''; and

(2) by adding at the end the following new paragraph:

''(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.''.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term ''qualifying loss'' means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking ''$90,000'' and inserting ''$150,000, or $200,000 after January 1, 2012,''.

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 is amended by inserting after section 2101 the following new section:

''§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise

eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

''§ 2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A is amended to read as follows:

''§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

''§ 2102B. Supplemental assistance

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

''(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

''(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

''(B) the payment determined without regard to this section.

''(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

''(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

''(B) the payment determined without regard to this section.

''(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is $60,000 (as adjusted from time to time under subsection (d)).

''(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is $12,000 (as adjusted from time to time under subsection (d)).

''(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

''(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

''2102B. Supplemental assistance.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

''§ 3673. Approval activities: cooperation and coordination of activities''.

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

''3673. Approval activities: cooperation and coordination of activities.''.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting ''COOPERATION IN ACTIVITIES.—'' after ''(a)''; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting ''AVAILABILITY OF INFORMATION MATERIAL.—'' after ''(c)''.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) is amended by striking ''$13,000,000'' and all that follows through ''fiscal year 2007,''.

SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.''.

SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking ''a study every two years'' and inserting ''an annual study'';

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

''(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

''(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.''; and

(4) in subparagraph (C)—

(A) by striking ''Vietnam era'' and inserting ''Post 9/11 Global Operations period''; and

(B) by striking ''the Vietnam theater of operations'' and inserting ''the Post 9/11 Global Operations theaters''.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(c) In this section:

''(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

''(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3600) is amended by striking ''2008'' each place it appears and inserting ''2010''. The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

''§ 107. Certain service with Philippine forces deemed to be active service

''(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

''(b) SERVICE DESCRIBED.—Service described in this subsection is service—

''(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

''(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

''(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

''(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

''(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

''107. Certain service with Philippine forces deemed to be active service.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

''§ 1514. Certain recipients residing outside the United States

''(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

''(A) For such an individual who is married, at a rate of $4,500 per year (as increased from time to time under section 5312 of this title).

''(B) For such an individual who is not married, at a rate of $3,600 per year (as increased from time to time under section 5312 of this title).

''(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of $2,400 per year (as increased from time to time under section 5312 of this title).

''(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

''(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

''(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

''(c) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

''1514. Certain recipients residing outside the United States.''.

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting ''1514,'' before ''1521,'' each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting ''1514,'' before ''1521''.

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting ''1514,'' before ''1521,'' the first place it appears; and

(B) in subsection (c)(1), by inserting ''1514,'' before ''1521,''.

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after April 1, 2009. The amendments made by paragraphs (3), (4), and (5) shall take effect on April 1, 2009.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as of that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking ''except that—'' and all that follows and inserting ''except that a reference to a State approving agency shall be deemed to refer to the Secretary.''.

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting ''reasonable'' after ''impose a'';

(2) in the second sentence, by striking '', except that such amount may not exceed $30 per year''; and

(3) in the third sentence, by inserting ''reasonable'' after ''impose a''.

SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

''(1) The number of appeals filed.

''(2) The number of petitions filed.

''(3) The number of applications filed under section 2412 of title 28.

''(4) The number and type of dispositions.

''(5) The median time from filing to disposition.

''(6) The number of oral arguments.

''(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

''(8) A summary of any service performed by recalled retired judges during the fiscal year.

''(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the ''most cost-effective alternative appears to be leasing substantial additional space in the current location'', which would ''require relocating other current government tenants'' from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

''(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).''.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

''(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.''.

SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

Section 1513 is amended—

(1) in subsection (a), by striking ''by section 1521'' and all that follows and inserting ''by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.''.

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

''§ 2302A. Funeral expenses: supplemental benefits

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $900 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

''2302A. Funeral expenses: supplemental benefits.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

''§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

''2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

''§ 2303A. Supplemental plot allowance

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

''(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

''2303A. Supplemental plot allowance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''or (iii) below'' and inserting ''(iii), or (iv)''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subparagraph (B), by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter:'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means the following:'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''any veteran'' and inserting ''Any veteran'';

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ''or'' and inserting a period; and

(C) in subparagraph (B), by striking ''any member'' and inserting ''Any member''.

SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

''§ 3902A. Supplemental assistance for providing automobiles or other conveyances

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

''(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

''(2) the payment determined under section 3902 of this title without regard to this section.

''(c) ADJUSTED AMOUNT.—The adjusted amount is $22,484 (as adjusted from time to time under subsection (d)).

''(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

''(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

''(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

''3902A. Supplemental assistance for providing automobiles or other conveyances.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

''SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

''(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

''(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

''(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for cellular telephone service.''.

SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term ''Post 9/11 Global Operations theaters'' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The title was amended so as to read:

''To amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.''.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 493, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order with respect to H.R. 493 be modified to provide that following disposition of S. 1315, the time until 2:15 p.m. be equally divided and controlled, as previously ordered, and the Senate proceed to vote on passage of H.R. 493, with the remaining provisions of the previous order remaining in effect.

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

Mr. KENNEDY. Mr. President, for the information of our membership, we will be having a rollcall vote, then, at 2:15 p.m., and the time, now, will be divided between Senator ENZI and myself on the issue of the genetic nondiscrimination legislation.

Mr. President, I yield myself such time as I might use.

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

Mr. KENNEDY. Mr. President, today, the Senate is considering the first major new civil rights bill of the new century. Five years ago this week, we celebrated a milestone that once seemed unimaginable: the completion of the Human Genome Project, which sequenced and mapped all the genes in the human body. This Friday is DNA Day, when we pay tribute to this amazing accomplishment, which was the dawn of a new era in the life sciences. Mapping the human genome has provided extraordinary insights for modern medicine, and it has opened the door to immense new opportunities to prevent, diagnosis, treat, and cure disease. Its discovery may well affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century.

But with this invaluable new information comes a tremendous responsibility. A person's unique genetic code contains the most personal aspects of their identity. As we begin to decipher this information, Americans have legitimate fears about how this deeply private information will be used. Surveys show that people are already declining to take medically valuable tests out of fear that they will face discrimination or invasion of their personal privacy. These fears are not unwarranted. As Francis Collins, the leader of the NIH project to sequence the human genome, has said:

Genetic information and genetic technology can be used in ways that are fundamentally unjust. Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

The remarkable medical advances of the genetic age will be valuable only if people are not afraid to take advantage of them. The promise of this new science will be in jeopardy if our laws fail to contain adequate protections against abuse and misuse of genetic information.

The bipartisan bill now before the Senate takes a substantial step to preserve the value of new genetic technology and to protect the basic rights

of every American. The Genetic Information Nondiscrimination Act recognizes that discrimination based on a person's genetic identity is just as unacceptable as discrimination on the basis of race or religion. No American should be denied health insurance or be fired from a job because of genetic testing.

The bill before us provides comprehensive protections. It prohibits health insurers from using a patient's genetic information to deny health insurance coverage or raise premiums. It bars employers from using genetic information to make employment-related decisions. It prohibits insurers and employers from seeking genetic information or requiring individuals to take genetic tests. It bars disclosure of genetic information by insurers or employers, and it contains effective remedies so that anyone who has suffered genetic discrimination can obtain relief. By granting these protections, the bill gives the American people the opportunity to reap the rewards of improved health care through genetics without fear of unjust use of their personal genetic makeup.

This bill has been the product of a decade of dedicated effort by Members on both sides of the aisle. My sincere thanks go to Senator SNOWE and Senator ENZI for helping to lead this bipartisan effort with me, and to Senator REID, our majority leader, and the Senate leadership, for their commitment to moving this bill forward. Thanks to Senator GREGG and Senator DODD and Senator HARKIN, who also made important contributions through their leadership and expertise. I commend our House colleagues—Speaker PELOSI, Representative SLAUGHTER, Representative BIGGERT, Chairman MILLER, Chairman RANGEL, and Chairman DINGELL—for their strong support, and also our former colleague, Senator Daschle, who was a leader in his term here in the Senate. It is a remarkable achievement to get this bill to the President's desk. The administration cooperated with us throughout the process, and we are grateful for its support on this important legislation.

We stand today on the threshold of a major new breakthrough in medical technology. With personalized medicine that genetic science makes possible, patients can receive therapy precisely tailored to their own genetic makeup with reduced side effects and greater potency. But the effectiveness of these new technologies is undercut by people's legitimate fears and the lack of strong protections.

Just this week, doctors announced important findings on the genetic factors that may contribute to Parkinson's disease. There are new discoveries in genetic variations that may confer a reduced risk of heart failure and new insights into the genetic switches that may one day control cancer. But one great barrier stands in the way of these extraordinary advances that are possible in this new field of discovery: the reluctance of patients to receive the benefit of this new science and the fear that is already keeping patients from volunteering for this research.

Even the crown jewel of our Federal research enterprise, the National Institutes of Health, has been affected by this fear. The threat of genetic discrimination is so real that it is even listed on the informed consent document that the NIH provides to patients considering enrolling in the clinical trials of the new genetic medicines. This is what the chart says:

> We will not release any information about you or your family to your insurance company or employer without your permission. However, instances are known in which genetic information has been obtained through legal means by third parties. This may affect you or your family's ability to get health insurance and/or a job.

Can you imagine individuals going out to the NIH and saying: I will volunteer in order to be a part of a research program, only to find out that their genetic information could be leaked? What happens if it is leaked? The insurance companies will say: Look, this individual has a better chance of getting breast cancer, diabetes, bipolar disorder, or a whole series of different types of cancer, so why are we going to go ahead and insure that individual? Or if we are going to insure him, we are going to charge a good deal more.

Some of this genetic information is valuable to know for medical history. For example, if mothers have certain types of genetic markers, the daughters might want to find out whether they have the same kind of proclivity. Yet if they go out and have the test so that they know whether to start thinking about treating that particular health challenge, they know they will be discriminated against. They won't be able to get a job because an employer will say: Why should I hire that person when they may very well develop breast cancer, and why should I hire that person because if they develop breast cancer, then it will cost my company a good deal more to pay for that individual's health insurance. That is the reality today. That is happening today.

There has been an explosion of progress in terms of genetic research. New opportunities for personalized medicine are opening, which is really going to be the pathway in the future. With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

Individualized medicine is the way of the future. With that, there is going to be a great deal more information about an individual's health, but also the attendant challenge and problem that this information could be used to adversely impact that individual. That is what we want to avoid, and that is what we want to protect against.

We know there are numerous barriers to new discoveries that Congress can do little about: the complexities of disease, the uncertainties of science, and the rarity of true inspiration. But this is one major problem which is entirely within our power to solve. We can make a difference, and we can do it today. With effective protections against the misuse of genetic information, this amazing new technology can realize its potential and bring better health care to all people throughout our world. I hope all of our colleagues will join in advancing the potential of genetic research by supporting the Genetic Information Nondiscrimination Act.

I want to show on the chart all of the different groups that are supporting this legislation. It gives us a very clear idea of the overwhelming support of the medical profession. Family physicians, pediatricians, the American Cancer Society, the American Diabetes Association, the American Heart Association—virtually the whole health community strongly supports this bill. The National Partnership For Women and Families and other women's groups and civil rights groups are supportive, as are the many specialized medical groups that know about genetic diseases.

Genetic discrimination issues are often tied to national origin. We have the Tay-Sachs disease that affects many members of the Jewish community; sickle cell anemia, which affects many African Americans; Cooley's disease, which affects many of those who come from Mediterranean countries, and a host of others. These are genetic diseases. That is why a number of the different groups are so concerned about this, because they have seen the discrimination.

I will just give ease to our colleagues. This chart shows when we have considered the legislation at other times. We considered it in 2003—the Senate did—and in 2005, and look at the overwhelming votes, Republicans and Democrats, even in the House in 2007. But we haven't been able to get the House and Senate together at the same time. So this has been going on since 2003, and we are in 2008. We have the opportunity with this legislation to get the job done, and the President has indicated he is going to sign it so we can achieve this extremely important undertaking.

Let me just review some of the other statements about why this is so important. We remarked here just a few moments ago about the dangers that are out there in terms of people being concerned about the violation of their privacy based on genetic information. Is this really a problem? This is a chart which shows that 72 percent of Americans think laws are needed to protect genetic privacy. The American people are really way ahead of us in the Congress on this issue. They understand that their genetic privacy is enormously important. They have an inner

sense, which is well-founded, that their genetic privacy can be abused. We have 72 percent of Americans who think we need laws.

This chart shows that Americans want their genetic information kept private. Ninety-two percent of Americans think their employer should not have access to their genetic information for the reasons I have outlined. If you don't have these protections and employers are able to find out that certain individuals they are employing have a greater proclivity to develop disease, there is a very good chance they will discriminate against those individuals. That has been the case.

Eighty percent of Americans think their health insurer should not have access to their genetic information. The reason for that is a very sound reason, which is they believe if the insurer has that kind of information, the cost for the health insurance, which is extraordinarily high today, will go up even further. So the American people are way ahead of the Congress in getting this. With this, Mr. President, we will be meeting their particular needs.

I want to show this chart. Francis Collins, for many of us in this body—and I think for the health community—is one of the great giants in health research. He is the person who has been at the heart and soul of the research on the Human Genome Project and in understanding the power of genes. He has made an absolutely extraordinary contribution in terms of science and public policy. He is a tireless advocate and a wonderful asset for all of us here in the Senate, on both sides of the aisle, in strong support for this legislation.

As he points out:

> Discrimination in health insurance, and the fear of potential discrimination, threaten both society's ability to use new genetic technologies to improve human health and the ability to conduct the very research we need to understand, treat, and prevent genetic disease.

That says it all. It talks about the danger, in terms of discrimination, and also about the ability to do the research. You could be discriminated against in terms of your job or in terms of the increased costs in your health insurance, or if you were involved in research, volunteering for research—the dangers that this kind of information would be out there and could be used against you.

Mr. President, I remember—and it wasn't that long ago—when we listened to Dr. Collins. He was talking about the progress made in genetic research. They were talking about markers at that time. I think some of the earliest progress was made in terms of developing information about breast cancer and who had the proclivity to develop breast cancer. That was truly remarkable. Since that time—and it has only been a few years—we have seen that expand to prostate cancer, diabetes, bipolar, Alzheimer's, schizophrenia, and Parkinson's. Think of that. That list is growing virtually every day. We are eventually going to be getting health care systems that will say: If you have these kinds of diseases, we have the particular targeted kind of personalized medicine to help you either recover or to protect you in terms of the future. That is going to happen, Mr. President. It is going to happen sooner rather than later.

This gives you an idea of how rapidly this kind of research is moving along and how this kind of research, in the hands of top-rated physicians and researchers who know how to treat these illnesses and sicknesses, will make a difference in terms of improving the quality of health care on the one hand. It is so dramatic, as is the danger of abuse by unscrupulous employers or health insurance companies on the other hand. That is what this legislation is really all about. That is why this is so important and why it has strong bipartisan support.

In many respects, this is going to be one of the most important pieces of health legislation we pass in this Congress. We have other very important health proposals, but this will make an enormous difference in terms of the march for progress for good health care. We look forward to a strong vote.

I yield the floor.

Mr. ENZI. Mr. President, this is an exciting day. We are going to make a difference in health care for this country—not sick care; health care—and this will unlock a door that will allow people to get the kind of genetic testing where they can tell if something down the road might happen to them and prevent it, or at least weaken the effect of it.

As time goes on, we will find more causes that will relate back to the genome and people will be able to immediately check if that new problem could relate to them and they can solve it before it happens to them. That is health care. That gets us away from sick care.

I finished a tour in Wyoming. I called it the 10 stops for 10 steps of health care. I collected ideas from across this body on ways we could solve health care problems in America. It is 10 steps. They can be done separately. If they are done separately, each step will get us closer to lower costs and better access. If all of them are done, we will have every American insured.

We need to get into prevention, particularly of chronic illnesses, and this bill will do it. Right now, people are afraid to get their blood tested. Sometimes they are forced to have their blood tested. Insurance companies sometimes want a blood test. That blood test will tell far more than it ever did in the history of the world, and that can have some dire consequences, except for this bill. This bill will protect people. This bill, first of all, ensures that if an insurance company takes that test and they find out anything, the person whose blood it was gets to find out everything. A lot of times they learn nothing. That is not fair. This will assure that doesn't happen.

Another thing that happens is sometimes there is a little clause—usually there is a clause—which says if it is a preexisting condition, the insurance company doesn't have to cover it. Well, this keeps that information of what could possibly happen to you from becoming a preexisting condition until it actually happens. That gives the individual the chance to do something about it first. If it doesn't happen, it isn't a preexisting condition. That is what this bill will do.

Now, another bill we need to be working on, of course, that I cover in my 10 steps, is health information technology. That fits with this genome project. I have asked many times: How many of you have your medical records with you? You know, I have yet to have anybody say they do. With the technology we have in this country, everybody ought to be able to have all their health care and their genome on a card such as this, that they can carry with them everywhere.

If the health IT bill passed, you could be on vacation from Wyoming out here in DC, and if something happened, that card would be readable out here. So a doctor here could know everything he needs to know to fix you as well as possible. That is a step we have to have in health care. We are very close to getting it.

The old privacy issue crops up every once in a while. It isn't a matter of privacy. Your privacy needs to be protected and it is protected. There is always a problem of data security. Right now, records are in hospital files and in doctors' offices, and hundreds of people can come through there. Yes, the records are kind of protected, but people can look at them, and you would never know. If it is in health information technology and somebody gets to look at it, you will know. In order to sell health information technology, companies need to be working on a daily basis to make sure that information is secured. They are out of business if it is not.

So that is not a problem, and that is a bill we need to put through in a process such as this. I think there is near unanimous agreement on both sides of the aisle that needs to be passed, and we ought to have the hour or hour and a half or 2 hours of debate on that and get that one done. Then people truly could have their information on a card they carry with them all the time. They could even add their own comments and the things they learn about themselves on their card.

There is a better reason for passing it than that, though, and that is there are a lot of duplication tests these days. You go to one provider and he says: I have to do that test. It is an expensive test. He says: Because of this test, I need to send you to a specialist, and the specialist says: It is going to take so long to get that record over here, we

are going to do the test over again. Some of these tests are $3,000, $5,000 or $10,000. The RAND Corporation says if we could eliminate the duplication of tests, we could save $140 billion a year. Even in this body, that is real money. We need to do that. That would be another step. It is just as close as this genetic nondiscrimination has been for a long time.

Of course, one of the rules around here is the first 90 percent of a bill takes 90 percent of the time, and the other 10 percent takes 90 percent too. That is where we have been on this. But we have finally bridged the last hurdle. We have gotten understanding among all the people in this body—no small task—so everybody has been speaking favorably on this bill and with good reason. It has been a long time coming.

I should mention that is another thing we kind of do that is a little unusual. We preconferenced with the other side. We have already talked to the people over there who will manage any debate on that side, and this bill is going to pass the House the same way it is passing the Senate. We have already checked with the White House, and it is going to be signed. So I wish to congratulate the chairman of the committee for the way he has been working on this bill. This is the way bills are supposed to be done, in my opinion.

We have worked together on a lot of bills, and the ones that go through committee and we work out these details, wind up going through here in a hurry. We have learned something from being in a hurry. Previously, a lot of bills that have gone through here, we have let them go by unanimous voice vote. We didn't have the benefit of having that opportunity to explain this, consequently we haven't gotten much publicity. If the publicity doesn't go out on it, the people don't know about it. We are not interested in publicity for the publicity, but we are interested in people knowing what this bill does that will help them and that will encourage them to use the genome. That is why we need this.

I congratulate Senator KENNEDY for all of his work on this—kind of following the 80-percent rule. He and I are able to agree on 80 percent of everything. Then we pick out one issue and we can usually agree on 80 percent of that and, more importantly, we can get the groups that are interested in that to agree with that same part. If you have groups out there that are opposing something, the bill probably doesn't have a lot of chance of getting through here. We covered quite a range of base between the two of us, and that makes it possible to bring a lot of people along.

I thank Senator KENNEDY, Senator GREGG, and Senator SNOWE for their efforts to reach a bipartisan agreement on this bill. I particularly thank Senator COBURN for working hard to make this historic bill better. He did some important work, working with the business community, and his knowledge as a doctor, to make it better. I appreciate all of that effort. I appreciate the effort of the Senators, the effort of their staffs.

I especially recognize the efforts of my HELP Committee staff director, Ilyse Schuman. The first job she had when she came to work for me 6 years ago was to work on this bill. I said it often takes 6 years to get an idea through the Senate. I never believed that until I figured out that she has been working on it 6 years. It should not take us that long to get some of these ideas to stick.

I also thank Andrew Patzman, who is my former health insurance staffer, who also played a major role in the development and forward progress of this bill.

I thank Shana Christrup, Keith Flanagan, Brian Hayes, and Kyle Hicks of my staff for their hard work on this bill. In addition, I wish to thank some of Senator KENNEDY's staff: Michael Myers, David Bowen, Lauren McGarity, and Portia Wu; also Stephanie Carlton of Senator COBURN's staff, who was absolutely essential; Bill Pewen of Senator SNOWE's staff; Meg Hauck of Leader MCCONNELL's staff; Jen Romans of Senator KYL's staff, and Jay Khosla and David Fisher of Senator GREGG's staff, for their hard work.

We get to come in and take the credit. They work on these for hours, days, even through weekends sometimes.

I also thank Kim Monk, formerly of Senator GREGG's staff, and David Thompson, formerly of Senator GREGG's and my own staff; and lastly special thanks to Bill Baird of the Senate's Office of Legislative Counsel, and Pete Goodloe, formerly of the House Office of Legislative Counsel and now with Chairman DINGELL's staff, because their extraordinary legal drafting and problem-solving skills and their years of hard work helped to make this bill possible.

I thank everybody for their work on this.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

It certainly has been an exceptionally long journey to reach this point where we are today in the Senate. We are at least in sight of enactment of this watershed legislation to prevent genetic discrimination. In fact, it will open an entirely new universe of infinite possibilities for Americans for years to come.

I commend the majority leader for making this legislation a high priority for the Senate's consideration today, as well as the minority leader, Senator MCCONNELL, for his concurrence and support, and my colleague, Senator KENNEDY, the lead Democratic cosponsor and chairman of the HELP Committee. He has labored passionately and tirelessly so that every American can realize the protections embodied in the legislation. He marshaled this bill through committee, and we have endeavored to work together throughout this Congress on both sides of the aisle, in both bodies, to ensure that we would be able to be in a position in the Senate to vote on this legislation.

Senator ENZI has been absolutely crucial, as well, to our success. He is the former chairman of the HELP Committee and is now the ranking member. He helped to obtain an array of support from so many Americans across this country, as well as organizations that include health providers, businesses, and health plans, which are central to providing a strong coalition for support.

Similarly, Senator GREGG, former HELP Committee chairman in 2003, has worked to further the cause of defending Americans from genetic discrimination as well.

Together, these colleagues—and more—helped the Senate on two separate occasions to overwhelmingly pass this legislation, in both 2003 and 2005. It has been a long effort to realize this fruition today.

It was a dozen years ago when I first introduced this legislation to protect individuals from discrimination in health insurance based on genetic information. At that time, there were several of us who recognized the tremendous threat posed by this practice, including those I have mentioned and former Senate majority leader, Senator Frist, and former minority leader, Senator Daschle, who at the time certainly foresaw that the misuse of genetic information would create a new form of discrimination.

Yesterday, we attended the unveiling of the portrait of Senator Daschle. One of his former staffers indicated that it is appropriate that the time of that unveiling coincides with this legislation pending before the Senate. It was so important to him.

Today, I am certain many colleagues, past and present, are delighted that we are in a position today to pass this legislation. We are on the brink of forestalling this discrimination before it becomes firmly entrenched.

It is also important, as Senator KENNEDY cited yesterday, given that this Friday is National DNA Day, which will mark the 55th anniversary of the publication of the landmark paper describing the structure of DNA. Since that breakthrough, our understanding of genetics has expanded exponentially. Over the past decade, our progress in understanding genetics has been moving at a dizzying pace, particularly following the completion of the Human Genome Project in 2003. That knowledge can work either for the benefit or harm to individuals, as we know.

Today, my colleagues are dedicated to ensuring the meaning of the words of the Hippocratic Oath to ''do no harm.'' Today, the Senate will, for the third time, ban discrimination based on genetics.

Passage of this legislation by the House of Representatives was 1 year

ago, where Representative SLAUGHTER and others worked to shepherd this legislation through three committee markups to an overwhelming House passage of 420 to 3. The President has called for enactment of the legislation to prevent this discrimination. Ninety percent of Americans believe insurers and employers should not be allowed to discriminate based on genetic information. Now it is the Senate's turn.

We now have an agreement between the Senate, the House, and the President. Indeed, this bill represents a triumph of bipartisan collaboration and truth. Although there was broad agreement in principle to protect individuals from discrimination, some debated the language in our bill, taking issue with whether it would affect the policy that was intended. We have listened to the concerns, and we worked with them and responded. I thank, in particular, Senator COBURN for working with us in a collaborative fashion to resolve these issues and to allow the debate to proceed and finally vote on final enactment of the legislation.

Too much is at stake to create uncertainty and ambiguity. The protections we enact must be effective. Having worked closely with both House and Senate colleagues, the legislation is nearly identical to the legislation passed in the House. We have addressed the remaining concerns that were raised by many, including the administration. I think it did not change in any way. The fundamentals of this legislation, in fact, probably acted to improve it in some categories. We have clarified that entities could communicate genetic information consistent with the HIPAA privacy regulations, the Health Insurance Portability Accountability Act. We worked to ensure that health plans may continue to utilize the presence of actual manifested diseases and issue rating coverages. That is the case today. We don't change that.

We are at the threshold of a new era, without question. For the first time, we act to prevent discrimination before it has taken firm hold. That is why this legislation is unique and groundbreaking. In the past, Congress has acted to address discrimination, but with this bill we are making a statement and taking a stand and saying that we look to the future, and genetic discrimination will not be allowed to flourish, take root, and stand between Americans and the vast potential that genetic information can provide for the greater quality of life.

Genetic discrimination is based on the unchangeable. By its nature, the basis on which one discriminates, with respect to genetics, is not readily apparent. In fact, the individual discriminating must search for information on which to act. So there is no question that it is a deliberate and willful effort. For example, if you see the breast cancer gene information on women, in order to deny women health insurance or raise the cost of that coverage, the question of your intent seems indisputably clear. It is not inadvertent but a willful discrimination against women with greater risk of breast cancer—women who should benefit from that knowledge and intervention, they should not be punished for it. Because these data must be available for such discrimination to take place, it is clear why this legislation not only prohibits the act of discrimination but rightly respects circumstances in which one may request a genetics test or possess an individual's genetic information. That is all the more critical today because there is an ever-expanding universe of such genetic data, information which could be utilized to improve health, reduce costs, and to extend lives. But it is absolutely useless if it, instead, discourages individuals from either participating in vital research or realizing the remarkable benefits that research is producing.

Just a few years ago, it was virtually impossible to find genetic information on which to discriminate. You might be asked if you had a family history of a disorder. Today, the medical and scientific landscape has changed dramatically, and our laws must change with it. We have long known about a small number of genes that play a role in some diseases, such as Huntington's disease and the early onset of Alzheimer's. Yet the progress of discovery and study was maddeningly slow and tedious. The Human Genome Project changed all of that.

Today, with new technology, we are witnessing an explosive increase in our understanding of genetics and human health. That growing genetics knowledge offers the historic potential of cures and customized therapies. Even more promising, genetic advances will enable us to actually prevent the development of diseases. But this potential and the billions spent in discovering genetic relationships and the development of treatments and preventive agents will certainly be in vain if Americans don't choose to access these advances. To do so, Americans must agree to undergo genetic testing. There are more than 1,100 genetic tests today. So that only tells you the exponential growth that will be created and occur in the future. Would you undergo that testing if you knew the information about your genetic makeup could be used against you to deny you employment or health coverage?

Mr. President, some say that kind of discrimination is but a future possibility, that we can afford to wait until genetic discrimination becomes manifest. But it already has done so. We have a veritable litany of examples of heartbreaking circumstances where individuals chose not to seek and utilize genetic information for fear of discrimination.

I learned this from the real-life experience of one of my constituents more than 10 years ago. Her name is Bonnie Lee Tucker. Bonnie Lee wrote me about her fear of having the BRAC test for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer and she herself is a survivor. She wrote to me about her fear of having the BRAC test because she worried it would ruin her daughter's ability to obtain insurance in the future.

Bonnie's experience certainly demonstrated how our expanding knowledge of genetics could truly be both beneficial and harmful. I recognize we simply must act to prevent the latter.

Bonnie Lee is not the only one who has had that fear, as we all learned. Most disturbingly, when the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer declined to participate, citing concerns about health insurance discrimination. That is a sad commentary today when we cannot maximize the value of scientific progress, we cannot apply it to those who would benefit most.

We have documented cases where some attempted to mandate genetic testing. Even when this is designed to improve the delivery of health care, it must be recognized that once that information is disclosed and is unprotected, a future employer or insurer may not necessarily apply that information in such a benign way, as we have all learned.

Yet we have recognized that if an individual accepts a genetic test, they may be able to take action as a result—preventing disease or premature death in the process or also reducing the burden of high health care costs.

I recall the testimony before Congress, as Senator KENNEDY, of Dr. Francis Collins, the Director of the National Human Genome Institute. He has been such an extraordinary leader in helping us realize the critical role genomics will play in human health and the arena beyond.

In speaking of the next step for those involved in the genome project, he explained that the project scientists were engaged in a major endeavor ''to uncover the connections between particular genes and particular diseases to apply the knowledge they had just unlocked.''

In order to accomplish this, Dr. Collins said:

> We need a vigorous research enterprise with an involvement of a large number of individuals so we can draw the most precise connections between a particular spelling of a gene and a particular outcome.

It is undeniably evident that this effort cannot be successful if people are fearful of possible repercussions from their participation in genetic testing. The bottom line that given the advances in science, there are two separate issues at hand.

The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply on an individual's genetic information. Some of us saw this danger and the harm it can pose to millions of Americans, and that is why

more than a decade ago, Representative LOUISE SLAUGHTER and I introduced legislation in our respective bodies to ban discrimination in health insurance. At that time, the completion of the human genome seemed to be in the very distant future. But the science has certainly outpaced congressional action. As we know and as mentioned in the Senate on two different occasions, we passed this legislation unanimously on the floor of the Senate. Unfortunately, we could not get it beyond. So here we are today on the verge of doing it once again. This legislation does reflect the bipartisan bicameral efforts we are entering into: a new era of human health, that we have engaged in this process mightily over the last 16 months to forge an even stronger consensus on the fundamental agreements of genome.

Since the time of the introduction of our first bipartisan bill in the Senate, we have worked to reiterate the agreements on which this legislation is based and to build an even stronger foundation for this legislation, for fundamental to this bill is establishing strong protections, both in health coverage and in employment, without unraveling established law.

With regard to health insurance, the issues are clear and familiar. The Senate debated them previously in the context of consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Accountability and Portability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address genetic discrimination must consider the interaction and new protections with HIPAA. In fact, our legislation uses the exact same framework. As this bill makes clear, we do not create an onerous burden in recordkeeping. Specifically, we clarify the protection of genetic information, as well as information on the request or receipt of genetic tests from being used by an insurer against an individual. That is key because we must recognize that genetic information only detects the potential for genetically linked disease or disorder and does not equal a diagnosis of a disease.

At the same time, it is also credible that this data be available to doctors and other health care professionals when necessary to diagnose or treat an illness. This is a distinction that begs our acknowledgment as we discuss protecting patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating privacy health matters, the record regarding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace, and there should be no question that great harm can occur when genetic information is used inappropriately.

As demonstrated by the Burlington Northern case, the threat of employment discrimination was very real and, therefore, it was essential that we take this information out of the realm of employers' reach before the use of this information becomes more widespread. In that instance, employees were tested without their knowledge of what the testing was going to be used for. Ultimately, it turned out it was for carpal tunnel syndrome. But there was no way they were required, mandated by the employer to undergo that testing.

In this aspect, the Congress has to provide the protections to ensure that these discriminatory actions do not become widespread. On this aspect, the Congress has substantial employment case law and legislative history on which to build. Indeed, as we consider the remarkable growth in genomics and the harm which could result with its use, we agree we must extend current law discrimination protections to genetic information.

We reviewed the current employment discrimination code and decided what remedies would be available for instances of genetic discriminations and if they would differ for those available in other instances under current law, such as the Americans with Disabilities Act, which are enforced by the Equal Employment Opportunity Commission.

As a result, the pending legislation creates new protections by paralleling current law and clarifying the recent remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race, or their DNA, individuals will all receive the same protections under the law, as they should.

Some have been concerned that despite clear prohibitions and reasonable remedies and penalties in disputes, there will be incentives to seek greater or lesser penalties justified under statute, and the legislation defines those boundaries. It will be the presence of these prohibitions and penalties which will ensure we do not see a growth in genetic discrimination. Indeed, I believe some who have questioned the necessity of this legislation may continue to do so, pointing to no overwhelming problem before us, that it is essentially a solution in search of a problem.

The bottom line is this legislation will prevent and preempt harm. They will recognize in the final analysis, given the open-ended, infinite possibilities that will be created by genetics, that if we provide these protections, individuals will have the incentive to increasingly avail themselves of medical knowledge which will not only improve their health, but actually reduce health care costs.

The fact is, for employers who have had concerns about this legislation, they should also recognize how it will significantly reduce health care costs. Isn't it essential to utilize our investments in advancing medical knowledge to prevent disease, disability, or even death? To the contrary. The fact is we need the incentives to ensure individuals will use genetic testing. So to that end, IBM pledged a few years ago not to use genetic information in hiring practices and deciding eligibility for health insurance coverage. This, again, demonstrated admirable understanding of how such discrimination can harm both the individual and business, and IBM has found that policy works.

It has been more than 6 years since the completion of the working draft of the human genome. Like a book which is never opened, the potential of our expanding genetic knowledge will not be realized unless individuals can take advantage of it without adverse consequences.

The pending legislation is a shining example of what we can accomplish when we set aside our partisan differences. In fact, we achieved remarkable success in this endeavor. I stated this earlier. The House of Representatives passed it by 420 to 3. That is an extraordinary tally reflecting, I think, the broad-based support this legislation enjoys.

Today 46 Members of the Senate—Republicans, Democrats, and Independents—are sponsors of this legislation and a broad coalition of the Genetic Alliance that includes more than 600 member organizations.

We are at a historic crossroads on a paramount issue that can make the difference between life and death for countless Americans. People deserve to have protections from genetic discrimination, and this legislation deserves swift enactment in the Senate.

As science and medicine hurl headlong into the 21st century, we have a responsibility to ensure our laws keep pace to ensure the benefits of this extraordinary era of advancements that can be realized by everyone without penalty.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Connecticut.

Mr. DODD. Mr. President, I rise to address this issue as well. Before she leaves the floor, I commend the Senator from Maine who has been long involved, going back more than 10 years on this issue. I had the privilege joining with her 10 years ago as a cosponsor of legislation in 1997. This is a colleague who has been deeply involved in this issue for a long time. I recognize her early contribution to this debate. I thank her for her comments.

I rise today to express my strong support for the Genetic Information Nondiscrimination Act—better known as GINA—to urge its speedy passage by this body. When I first joined Senator SNOWE in the fight for passage of this legislation, our Nation was at the dawn of a burgeoning genetic age, a time when we could only dream of the technologies that would exist 10 years later. Those genetic technologies are here now and here to stay.

Genetic testing and genomic services are being advertised directly to consumers even as we speak.

These ads are hard to read, but I am going to try to hold them up for people to see. Maybe others have put up similar ads. Here are some of the advertisements that appear in local newspapers that advertise services. One is for $99. I don't know what the cost is on this one. It is a BRAC analysis dealing with breast cancer. These are a few ads to show what is happening across the country.

This is good news, but also dangerous in some ways because people are making decisions about their conditions and their futures sometimes based on very shoddy information. It is troubling to me people are being drawn into this situation without understanding the full implications.

Genetic testing and genomic services are being advertised, as I said, to consumers. So the need for this legislation has never been greater. This is a very important moment for us to act.

I also wish to take a moment to commend the leadership of Senator SNOWE who, as I said earlier, was involved in this issue early on. Also, Senator PETE DOMENICI. He and I were involved with a bill in 1997 as well, about the time I joined Senator SNOWE on her legislation. Senator DOMENICI was very interested in this subject. And, obviously, I commend the work of Senator KENNEDY and Senator ENZI. Their leadership and skillful negotiations have allowed for passage of this legislation. I commend Senator HARRY REID, the majority leader, as well for his support and commitment to the passage of this legislation. While he is no longer a Member of this body, I commend Senator Tom Daschle, who was very interested in this subject matter and offered legislation as a Senator, also as leader. While we recognized his contributions a day or so ago with the hanging of his portrait as a former leader of this body, he was deeply involved in this issue, and I would be remiss if I did not recognize his contribution as well, as a former Member of this body whose work enabled the Senate to achieve passage of this legislation in previous Congresses.

Many of us on both sides of the aisle saw the need years ago for legally enforceable rules to maximize the potential benefits of genetic information and to minimize its potential dangers. But despite passage of the legislation in the Senate twice and the House once, it is still not the law of the land. Up until today, passage of this legislation has been blocked by one Senator. While I am heartened that efforts to obstruct passage of a bill so widely supported in the House and the Senate have been overcome, I am disappointed that the valuable protections provided by this legislation were denied to the American people until now.

In the decade that has passed while this legislation has been pending, the sequencing of the human genome was completed, yielding a dizzying number of discoveries about genes associated with diseases and accelerating genetic research. Scientists are finding that nearly all diseases, including common diseases, such as diabetes and heart disease, have a genetic component. Determining the underlying genetic components of disease is fueling the development of new treatments and cures.

As an aside, years ago, at Yale Medical School, I attended a briefing by the professionals there. They were doing studies on young girls, determining in twins the ability to detect very early on a genetic predisposition to breast cancer. A remarkable breakthrough was occurring with the wonderful news that we could possibly moderate lifestyles and improve them accordingly to avoid the onslaught of that dreaded disease. Obviously, there were concerns as well about such information becoming available without adequate protections with respect to insurance and employment opportunities as well as the conclusions people might make as a result of that information. But, nonetheless, I was very impressed with the work being done years ago in this whole area of identifying the genetic components of diseases.

Additionally, genetic tests for hundreds of disorders are already available, with many more in the pipeline. Some of these tests predict the likelihood of developing a disease or condition, providing unique opportunities for interventions that may delay the onset or wholly prevent that disease from occurring. In the not-so-distant future, routine use of genetic information is going to give doctors an unprecedented ability to tailor treatments to the individual patient.

However, the potential benefits of such advances in medicine will not be realized if people refuse genetic testing or do not participate in genetic research because they fear discrimination by an employer or by an insurance company. Indeed, surveys have repeatedly shown that Americans do fear the possibility of genetic discrimination. They are afraid of losing their jobs or health insurance coverage because their employer or insurance company learns of a genetic risk for a disease, a disease they do not currently have or may never get at all. The fact you have a predisposition does not in any way guarantee it is going to happen. It is merely a predisposition. Yet that information, obviously, could affect the cost of insurance available to you if insurance is available at all or whether you were going to get that job you would like to have. Many people are also afraid of affecting their children's ability to get jobs or obtain insurance.

So without adequate protections against discrimination, people may forgo genetic testing, even in cases where the results have the potential to save their lives or the lives of their family.

Our genetic code is the most personal of all information. We do not yet fully understand what it can reveal about us as individuals and about whom we may or may not become. All Americans have the right to use this information to make better health care decisions and not fear for its misuse.

The potential for misuse, of course, is very real. State laws provide only a mixed bag of safeguards, leaving inadequate or no protection at all against discrimination for many of our fellow citizens. Existing Federal protections against genetic discrimination under the Health Insurance Portability and Accountability Act or the Americans with Disability Act are inadequate to comprehensively protect against misuse of genetic information.

That is why this bill is so important, and why, again, the authors of it, the early sponsors of it, deserve great commendation by all. It would provide significant protections against the misuse of genetic information by health care providers and employers, ensuring that all Americans will not lose or be denied health insurance, jobs or promotions based on their genetic makeup.

Specifically, it prohibits enrollment restriction and premium adjustment on the basis of genetic information or genetic services. It prevents health plans and insurers from requesting or requiring an individual take a genetic test. With respect to employment discrimination, the legislation prohibits discrimination in hiring, compensation and other personnel processes and prohibits the collection of genetic information. The legislation protects each and every one of us because we all potentially have a genetic makeup that makes us more susceptible to some kind of an ailment, and that possibility should not be an obstruction to an insurance policy or a job.

While this legislation represents an enormous step forward and is a vast improvement over current law, many remain concerned about the measure's privacy protections, and we intend to continue monitoring them over time. Specifically, the legislation imposes important limitations on the collection of personal genetic information by insurance companies, but it would still allow them to collect such information without consent once an individual is enrolled in a health plan. While insurance companies are expressly prohibited from using this information for the purposes of underwriting, frankly, I remain concerned, once this information is collected, it may be difficult to control how it is used and who has access to it. As we have seen with numerous high-profile data breaches at the Veterans' Administration and the National Institutes of Health, the greater the number of people who have access to information, the greater the challenge of protecting that information.

As this bill becomes law—and I genuinely hope it will and am confident it will—all of us will be following the implementation and the extent to which it ensures privacy is protected. We will not hesitate to revisit the issue in the future, as I suspect we may have to.

I am the author of the Newborn Screening Saves Lives Act, along with

my colleague Senator HATCH of Utah, which the Senate passed unanimously last December and is expected to be signed into law by the President in the coming days. In fact, I am told that might occur today. This legislation would expand and improve the number and quality of screening tests for genetic and metabolic conditions offered to newborns, which I feel so strongly about, throughout our country. These tests are critical because if a newborn tests positive for one of these rare conditions, treatment must begin immediately to prevent a lifetime of disability or even death. Because many of these conditions are genetic, the protections guaranteed under this bill are critical to preventing discrimination against these infants and their families by insurers or employers.

The newborn screening legislation authored by Senator HATCH and myself, possibly signed into law today, will be enhanced tremendously by the adoption of this legislation because several of those tests, as I said, are genetic. So it is my strong hope GINA will be sent to the President for his signature.

Again, my compliments to Senators KENNEDY and ENZI and their staff for the work they have done on this, and, of course, to Senator SNOWE for being a pioneer years ago in this area.

With that, I yield the floor.

Mr. COBURN, Mr, President, I am pleased that we have finally reached an agreement on the Genetic Information Non-discrimination Act, GINA, and that it will soon become law.

April 2003 marked a scientific discovery significant enough to transform both science and society. April 2003 brought the announcement that a vast team of scientists had determined the exact sequence of the human genetic code and placed that information in public databases. This is an achievement the last generation could only dream about.

Scientific understanding of the links between genes and disease will soon give rise to a flood of new answers and cures for those that suffer from disease. We are on the cusp of a new, unprecedented era of personalized medicine.

As a practicing physician, I look forward to the better care and cures that I'll be able to give my patients with new technology developed from the use of genetic information.

While there have been very few documented cases of genetic discrimination, GINA will eliminate the fear of genetic information. All Americans need to know that their predictive genetic information—that they have no ability to change or control—will not be used against them in health care and employment decisions.

These protections will finally be enacted with the passage of GINA today in the Senate, House passage to follow, and then finally a bill that can be signed by President Bush.

Appropriately drafted legislation is an important key to unlocking the tremendous potential to save and improve lives through the exciting field of medical genomics. GINA has long been a bipartisan vision.

I want to be crystal clear that I have supported the vision of GINA in the past, and I will support it again today.

While I did place a hold on GINA for a while, that hold meant we weren't finished crafting the legislative language on GINA. I reserved my right to debate and perfect it—after taking the time to read and understand the language of GINA and the House action on GINA.

It is like working on an appropriations bill—I support funding the government but that doesn't mean I support throwing $3.1 trillion into it. There is some work that has to be done before we send a bill to the President. As lawmakers, we have the responsibility to make sure we write laws that do exactly what we're telling the American people they do. I feel confident that today's version of GINA does that.

I would note that when we finally started negotiating the substance of my concerns with GINA, we were able to get them resolved in 2 weeks. That was a much faster and more effective way of getting GINA done than what we've seen over the last year—slandering my reputation in the media and trying to slip the unfinished version of GINA into last minute appropriations bills.

I am pleased that Senators KENNEDY and ENZI recognized this and exercised leadership in bringing everyone to the table to get a solution that everyone could support. That's the kind of transparency and debate that the American people deserve.

Today's Senate passage of GINA marks a significant step forward so that the American people may fully benefit from the promise of genomics and personalized medicine. GINA removes the barriers to the full potential of personalized medicine.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague, Senator ENZI, for his work, the chairman for his work, and I particularly recognize Senator SNOWE. I know Dr. Francis Collins, head of our Human Genome Project, and the key thing he has talked about from the outset of it was the need for this type of legislation which Senator SNOWE has championed for a long time. I am delighted to see it passing here. There is strong support for it.

I want to particularly point out a provision in the bill that was added on the House side by Representative BART STUPAK from Michigan, that would prevent the use of genetic information from unborn children and children in the process of being adopted. We can see a situation where somebody would apply for work, a lady who is pregnant, the child has Down syndrome, and that information being used against her in being able to get employment. That is built within the bill and I am delighted that is in there so we do not have that type of discrimination taking place as well.

I have spoken previously about the very real pressure that exists in these types of situations, where people get a Down syndrome designation and then the pressure in the system to abort the child. Senator KENNEDY and I have a bill that I am hopeful we will be able to get passed on nondiscrimination taking place in these situations, getting more information out to the parents and an adoption registry of people who want to adopt Down syndrome children, who want to adopt children who have these difficulties.

At the same time, I think we need to know that today there is a real tragedy on a massive scale going on in the country of genetic discrimination. That is happening today in this country. We know that, today, 90 percent of the women who are pregnant with Down syndrome children, once they get that genetic designation of the child, the child will not be allowed to live—90 percent is the level that is taking place there, of that genetic information and its use. The numbers are similarly high for prenatally diagnosed children with spina bifida, cystic fibrosis, and dwarfism. It has all been well documented by the American Journal of Medical Genetics and the journal Prenatal Diagnosis. So we have an increase in genetic testing, up to 120 different tests, and then a number of these children in this situation not being allowed to live.

It is a bit personal with one of my staff members. Stacey Cervenka is here with me, who was born blind and is concerned that in the future our children are going to be prenatally diagnosed as being blind, deaf, and not allowed to get here. I do not think that is the kind of country we want to be in.

That is why I am so happy this bill is passing, so we do not have genetic discrimination of people. I think it should extend to the full range of a lifetime of genetic discrimination. That is why I have offered a bill with Senator KENNEDY to partially address this issue, the Prenatally and Postnatally Diagnosed Conditions Awareness Act, to ensure families get the necessary information in these situations and also the connection to the help and support services they need. It also provides for national registry for those willing to adopt children with these conditions.

We all should be concerned when one's genetic information is being used for discrimination. We know we are better than that as a society. The real question is whether every life at every stage and every place has that value and is worth protecting and fighting for. I think it is. I think we as a body believe that. One's genetic composition does not determine one's value. Those with disabilities have the same inherent human dignity and value as everyone else. Genetic discrimination

against anyone is unacceptable, particularly those who are next generation, our children.

I might add, as a close, that as reported this week, the Governor of Alaska, Governor Sarah Palin, gave birth to a child named Trig, who happens to be a Down syndrome child. I wish to share what she said on this occasion:

Trig is beautiful and already adored by us. We knew through early testings he would face special challenges, and we feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

What a great thought for all of us.

I yield the floor.

Mr. CARDIN. Mr. President, today is a groundbreaking day for millions of Americans and for the future of health care. I am pleased to strongly support the Genetic Information Nondiscrimination Act of 2007, a bill that I am proud to be an original cosponsor of.

I also want to recognize the outstanding leadership of Senator SNOWE and Congresswoman LOUISE SLAUGHTER, who have been working on this bill for many years. The House passed its bill last year by an overwhelming margin of 420 to 3. Tomorrow will mark 1 year since that House vote. It is my hope that today, the Senate will pass this bill by a substantial margin as well.

Years ago medical researchers began to discover the vast array of personal health information that could be determined through genetic testing, with the discovery of the human genome. By decoding the human genome, scientists have identified many of the gene sequences associated with disease, leading to new knowledge about the underlying causes of illnesses.

Last November, Duke University researchers announced the discovery of 200 ''silenced genes,'' a unique group of genes that they believe play a profound role in health status. These are genes that may increase the likelihood that a person will develop mental illness, cancer, diabetes, or other major diseases, or they may serve to prevent the development of certain diseases. There are approximately 1,000 different tests available now, and private insurers are beginning to include some clinical genetic tests as part of their health insurance benefits packages.

Genetic testing holds extraordinary promise for individuals and for the doctors who treat them. It allows us to identify the predisposition to develop a certain disease. It allows us to decide which medical specialists to seek out, which preventive screenings to begin earlier than standards may recommend for the general population, which signs and symptoms of illness to be particularly alert to, and which diagnostic or predictive testing to pursue even when symptoms may not be present. It can be extremely helpful in cases, such as Huntington Disease, where gene testing is necessary to make a certain diagnosis. It also allows health care practitioners to make informed decisions about the optimal medical care to provide a patient with an inherited disease. And beyond the patients themselves, genetic testing can help predict the risk of disease to parents, siblings, and children.

Over the years, Americans have come to realize what these developments would mean for them. Unfortunately, at the same time we also began to realize that genetic testing can be used against us in the workplace and by health insurers. For example, the results of the BRCA–1 test for breast cancer can be used to deny employment to a woman or to refuse to issue her comprehensive health insurance coverage. And so it is completely understandable that patients decline tests that could provide them life-saving information because they fear discrimination.

What a waste of resources and medical information if, after all the work done by biomedical research and supported by billions of our dollars, the people who can benefit most from these discoveries do not take advantage of them.

Just this week, a new report revealed the poor health status of Americans. Our health status is worse than it should be, and our health care costs are far higher than they need to be because we are not taking advantage of the technology available to us to fight disease. Passage of GINA will help change that.

The Health Insurance Portability and Accountability Act of 1996 took some important first steps to protect employees and health consumers from discrimination along these lines, but current law does not go far enough. For example, now, employers may require clinical genetic tests as a qualifier for employment. Passage of GINA will change that also.

Most State legislatures have taken action to prevent health insurers from discriminating based on genetic testing. My State of Maryland, for example, prevents individual and group health insurance policies from establishing rules for eligibility based on genetic information. Insurance companies are not permitted to require applicants or enrollees to take genetic tests or provide genetic information, or can they use genetic information for risk selection or for determining health insurance rates. Maryland law also prohibits insurance companies from disclosing information without the informed consent of subscribers. Many other States have passed similar laws.

But because of ERISA pre-emption, millions of other Americans who are not protected by State laws still need our help. ERISA plans—those that are not fully insured but are instead self-insured and regulated by the Federal Government—are not covered by State laws. In Maryland, nearly 40 percent of insured workers have health insurance coverage that is not protected against genetic discrimination.

Nationwide, the numbers are even larger. According to the Employee Benefit Research Institute, nearly 55 percent of all workers are covered by a self-insured health plan, and in larger firms, those with 5,000 or more employees, 89 percent of workers are covered by self-insured arrangements in 2006, up from 62 percent in 1999. So just in the last 8 years, we have seen substantial increases in the number of workers who are subject to genetic discrimination in health insurance, even though the States where they live and work have taken steps to outlaw it. That is another of many reasons why passage of this bill today is necessary.

We know that the medical technology exists to help us defeat deadly and debilitating illnesses. It is time for Federal law to change so that Americans are free to use this technology.

In the 109th Congress, while I was still a Member of the House of Representatives, the Senate passed this legislation unanimously. I urge my colleagues to join me in strong support of this bill today and provide the American people with the protections they need to receive the quality health care they deserve.

Mr. LEVIN. Mr. President, I support the Genetic Information Nondiscrimination Act. Medical science has made amazing progress over the past century and a half, and I hope that we can pass this legislation, which will allow our nation to harness the promise of personalized medicine through an understanding of individual genomes, while ensuring that Americans are protected against the misuse of such powerful knowledge.

The past 140 years have marked an increasingly frequent series of scientific breakthroughs regarding that intricate and vital component of life called deoxyribonucleic acid, or DNA.

In 1869, Friedrich Miescher found the microscopic substance that would come to be called DNA within the nuclei of cells. In 1952, Alfred Hershey and Martha Chase confirmed that DNA plays a role in heredity. The following year, James Watson and Francis Crick used images produced by Rosalind Franklin to propose what many believe to be the first accurate model of the structure of DNA, the now-familiar double helix. In 1977, Fred Sanger boosted the ''phi X'' bacteriophage into the limelight by making it the first organism to have its genome sequenced.

With the advent of genome sequencing came the need for a common location to store all that information. Efforts to develop the Los Alamos Sequence Database, which was established in 1979, led to the establishment in 1982 of the GenBank to store genome sequences, which was jointly funded by the National Institutes of Health, NIH, the National Science Foundation, NSF, and the Departments of Defense and Energy.

In 1990, the Human Genome Project, a bold new international collaboration, was established. While there is more

work to be done, by about February of 2003, approximately 92 percent of the human genome had been sequenced. As scientists discover more about the human genome, we learn more about disease and illness. Understanding the relationship between our genes and disease has already led to improvements in screening, diagnosis, treatment, and even prevention where possible. In 2006, George Church announced the Personal Genome Project, which seeks to record the complete genome of each volunteer. The ability to unlock an individual's genome could, combined with the knowledge developed through genetic research, allow for personalized medicine to a degree that would have been unheard of only years ago.

Though there are many diseases we do not yet fully understand and though much additional research is needed, we have at our grasp the ability to make stunning breakthroughs in medicine by looking inside ourselves, to our own genes. With the incredible advances in modern medicine resulting from our new understanding of, and ability to analyze, our own genes comes great responsibility.

Genetic information about an individual could be used for great good: it could hold the keys to identifying the best way to treat each person for their illnesses. However, we must be careful to guard against the use of this information to discriminate against those of differing genetic compositions. It would be absolutely unacceptable, for example, for an employer to use genetic information in making hiring decisions or determining pay. Likewise, it would be unconscionable to allow insurance companies, whose business combines both health and risk assessment, to utilize genetic information for the purpose of denying coverage for, or charging higher rates to, an individual merely because of that person's unalterable building blocks of life, their DNA.

Probabilities and statistical measures derived from analysis of the human genome may be able to help us to be proactive and preventive in caring for patients. However, we must not allow discrimination on the basis of that information. There is always the chance that an individual will never develop a particular disease and, therefore, never incur the cost of treating the disease that never developed. It would be unjust to force an additional burden upon an individual as a result of the potential, as opposed to the fact, of developing a particular disease.

Unfortunately, the risk of discrimination is real. Our history has shown us that some employers have discriminated on the basis of a range of impermissible categories. As a result, Congress has passed laws such as the Civil Rights Act, CRA, the Americans with Disabilities Act, ADA, and the Age Discrimination in Employment Act, ADEA. These laws have made significant steps in reducing discrimination in employment, but problems remain and Congress continues to work to pass additional antidiscrimination legislation to expand those protections.

Likewise, the economics of the health insurance industry, in its current form, demand that Congress act to pass legislation to protect individuals from being discriminated against, perhaps because their DNA indicates a possible disease or disorder that the insurance provider would rather not cover. Or perhaps merely because people with certain genetic markers might require more attention and care—and therefore represent a higher cost to the insurer—than others. I believe we have a moral obligation as a Nation to ensure that all Americans have access to quality, affordable health care. Part of that obligation includes ensuring that no American is denied health care because of their DNA.

We do not determine our own DNA. We are born with it. We cannot allow discrimination on the basis of such a fundamental aspect of life and one in which we had no choice. Beyond the genes that set the backdrop for our physical existence, we are, each of us, unique beings with the freedom to choose our paths in life. We must not allow the use of genetic information to constrain our freedoms.

The Genetic Information Nondiscrimination Act provides essential protections to preserve our individual freedom and protect our rights. I support this bill and I hope that it will receive speedy passage in the House of Representatives and that the President will act quickly to sign this critical legislation.

Mr. REID. Mr. President, passage of the Genetic Information Nondiscrimination Act, GINA, is the culmination of many years of work. This effort began over a dozen years ago and would not be possible without the work of many Members on both sides of the aisle.

Senator Daschle worked tirelessly on this legislation during his time as Democratic leader. Senator Jeffords was also a dedicated champion of this bill. Passage of this legislation today would not be possible without the perseverance of the bill's sponsors, Health, Education, Labor and Pensions, HELP, Committee Chairman KENNEDY, HELP Committee Ranking Member ENZI, and Senator SNOWE. Senators DODD and HARKIN have also been central to this effort. Congresswomen SLAUGHTER and BIGGERT along with Congressmen MILLER, DINGELL, and RANGEL have been leaders on this issue in the House. Thanks to their collective commitment to GINA, this crucial piece of legislation is finally on the verge of becoming law.

I also want to acknowledge the Coalition for Genetic Fairness and the many other organizations representing patient groups, medical professionals, scientists, researchers, families, and employees who advocated tirelessly on behalf of the protections offered by this legislation. They never let us forget about the urgent need to enact GINA and the dire consequences of neglecting this issue.

There are too many individuals and groups to mention by name, but I do want to single out one individual in particular. Dr. Francis Collins, Director of the National Human Genome Research Institute, has been an important voice in this debate. Dr. Collins' groundbreaking work in advancing the science of genomics has led us to powerful new insights into the links between genes and common diseases such as diabetes, cancer, multiple sclerosis, and Crohn's disease. He has dedicated himself to securing Federal protection against genetic discrimination so that the American people do not have to fear discrimination because they have had genetic tests or participated in genetic research.

Every one of us stands to benefit from this landmark legislation. Genetic research is advancing at a remarkable pace. The sequencing of the human genetic code has already allowed doctors to develop better ways to diagnose, prevent, or treat some of the most dreaded diseases known to man. In 2007 alone, researchers discovered more than 70 gene variants associated with common diseases such as diabetes, cardiovascular disease, and cancer. Each of these discoveries suggests new options for both the treatment and prevention of these diseases. However, these exciting advances are being threatened by fears of genetic discrimination.

This concern has been communicated to me in hundreds of meetings, letters, and phone calls from constituents.

For example, a woman from Las Vegas who is affected by pulmonary hypertension, a continuous high blood pressure in the arteries that supply the lungs, wrote the following:

> Life expectancy for PH patients who do not receive treatment averages 2.5 years, but with early, appropriate treatment, some patients are now able to manage their PH for twenty years or more. . . . GINA will allow patients with a family history of PH to pursue genetic testing and receive life-saving treatment without fear of related discrimination.

And a man from Las Vegas, who suffers from Polycystic Kidney Disease, PKD, a life-threatening genetic disease affecting the kidneys, wrote:

> Fear of genetic discrimination keeps many PKD families from testing for the presence of the disease or seeking treatments that could prolong their kidney function. In addition, fear of genetic discrimination has adversely affected many clinical drug trials now underway in the PKD research field. These clinical trials desperately need volunteers to participate, but many with PKD are fearful their participation in such trials will be used against them by their insurers and/or employers.

For genetic research to fulfill its true potential, patients need strong protections against genetic discrimination. GINA will establish strong protections against discrimination based on genetic information in health insurance

and employment. As a result, patients can receive the best possible medical treatments without having to fear that genetic information will be used against them by their insurers or by their employers. The bill will also allow researchers to pursue the promise of genetic research by ensuring the confidentiality of genetic information by participants in clinical trials. GINA will enable all Americans to take full advantage of potentially life-saving genetic testing, and will pave the way for full realization of the promise of personalized medicine.

The House will soon take up and pass this legislation, and I urge President Bush to sign this bill into law.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair let me know when I have 30 seconds left? I yield myself the remaining time.

Mr. President, I thank Senator BROWNBACK for reminding us about our bill dealing with Down's syndrome. It is a very worthwhile effort and one that is enormously compelling. I give him the assurance we want to work very closely with him. We are trying to get a counterpart in the House of Representatives and trying to get this done during this session. We thank him for his strong leadership in that area. He has been working on it for a long time.

Mr. President, we are in a new era of the life sciences, and the truth of that statement can be seen in fields from medical imaging, to new biologic drugs and even to the use of DNA technology to improve our environment and reduce greenhouse gasses. But in no area of research is the promise greater than in the field of personalized medicine.

With personalized medicine, patients will no longer have to receive treatments that work for the average person—but may not work for them. Instead, they will receive therapies precisely tailored to their own genetic makeup, with reduced side effects and far greater potency.

The cost of developing new drugs is likely to be significantly reduced. No longer will a potentially promising drug be consigned to a dusty warehouse because it fails to work well on average, if it has the potential to treat patients with a particular genetic condition.

A main barrier in the way of such extraordinary advances is the reluctance of patients to seek the benefits of this new science and the fear volunteering for this research.

Three stories recounted to the advisory committee on genetic issues at the Department of Health and Human Services make the point.

Tonia Phillips has the BRCA–1 mutation. He told the committee that based on her genetic risk for ovarian and breast cancer, she elected to have a hysterectomy and a prophylactic double mastectomy. Ms. Phillips works for a small company of just four people. After her surgery, the health insurance premium for the company increased by $13,000 year. Her employers asked her to switch to her husband's health insurance policy, and even offered to increase her salary if she would switch policies. She refused. The company then adopted a policy requiring employees to pay half their insurance costs. If GINA is passed, changing the terms of employment based on genetic information would be illegal.

Paula Funk, a 33-year-old mother from Arkansas, told the committee that of her 24 female relatives, 13 have developed breast cancer. She decided to pay out-of-pocket and be tested for BRCA–1 anonymously. She tested positive, had a prophylactic double mastectomy, and plans to have her ovaries removed in the near future. Paula and her husband opened their own computer business but were prepared to abandon their plans unless they could get a group health plan for their two-person company, because they knew she wouldn't qualify for individual insurance based on her BRCA–1 status. Her concern now is for protection against discrimination for her two young daughters, Audrey and Anna, who will someday have to make the difficult decision about being tested. If GINA is passed, Audrey and Anna would not have to fear losing their health insurance based on a BRCA–1 test result.

Judith Berman Carlyle, a 48-year-old woman with a family history of ovarian cancer, was afraid that she wouldn't be able to obtain health insurance if she tested positive for the variant of the BRCA–1 gene that is related to breast and ovarian cancer. Instead of being tested, she decided to have prophylactic surgery to remove her ovaries, believing that the surgery would be less likely to cause her to be dropped by her insurer. Later, having obtained health insurance, Judith decided to be tested for BRCA–1 before having a prophylactic double mastectomy. Her test was negative. If she had known this information, she might not have chosen to have her ovaries removed and might have opted for increased screening measures.

Earlier this year, the Pulitzer Prize was awarded for an extraordinary series of articles on the promise and challenge of this new science. One article dealt with the fears of discrimination faced by those who undergo genetic tests, and the measures they take to protect themselves. Those articles included new revelations about the harm caused by the fear of discrimination.

Victoria Grove, of Woodbury, MN, told how she concealed crucial information about her genetic tests from her doctor, for fear it would be used to deny coverage. As a result, she did not receive proper treatment for her lung condition.

Kathy Anderson's parents refused to let her be tested for a genetic condition that affects blood clotting, for fear of discrimination. When Kathy was prescribed a common birth control pill, she developed massive clots—a life threatening illness that could have been avoided if she had had the genetic tests.

For Judith Carlisle, the consequences of not taking a genetic test were tragic. She has a strong family history of breast cancer, but was afraid that a genetic test to detect a particular gene mutation would provide proof to insurance companies and employers that she was a health risk. So she refused to take the test.

Still, she worried about the risks of cancer, so she had a hysterectomy to prevent that risk. Only later, when she took the gene test, did she discover that her fears had been misplaced. The test showed that she had no elevated risk of cancer.

We've also heard other stories in the years of debate on this bill.

Phil Hardt is a grandfather in Arizona with hemophilia B, a bleeding disorder, and Huntington's disease. His human resources manager told him to withhold that information from his employer, or he would never be promoted or trained. In addition, his grandchildren would be denied health insurance because the genes they might have inherited.

Rebecca Fisher is a mother and early onset breast cancer survivor with a family history of the disease. She recounted how her employer, a small, self-insured community hospital, was more concerned that the cost of her bone marrow transplantation and other health care had exceeded the cap for that year, than with her health or productivity as a worker.

Thousands of other patients who refuse to receive the benefits of this new technology have similar stories. The time for delay is over—and I urge my colleagues to pass this needed legislation.

I again acknowledge the great work and effort of my colleague and friend, Senator ENZI, the work he and his strong staff have provided. We know we would not be here without his strong commitment to this legislation.

This legislation was stuck for a time in the legislative cauldron of good works, but it was never lost. Through his efforts we had the good opportunity to work out some of the final differences and we have the opportunity to get it passed today. I am very grateful to him.

Senator SNOWE has been a long-time leader in this. Her leadership has been referred to and all of us who have been interested in this thank her for her long-time dedication and commitment to it.

I want to mention some of the other people and say a final word. Dr. Collins, who has been the leader of the Human Genome Project, has been such a strong voice in passing this legislation; Sharon Terry, the Director of the Genetic Alliance; Kathy Hudson, who works at NIH and gave us excellent technical assistance; Representative

LOUISE SLAUGHTER, who has a longtime commitment to this program—I thank her and Michelle Adams, who has worked with her; Representative JUDY BIGGERT and her staffer Brian Peterson; Shana Christrup, Keith Flanagan, and Ilyse Schuman—all have worked with Senator ENZI, and I thank them personally for their strong help working with me and with our staff; Kim Monk and David Thompson with Senator GREGG, who was a strong supporter of this bill when he chaired the HELP Committee—I thank him; Pete Goodloe from Congressman DINGELL, Michelle Varnhagan from Congressman MILLER; Cybele Bjorklund, who worked with CHARLIE RANGEL and previously worked with us on our staff when we were fortunate to have her efforts here in the Senate; Kate Leone and Jennifer Duck had worked for Senator Daschle—they are not now here, but we acknowledge their work at an important time in this bill's history; Stephanie Carlton for Senator COBURN staff, her efforts are appreciated as well.

On my staff I thank Portia Wu, Lauren McFerran, Holly Fechner, Michael Myers, Laura Kwinn, and especially David Bowen. All have been invaluable.

This bill opens a new frontier in medicine, in which can read the genetic makeup of patients to stop diseases before they ever happen. This legislation opens the door to modern medical progress for millions and millions of Americans. It means that people whose genetic profiles put them at risk of cancer and other serious conditions can get tested and seek treatment without fear of losing their privacy, their jobs, or their health insurance.

It is the first civil rights bill of the new century of the life sciences. This is the era of life science, with extraordinary possibility over these next years.

With the passage of this legislation we take a quantum leap forward in preserving the values of new genetic technology and protecting the basic rights of every American. We will ensure that our laws reflect the advances we are making each and every day in medical science. The promise of new science will be in jeopardy if our laws fail to maintain adequate protections against abuse and misuse of private genetic information.

It was a hard-fought battle to get here. This bill has been the product of a decade of dedicated efforts by Members of both sides of the aisle. I am honored to work with many of my colleagues, particularly Senator ENZI, Senator SNOWE, and Congresswoman SLAUGHTER on this bill. I hope it will get overwhelming support.

AMENDMENT NO. 4573

(Purpose: In the nature of a substitute)

Mr. President, I call up the Snowe-Kennedy-Enzi substitute, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for Ms. SNOWE, for herself, Mr. KENNEDY, and Mr. ENZI, proposes an amendment numbered 4573.

(The amendment is printed in the RECORD of Wednesday, April 23, 2008, under ''Text of Amendments.'')

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

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

The yeas and nays were ordered.

Mr. KENNEDY. I yield any time that remains.

Mr. ENZI. I also yield back any time.

The PRESIDING OFFICER. All time is yielded back.

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

The amendment (No. 4573) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—95

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

NOT VOTING—5

Clinton	Gregg	Obama
DeMint	McCain	

The bill, H.R. 493, as amended, was passed.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President I wish today to applaud the passage of the Genetic Information Nondiscrimination Act. I am proud to be an original cosponsor of this legislation that prohibits health insurance companies and employers from discriminating against individuals based on their genetic information. I would also like to take this opportunity to commend Hadassah for their relentless advocacy over the past 11 years on this important civil rights issue. Hadassah is a founding member of the Coalition on Genetic Fairness and has been a leader fighting to outlaw genetic discrimination.

As a Senator from Maryland, the home of the National Institutes of Health and cutting edge companies like Celera Genomic, genetic testing and its implications for Marylanders and all Americans is especially important to me. This bill provides necessary protections so that people will take advantage of the potential that genetic testing can offer, without losing their job or their health insurance. Montgomery County in Maryland was the first county in the Nation to pass genetic nondiscrimination legislation. It has been a longer road for Congress. The Genetic Information Nondiscrimination Act was the first bill passed out of the Senate Health, Education, Labor, and Pensions, HELP, Committee in this Congress. I sit on the HELP Committee and we have worked on this bill since 1996. We have conducted five hearings on genetic discrimination and this bill has passed out of our committee three times. The Senate unanimously passed this bill in 2003 and 2005. It is time that this bill is signed into law.

Thirty years ago, the idea of mapping the entire human genome seemed liked science fiction. But we now have a map of it. Fifteen years ago, the thought of testing individuals for a genetic predisposition to an illness seemed decades away, but here we are in 2008 with the technology and knowledge to do that. Someone with a genetic predisposition for a disease could begin preventive measures in diet and lifestyle, years before symptoms even appear.

But with this new technology comes responsibility—the responsibility to protect the people that these theologies seek to help. What good is knowing that you have a genetic predisposition for diabetes if you lose your health insurance because of it? How does knowing that you may be more

likely to develop breast cancer help if you can't get a job because of this information? Individuals should also have the information they need to make informed decisions about whether to get a genetic test.

A person must not be denied insurance coverage or employment based on their predictive genetic information. That is why I support this strong, enforceable genetic nondiscrimination legislation that establishes meaningful remedies for individuals and their families—remedies which act as powerful disincentives for insurance providers and employers to discriminate. I am proud the Senate has acted to help ensure that individuals can choose to get genetic tests that could help save or prolong their lives, without fear of discrimination in the workplace or by health insurance providers. We need to make sure the information from genetic testing reaches its true potential: that a woman can be screened for a genetic predisposition to breast cancer or a man can be screened for his risk for a heart attack without fear of their health insurance premiums rising or losing their jobs.

Again, I want to thank Hadassah for all of their hard work on preventing genetic discrimination and I also want to thank Senator SNOWE for her leadership on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each and that the following Senators be recognized in the order listed: myself for 15 minutes, Senator HATCH for 10 minutes, Senator TESTER for 7 minutes, Senator ISAKSON for 15 minutes.

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

The Senator from Michigan.

REPUBLICAN FILIBUSTERS

Ms. STABENOW. Mr. President, I rise to express my deep disappointment and concern about last night's vote on the Lilly Ledbetter Fair Pay Act. Unfortunately, colleagues across the aisle voted to block us from considering what is an important bill that relates to fairness, fair pay, equality, and recognition of the hard work of women all across this country. We weren't even allowed to bring this to the floor of the Senate to begin the debate. It wasn't only about pay discrimination; it was about fundamental fairness for working families, as so many of those working families are headed by women. The vote last night sends the wrong message to families who are struggling to stretch their paychecks to pay for higher gas prices, groceries, health care costs, all of the things they need to survive and care for their families, childcare costs, on and on and on. Voting to block this bill from even coming up for consideration says to these women and their families that this body does not understand and is not on their side when they have been treated unfairly or taken advantage of on the job.

I am proud of the fact that Senator REID, our majority leader, saw fit to bring this bill forward as a priority in the crush of time we have to consider legislation in the Senate. I am proud of Senator KENNEDY for his passion and leadership in bringing this bill out of committee and fighting so vigorously, and all of my women colleagues who came to the floor to stand up for women across America. Unfortunately, we were stopped from even proceeding to the bill. I am hopeful at some point we can come back and colleagues on the other side of the aisle will decide, rather than turning their backs on millions of women across the country, that they will join us in doing what is right to guarantee that if a woman is working hard every day, putting in the same amount of hours, lifting the same boxes and doing the same kind of work, she will know she is protected and feel confident the law is on her side that she will receive equal pay.

Unfortunately, this is not an isolated vote. This has been a pattern. We have spoken many times about what has been happening in the last year and a half. We now have seen 68 Republican filibusters. We had a filibuster that stopped us from proceeding. We have a fancy title for it, called a cloture vote on a motion to proceed. But the reality is, Republican colleagues on the other side of the aisle have filibustered our ability to move forward on equal pay for women in the workplace. This is one of 68 different times in the last year and a half that we have brought forward something critically important to families, from extending unemployment insurance to addressing health care, education, and economic issues, focusing on those things that directly affect families every day.

We know around here the way the rules work. You can filibuster and you can stop something if you don't have 60 votes. Unfortunately, we don't at this time have 60 votes to stop filibusters. There have been so many that we have put this on a board with Velcro so we can change it. We have to change it way too many times, because this number goes up every week. We are now at 68. This is an historic record in the Senate that we would see this many filibusters to block moving forward an agenda for change that the American people are desperately asking for.

We will continue to bring these issues forward that are absolutely critical. We will continue to bring forward areas of investment in the future and creating jobs and tackling health care costs and access and children's health insurance and quality education and tax fairness and all of these other things that are so critical for the American people—fair trade, so that we are exporting products and not jobs.

We are going to continue to bring this forward. But we are going to continue—unfortunately—to see this number go up. It is important the American people understand what is happening.

Now, we also, earlier today, saw something else happen—it did not quite come to the point of blocking in terms of a motion to proceed but efforts of delay, waiting, obstructing, over and over again. Earlier today, we passed a bill to help our Nation's veterans by almost a unanimous vote. We should be proud of having done that on a bipartisan basis. But this bill was reported out of committee last year. It was blocked for 7 months—7 months—by colleagues on the other side of the aisle. Then we had to spend a week trying to get this bill done. There was the procedural motion, again, to force us to vote on whether to even consider the bill, and then that vote was unanimous—unanimous. Yet that vote was forced so the time would run so we would slow-walk a bill we have been waiting to take up for veterans and their families for 7 months.

People expect better from us. I am very hopeful we will come together and begin to see the change the American people want to have happen and be the focus of this body.

Mr. President, I will speak for a moment about the Lilly Ledbetter Fair Pay Act because this issue of equal pay, of fairness in the workplace, is not going to go away. We are going to come back and we are going to come back until we get this Court decision fixed.

Lilly Ledbetter was one of the few female supervisors in a Goodyear tire plant in Gadsen, AL. She got up early in the morning. She sweated throughout long shifts, which often stretched to 18 hours or more when another supervisor was absent, just like her male counterparts. For years she endured insults from her male bosses because she was a woman in a traditionally male job.

Late in her career with the company, Lilly discovered that Goodyear paid her male counterparts 20 percent to 40 percent more than what she earned for doing the very same job for all of those years. She filed a lawsuit, just as she should have, and the jury awarded her full damages.

She was right. This was against the law. This was unfair. We need to value work and value equal work. The court sided with her.

However, the Roberts Supreme Court overruled the jury, stating that Ms. Ledbetter was not entitled to anything because she waited too long to file her claim. The Supreme Court ruled that victims of discrimination have only 180 days of the last discriminatory raise to file a lawsuit for discrimination—even if they did not know about it, even if they knew nothing about it.

So in Lilly Ledbetter's case, it did not matter that her employer discriminated against her for years and that she had been, for years, paid less than her male counterparts. Instead, the

Roberts Supreme Court reversed decades—decades—of precedent and the intent of the law. It also overturned the policy of the EEOC under both Democratic and Republican administrations.

After the Ledbetter case—until we fix this—workers are powerless to hold their employers accountable for unlawful, unjust, unfair, unequal conduct. It creates an incentive for employers to discriminate against workers because now if they can hide the discrimination for just 180 days, then they are home free and the worker can do nothing about it.

The Lilly Ledbetter Fair Pay Act will fix this injustice and put Federal law in the same place it was the day before the Court decision. This has been American law. It has been American law about fairness and equal pay. All we are trying to do is reverse this extreme decision of the Supreme Court and put it back in current law.

The economic impact of unfair pay practices on working families is staggering. Today, women still make 77 cents for every $1 men make. In Michigan, it is even lower: 70 cents for every $1.

The current job climate has been particularly hard on women and people of color all across America. The unemployment rate for women has risen sharply, and their wages are falling faster than men's. For people of color, the unemployment rate is even higher. African Americans' unemployment rate is almost twice the national average. The Lilly Ledbetter Fair Pay Act would help correct this unfairness, this disparity.

Just as important as upholding the rights of women, the Fair Pay Act is needed because the Ledbetter case would affect all kinds of discrimination cases. At the end of the day, it simply puts the law back where it was and creates the opportunity for fairness and equality.

Let me say that when a woman goes to the store in Michigan, she does not pay less for milk. When she goes to the gas station, she does not pay less for gas. She does not pay less for the food or the electric bill. She does not pay less in any area. Yet until we fix this outrageous Supreme Court decision, she can be paid less for the very same job.

Mr. President, let me also say a few words about the bill we passed earlier today for veterans. That bill was almost unanimously passed, despite being held up for 7 months.

For too many of our servicemembers, that last day on Active Duty is just the first day of a difficult transition back to civilian life.

Our veterans deserve every benefit they get, and more. But too often our veterans return home to find out their insurance is inadequate or it is very hard to figure out their educational benefits because they are spread out over numerous different agencies.

Perhaps most important, under current law, our permanently disabled veterans who are recovering from injuries cannot even count on the Federal Government to help them finance necessities such as wheelchairs or wheelchair ramps for their homes.

When the men and women of our Armed Services put on the uniform, they are making a promise to defend America. In return, we promise them that a grateful nation will be there for them when they come home. What they do need—and what we owe them—is a system that works for them, not against them.

That is why the Veterans' Benefits Enhancement Act that was just passed today is so critically important. It addresses many of the problems that plague this difficult transition to stateside life and provides necessary improvements to education and health care and insurance programs.

This bill would expand the number of individuals qualifying for retroactive benefits for traumatic injury protection coverage. This is important for all of our veterans because we are now learning that this kind of injury is happening more often than we thought, and it can have a devastating impact.

Just last week, a new veterans center was opened in Saginaw, MI. This center will not only assist our veterans returning from combat but will also serve our veterans from as far back as World War II—the war my father fought in. These veterans should also be eligible for benefits if they are victims of traumatic brain injury.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. STABENOW. Thank you, Mr. President.

The act would expand eligibility for home improvement and structural alteration assistance. It would also improve survivor benefits for the surviving children of our service men and women and a number of other things.

I am glad we passed this legislation. I am sorry it was held up for 7 months, and then all this week there was obstructionism and delay before we could get to it. But I am glad we got it done.

I am deeply disappointed that earlier this week we saw another filibuster that stopped us from proceeding to an equally important bill, and that is a bill that relates to equal pay and protection under the law, when women are working hard every single day and find themselves in a situation where they are receiving less than male counterparts for the same job. It is wrong. It needs to be fixed for the women of America and their families.

The PRESIDING OFFICER. The Senator's time is expired.

Ms. STABENOW. Thank you, Mr. President. I look forward to the opportunity to bring this to the floor again, and, hopefully, we will be able to get it done.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be granted up to 15 minutes for my remarks today.

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

ALLEGED FILIBUSTERS

Mr. HATCH. Mr. President, I have a great deal of appreciation for the distinguished Senator from Michigan. I know how sincere she is, and I know she feels very deeply about what she has just spoken. But this business of 68 clotures is hitting below the belt.

Time after time, the majority leader has filed bills—many of which have not even gone through committee, have not had 1 day of hearing, some of which have been filed for political purposes just to create tough votes—and then filed cloture immediately.

In the old days—I have been here almost 32 years—nobody did that. Then they call it a filibuster when they are the ones who filed cloture just for the purpose of being able to say there is a filibuster.

Almost invariably the bills that are good go through. Republicans will object sometimes because we want to be able to offer at least germane amendments. In this body, we have, in the past, even been able to offer nongermane amendments. But that is a no-no right now because the majority is concerned some will bring up amendments that might be embarrassing to the majority.

Well, having talked about ''embarrassing to the majority,'' why do you think the Ledbetter case was brought up through this statute? First of all, it did not have 1 day of hearings, as far as I know. It certainly was not put through a committee. It was brought up under rule XIV—which is a right to do—and then the bill itself was classically poorly written.

The fact is, this bill would have done away with the statute of limitations and made it almost impossible for any business to defend itself even in class action lawsuits. But it was brought primarily because the friends in some areas of the plaintiffs' bar wanted it brought so they could bring more suits in our society.

But to basically do away with the statute of limitations so that you could bring suits 10, 15, 25 years later, when all of the documentation is gone, the witnesses are gone, there is no way the company can defend itself, and it is an automatic slam dunk for plaintiffs' lawyers—some plaintiffs' lawyers, because most great plaintiffs' lawyers are not going to play this game—and then call that a good bill, there is something wrong with it.

With regard to the veterans bill—my goodness gracious. Let's think about this. With regard to the veterans bill, we are all for veterans—every last one of us. But, again, cloture was immediately filed. We were not able to bring up amendments. Finally, in the end, what did we do? We spent all day yesterday doing nothing in order to accommodate two Presidential candidates on the Democratic side. Now, I

have no problem with that, with that accommodation, but we could have worked all day yesterday on the veterans bill and scheduled that vote the same time at the end of the day, as we did. But it was basically a wasted day in the Senate, other than hearings that might have gone on. To waste a whole day and then blame us for it, that is not right.

We all know why the Ledbetter bill was brought up. In many respects, it is just to score political points or it would have gone through the committee. Had it gone through the committee, had we done a good statute of limitations change, had we made some other changes that make sense in the law, I think we would have passed a bill that would have made Lilly Ledbetter at least realize that her actions were not in vain. But the way it was done looks to me as if it was done for political purposes and to score political points. We could have worked it out. At least I think we could have worked it out. But there was not even a chance to do that.

Let me just say this: I believe we have too much of this business that every time the majority files a bill and then files a cloture motion, they then call us filibusterers. That is not right, and it is not true. Frankly, we all know it is not true.

(Ms. STABENOW assumed the chair.)

AIR FORCE LEADERSHIP

Mr. HATCH. Madam President, we live in cynical times, and today I want to address that cynicism; namely, a small number of media reports that, some have suggested, call into question the command abilities of the senior leadership of the U.S. Air Force.

In addition, I was dismayed to learn that a Member of the Senate has compounded these misrepresentations by recently authoring a letter that makes inaccurate assertions about matters that have already been dealt with by the proper military authorities and investigated by the inspector general of the Department of Defense.

Let me address the underlying matter directly. It has been my privilege and honor to represent the people of Utah in this august body for now more than 31 years. During that time, I have had the pleasure to meet many of our Nation's military leaders, their families, and, of course, military period. However, I can say without reservation the current generation of Air Force leaders is among the finest I have ever known in all my years in the Senate.

Under the steadfast and capable leadership of Secretary Michael Wynne and GEN Michael Moseley, the leaders of our Air Force are resolute in the defense of this country, tenacious in their support and care for the young men and women who serve under them, and dedicated to modernizing the ancient—or should I say aging—equipment of their force.

These are leaders to be proud of, not criticized the way they have been. They are leaders to have confidence in. They exemplify the Air Force's unofficial motto: ''Nothing Comes Close.'' They are the rightful heirs to the title: ''The Right Stuff.''

This does not mean errors do not occur. In any organization, especially one with more than 350,000 servicemembers, some will make mistakes, a few will veer from the straight and narrow; and, sadly, a tiny minority might even betray the public trust. That said, I believe the true measure of military leadership is not to wipe away every possible temptation and sin of mankind; it is to create a culture where malfeasance, once identified, is dealt with firmly, swiftly, and justly.

For example, the current Air Force leadership met this standard when it was recently tested by the wrongdoing of a civilian official during an initial attempt to replace our Nation's aerial tankers that are, on average, 47 years old. Once Senator MCCAIN brought this malfeasance to the attention of the Air Force, the service responded by holding accountable those responsible. These individuals were prosecuted to the full extent of the law. Yet from that troubled time, the current Air Force leadership rallied and conducted one of the most transparent, open, and fair procurement competitions in recent memory. That is stuff of which real leaders are made.

I was also disappointed to read the characterizations of some press reports regarding the speech given by Secretary of Defense Robert Gates during his trip on Monday to the Air War College. When one reads some of these reports, one could only conclude that Secretary Gates was issuing a rebuke to the Air Force's leadership. This is most perplexing. Although I have not spoken to Secretary Gates about his speech, I have read the official transcript. My impression of his address was that Secretary Gates was not issuing an admonishment—not at all. In fact, I believe the Secretary was seeking to do what all good Secretaries of Defense strive to obtain: a more effective and efficient force through new and creative thinking.

Now, this conclusion is ironically bolstered by later reports from the same news service that published the initial reports I find so puzzling. These later reports quote the Pentagon press secretary as saying one of the major alleged reproaches was not directed at the Air Force as a service, but to ''the military as a whole.''

As I said earlier, we live in cynical times. Unfortunately, it has become customary for many in political circles to hurl unfair and even untrue criticisms at one another. One could argue this is the price of a vibrant democracy. However, this sort of behavior is unbecoming when it wrongly distracts our military leaders, especially during a time of war.

The Air Force leadership, under Secretary Wynne and General Moseley, has done an extraordinary job of protecting our Nation and supporting our other armed services in this war on terror. I, for one, am thankful we have such leaders in positions with such heavy responsibility. So today I rise to thank them. I thank Secretary Wynne. I thank General Moseley. They are thanks I believe they deserve from the entire Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator would withhold.

Mr. HATCH. I withdraw that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

VETERANS' BENEFITS ENHANCEMENT ACT

Mr. TESTER. Madam President, I wish to commend Chairman AKAKA on the legislation that was passed in the Senate earlier today, S. 1315.

This bill makes a number of commonsense improvements to the benefits packages we offer America's veterans. I am pleased to have voted for this bill as it came out of the Veterans' Affairs Committee. I am also pleased to have supported it on the floor today. It is long past due to give our disabled veterans the ability to purchase affordable life insurance. That is what this bill does. It provides up to $50,000 in life insurance for any veteran younger than the age of 65 who has a service-connected disability.

The bill also adds a host of new benefits to help critically injured service men and women get their households refurbished if they become disabled. That can mean putting in wheelchair ramps, remodeling a kitchen or a bathroom, and countless other chores. Again, it is a small measure, but for a soldier who has lost an arm or a leg or a marine who has suffered severe burns, it means the world.

It is long past time to increase burial benefits to help families deal with the growing costs of providing a final resting place for their veteran loved ones. This bill does that by authorizing double the current allowance for the burial of a veteran who dies from a service-connected disability to $4,000. It also triples the $300 benefit for nonservice connected disabilities. With the average funeral cost now around $6,000, this is a small gesture to the loved ones of our veterans, but it matters a great deal.

At a time of record national debt and chronic annual budget deficits, I am particularly pleased this bill is deficit-neutral. It does not increase taxes.

With all the good in the bill, it is little wonder the Veterans' Benefit Enhancement Act is supported by every major veterans service organization. This bill passed out of the VA Committee unanimously last summer, and I am pleased by the bipartisan support it got today. We now need to turn our attention to the veterans health care legislation that I am told will follow this bill. Our Nation's veterans deserve nothing less.

When our children sign up for military service, whether they do it at a local recruiting office or by going to a service academy or anything in-between, we make a deal with them. We ask them to put their lives on the line. We ask them to serve and to sacrifice at an increasingly difficult pace. We ask them to fight wars. We ask them to keep peace and to keep our Nation free and they go. They go and they do a better job than any other military in the world. In return, we promise that when their service is over, we will care for them and compensate them if they have been injured in their service to our country. With our Nation now at war, we have a great moral obligation to do right by the men and women who serve our country in harm's way. This legislation helps keep the promise to our veterans.

One other point I wish to add that relates to what the senator from Michigan and the Senator from Utah talked about. I have only been here for 15 or 16 months, but I will tell my colleagues that one thing I have noticed and one thing that has surprised me over the last year and a quarter is we debate whether to debate all too much. The fact is, whether we agree or disagree on an issue, what is important is we have an opportunity to vote on an issue—to make our stand and vote on an issue.

What happened last week was a prime example, where we had a transportation bill—corrections to a transportation bill—and we spent all week because it was being delayed and delayed. I sat in the chair last Thursday night when the majority leader, the Democratic leader, came down to the floor and said: I have to file cloture on this veterans' bill—the one we passed—because I have approached the minority and they have not gotten back to me and I do not want to take the chance of wasting a day.

We have work to do here. We have done some good work today, and I hope we can have many more days such as today, where we can vote on legislation that impacts the people of this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

HEALTH CARE

Mr. ISAKSON. Madam President, I rise this afternoon to talk for a few minutes about health care in America—the cost of health care in America, the access to health care in America, and to talk prospectively about the first 4 years of the next President of the United States. It is pretty obvious, because of the complexity of health issues and because of a political campaign year, we are not going to get to a resolution this year.

It is obvious our country has a crisis. It is obvious we have to move forward. It is obvious to me that whoever the next President of the United States is, the very first thing they are going to have to tackle is affordable, accessible, and quality health care.

The health care issue is one that has a million angles to it. I am not going to talk about all those angles today. Secondly, I am not going to stand up here and tell my colleagues that I think I have all the answers. However, I do think it is time that all of us who have said: Well, I am not for government-provided health care—that is not good enough. If you are not for it, you have to be for something. You can't have the easy way out. There have been a lot of people who say: I don't want single-payer health care; I don't want the Government to do to health care what they did at the IRS, but I don't have any good ideas.

It is time we came up with some goods ideas. We are going to have to do what is maybe different and philosophically and politically challenging to Republicans and to Democrats. But first what we ought to do is look to successes around the country that have solved some of the cornerstone issues in terms of the costs of health care.

One of those is the cost of medical malpractice and what is commonly called tort reform. The minute a politician mentions tort reform, they get everybody's attention, but in particular, a trial lawyer's. I am not a trial lawyer basher. Some of my best friends are trial lawyers. I always tell people: Everybody hates lawyers, but they love their lawyer. When you need a lawyer, you want a good one. I wish to bring a perspective to the tort issue as it deals with medical malpractice to try and point out there have been solutions found—solutions that do not prohibit an injured person from being compensated for the damages that were caused to them, while at the same time quantifying and capping at a predictable amount for those actuaries the cost of what these runaway awards have been doing to us.

We have tried on the floor of the Senate, on more than one occasion, to address this, in part. We tried with legislation in the 109th Congress to limit or to cap noneconomic damages in OB/GYN cases. The reason we targeted OB/GYN and obstetrics cases was because they consistently have runaway insurance premiums; we consistently have problems in our States where there are not enough doctors to deliver the babies for families in our communities because there are not enough doctors who can afford the medical malpractice insurance as it rises.

Unfortunately, we never passed that in the Senate, although in two different amendments we tried. In my judgment, it would have helped with the situation. Today, I want to talk about a good example from my State of Georgia and about some things I think we can do in the Congress.

In 2005, our State Senate in Georgia passed a Senate Bill 3, by a vote of 39 to 15, and it went to the house and passed by a vote of 136 to 34. Obviously, it was bipartisan. We have had 2 years' experience with that bill. The experience has demonstrated what we had hoped it would: No injured person was aggrieved or denied coverage or recovery, but the cost of health care on medical malpractice became more predictable and rates stabilized.

The points in that bill that passed in Georgia are precisely the points we ought to look at in terms of the Federal court system. Point No. 1, eliminate joint and several liability in a medical malpractice case. For those who may not know what that is, it means if somebody is injured, or alleges they have been injured, and they file suit against the person who injured them, in the normal course of our litigious society, they also sue everybody else who is even remotely related to that particular situation. I was a real estate broker in Georgia. If we sold a new house to a family and the first time it rained after they moved in the basement leaked, they sued the builder, but they sued me, too, so they had a wide sweep to try to recover. I understand that. There are times when joint and several is appropriate, because sometimes more than one party in an injured class situation is involved in the injury and should be held accountable. But to summarily make joint and several apply without any conditions is wrong.

What we put in the Georgia law was that the plaintiff must identify a single defendant in the suit, unless he proved clearly and convincingly that the hospital or the physician and others in the system were also negligent. That is not unreasonable. We want to make sure that if somebody is injured by a doctor, they can recover. But then to hold the hospital, or the hospital authority, or the county health authority liable, when they were not part of the procedure, we don't think that is right. That is one of the reasons you have a tremendous cost of malpractice insurance.

Second, to strengthen expert witnesses, who are critical in any court situation where you are trying to prove damages. But experts ought to be experts. For example, if you have a traumatic brain injury, the expert testifying on behalf of the plaintiff and the expert testifying on behalf of the defense ought to both have neurological training. It is not right for a dentist, who happens to be an MD, to testify in a neurological case. So by putting in requirements in terms of witnesses, you establish a situation where you have clear, responsible testimony, and you cannot use a ''quasi'' person to give you irresponsible testimony.

Third, limit liability for emergency department physicians and personnel. I want to talk about this for a minute. Talking about Georgia again, we have

Grady Memorial Hospital in Atlanta, one of the largest public hospitals in the United States. It was on the verge 6 months ago of closing because almost everybody who goes there is indigent or a nonpaying customer. They may be on Medicare or Medicaid, but in every accident that happens on the freeway system there, they take the injured to that trauma center. It is the largest burn center in the Southeast. Grady Memorial Hospital is losing so much money that it was on the verge of bankruptcy. The community has come together, with volunteer citizens such as Pete Corell and Tom Bell in our city, who deserve tremendous credit. They created a nonprofit organization to take over the organization of the hospital and raise capital, and I believe we are going to save that great trauma center and that great hospital.

Frankly, they operate under terrible circumstances in that trauma center. To have the type of liability in a trauma center that people want to hold you accountable for today with medical malpractice liability, with no Good Samaritan laws for those people isn't right. If somebody is brought in after a tragic wreck and there are not qualified exceptions for a physician to treat that person, you are never going to have the type of immediate response care that you need. You don't have the time to practice defensive medicine in a trauma situation, which, by the way, I will get to defensive medicine next. It is one of the contributing causes to the cost of health care. Defensive medicine is practiced primarily because of the court system.

I had a problem a few years ago. I went to the doctor and they said, well—they gave me this and it didn't work, so they gave me that and it didn't work. So they gave me a full-body CT scan. I had a swallowing problem. I wondered why they did a full-body CT scan. He said he wanted to be sure he had done everything he could. He had to practice defensive medicine, when a scan from the chest up would have been fine. That is one of the reasons you have runaway malpractice awards and the litigious nature of our society. It is a skewed system and you have costs running through the roof.

We need to elevate the burden of proof from the ''preponderance of the evidence'' to ''clear and convincing evidence.'' We did that in Georgia 2 years ago. I don't know about you, but if I am accused of something, I don't want somebody to decide because the preponderance of the evidence said I was wrong; I want it to be clear and convincing. That is the way it ought to be, in terms of medical malpractice as well.

Then the real hot potato—the one everybody goes ballistic on—is talking about capping noneconomic damages. Georgia did something unique. They capped noneconomic damages at $350,000. That is the pain and suffering. Noneconomic means if you were injured, all the costs of that injury, the costs of the treatment and the corrective treatment, and all the economic losses you have, you get all of that. Noneconomic is when they add on another penalty to the guilty person for the pain and suffering. Georgia capped it at $350,000. They gave an overall cap of $1.050 million, allowing the judge to lift the $350,000 if the evidence in the court case proved a higher damage was necessary. That is the point I want to address in the Federal court law.

I have three children. My second son, Kevin, in 1998 was in a terrible automobile accident in rural Georgia. He was on a camping trip with a 16-year-old buddy. They were going down a country road in Greene County, 2 a.m. in the morning—which is another subject I will get to as a father later on—and a deer crossed the road. A deer will stop in the headlights. The deer took off. My son was a passenger, and the driver decided to follow the deer rather than the road, hit a ditch, and my son went through the front windshield. He had four operations. He had to get grafts, bone marrow treatments, and he had internal infections. He has more metal in his right leg than I have in my automobile. The doctors put him back together. Making the case about litigation, I have to tell you that was a case where my son was hurt and there was negligence. I was angry. In Georgia, we have something called no-fault insurance, which means you have $15,000 in coverage, which covered the emergency room, and there is no more coverage. Everybody is on their own. But we had obvious negligence. In that case, fortunately, the young man who was driving, who was negligent—his father, although he had minimum coverage for the accident, had a general liability policy. He said: My son was wrong and your son is going through terrible pain. Let's sit down and go to my insurance company and negotiate, through a professional arbitrator, what is the right general liability award for your son. We did that. We negotiated it and used an index of nationally approved negotiators, in terms of what damage would have been right. We agreed to it and my son still has that reserve in case he has further complications from the damage done. No liability responsibility, but a cost that was appropriate for the injury, rather than gained through a court case and a litigious action.

It is my personal opinion that we should cap noneconomic damages in the Federal court and medical malpractice in the following way: Change the current law. The current law allows a judge to reduce the amount of the award if he doesn't think it was right. The judge can reduce it. I think we ought to cap liability on medical malpractice at a million dollars for the noneconomic damages, but then say the judge can lift that cap if the evidence in court proves gross negligence. That changes the dynamics of litigation. Instead of suing and going for big bucks because you can, you will realize that the burden of proof is to justify the big bucks based on your circumstances and the facts of the case, and you don't intimidate people into negotiating high settlements. Instead, you put the burden on clear and convincing evidence, which, in my case, as I have said, is the only way to go.

Medical malpractice is certainly not the only cause of the higher costs of health care in America. Solving medical malpractice costs doesn't address all of the other factors, but it is a component part. I am willing to sit with others and talk about all those other things we beat our gums about but never do anything about that are components of the cost of health care.

I will talk about what we need to do in terms of Medicare eligibility. When somebody signs up for Medicare when they are 65 years old—you are supposed to go in 90 days before your 65th birthday; I am getting close, so I am looking at these things—I think you ought to be required to execute a durable power of attorney when you become eligible. Eighty percent of the cost of health care to me, to you, and to anybody else happens in the last 60 days of life. More often than not, people are not in a condition to make a decision for themselves. Because of laws, and because we are a compassionate nation, the physician will keep you alive as long as he can. If you had a chance, you might rather say if I am being hydrated and given nutrition but will never become conscious again, I give the doctors the authority to make the appropriate medical decision. The money that would save is in the ''gazillions'' of dollars—if there is such a number. It would help us to manage that cost.

Secondly, we need accountability on the part of the American policyholders, and wellness and disease management. My second son's father-in-law is a Swede. He came to America and now lives here full time. He bought a medical insurance policy independently, because he is retired. About 6 months ago, he called me and we went out to dinner. He ordered a salad, broccoli, and asparagus, and he didn't put any sugar in his tea. I said: What are you doing? What kind of a diet are you on? He said: It is my health insurance, not my diet. My policy will go up to $500 a month if I don't get my cholesterol below 200. His vital signs are a component of health care and, if he wasn't taking care of himself, he would pay a higher premium for the benefits he needed. We need to look at disease management and wellness and accountability.

I came to the floor to talk about what is going to be the biggest issue in the first term of the next President, the biggest crisis. If I am fortunate enough to win reelection in 2010, the Nation's Medicare system is going to be broke before I leave the Senate. This is not an issue we need to talk about in the future. The time is now. It is time for good men and women of both political parties to put all of the issues on

the table and not just talk about what they are not for but start talking about the solutions that can make a difference in the quality, accessibility, affordability, and health care for the people of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WORLD FOOD CRISIS

Mr. DURBIN. Mr. President, the world is facing a global food crisis, and it is growing worse by the day. Each morning, we see a new front-page headline reminding us of the urgency of the situation. It threatens not only the health and survival of millions of poor people around the globe, many of them children, but it also threatens the stability of governments in some parts of the world where hunger and food shortages are most acute. It threatens global security and even our own national security.

The world food crisis is a human catastrophe. Families are suffering. Mothers and fathers are struggling to feed their children. A recent New York Times story described a father in Haiti's capital city, Port-au-Prince, whose children had recently eaten only two spoonfuls of rice apiece one day and nothing the next day. The father said in this interview:

> They look at me and say, ''Papa, I'm hungry,'' and I have to look away. It is humiliating. It makes you angry.

Three-quarters of the people in Haiti live on less than $2 a day, and one in five children is chronically malnourished. People are desperate for nourishment of any kind.

The New York Times story went on to say that one booming business amid all the gloom is the selling of patties made of mud, oil, and sugar, typically eaten by the most destitute.

One Haitian man said:

> It's salty and it has butter, and you don't know you are eating dirt. It makes your stomach quiet down.

Mr. President, I said last week that we were on the brink of a humanitarian crisis, and I am afraid we have crossed that threshold. We are now witnessing that humanitarian crisis. World Bank data shows global food prices have jumped 83 percent in the last 3 years. These are the average commodity prices paid by the nongovernmental organization CARE.

CARE is known around the world. CARE packages, after World War II, became a symbol of American caring and a symbol of international compassion. CARE is paying more and more for the food they buy. In just a brief period of time—from December 2007 to April 2008—the costs have gone up dramatically in sorghum, in wheat, rice, peas, lentils, and vegetable oil. This chart really tells the story of what has happened in just 4 months. Other data shows wheat prices have tripled in the last 3 years. Poor families in Yemen are spending more than a quarter of their income just to buy bread for their children.

The price of rice has tripled in just the last 18 months. There is even rationing of the sale of rice in the United States. You may have seen the papers this morning. Some major warehouse-type operations are limiting the amount of rice Americans can buy. In Bangladesh, a 2-kilogram bag of rice—a little over 4 pounds—which might feed a small family for a couple of days now consumes about half the daily income of a poor family. In the Philippines, hoarding rice is now punishable by life in prison. In rural El Salvador, the World Food Program estimates that rising food prices have cut the caloric intake of the average meal 40 percent from 2 years ago.

The World Food Program is the food aid branch of the United Nations and the world's largest humanitarian agency. It operates in about 80 nations, providing food to about 90 million poor people a year. Two-thirds of them are kids. Because of rising food prices, the World Food Program can afford to buy only 50 percent of the food for schoolchildren that it could purchase a year ago.

This is the worst global food crisis in more than 30 years, since the Arab oil embargo in the early 1970s caused sharp spikes in world food prices. The blue shaded areas on this map show 36 nations on four continents now facing a growing risk of hunger and the social unrest that comes with it. The flames indicate places where riots or protests are already taking place. It may not be easy for those following this to see, but if you can imagine, almost one-fifth of the world's countries are facing a food crisis, and many more are facing protests and demonstrations. In Africa, 21 countries are unable, for a variety of reasons, to meet their own food needs. In Asia, nine countries are facing food shortages; four Latin American nations; and in Europe, food shortages in Moldova and Chechnya. The list of these countries is here, and it is a long list. It shows you how this is stretching across the world, particularly in the poorer sections.

Aid organizations are seeing these effects on the ground. CARE staff with 20 years' experience in the field say they have never seen a situation this bad, and there are no immediate prospects for relief.

Last week, U.N. Secretary General Ban Ki-moon described the world food situation as having reached emergency proportions. He and World Bank President Robert Zoellick have warned that the food crisis ''could mean 7 lost years in the fight against worldwide poverty.''

We spend a lot of time on the Senate floor talking about security, especially in the context of Iraq. But security is not won or lost only on the streets of Baghdad or on the battlefields of Afghanistan. Security is at stake in the bread lines of Egypt, the rice markets in Thailand, and the withering cornfields in Zimbabwe. The global food crisis is also a looming security crisis, one that threatens the stability of many already fragile governments. Pockets of fierce protest could trigger outbreaks of sustained violence, even war.

Referring to the same chart, the flames on this map show what has been experienced over the last 16 months in terms of riots and demonstrations.

Haiti and Egypt, two nations where food prices have doubled in the last 2 years, have already seen violent unrest linked to these soaring food prices. Here are photographs of recent food riots, one in Haiti, another in Egypt.

Just a word. I went to Haiti a few years ago with former Senator Mike DeWine of Ohio—my first visit. I had been prodded into going there because I traveled to Asia and Africa, and someone finally said: Why do you travel so far looking for the worst poverty in the world when it is in your backyard, on the island of Haiti? So I went there, to the island of Hispaniola, which has Haiti and the Dominican Republic, and they were right. I had never seen worse poverty anywhere in the world, and it is in our backyard. And now these people are digging through a dump trying to find something to eat in Haiti.

Here, in Egypt, they have two lines of troops holding back a food riot that occurred there.

Haiti recently ousted its Prime Minister after days of violent protest over soaring food prices. Nine thousand U.N. peacekeepers were ordered recently not to fire on civilians as widespread looting and shooting continued.

In Egypt, the Government has had to dispatch riot police to break up food protests. The military has even been put to work baking bread in an effort to prevent even more anger over soaring food prices.

Senegal is regarded as one of Africa's most stable democracies, but even there, rising anger over food prices is directed at the Government. Recent demonstrations in Senegal turned violent as police in riot gear struck and used tear gas against protestors who were protesting for food.

Parts of India were enduring riots over the high cost of rice as far back as 6 months ago.

Recent history reminds us how closely our security is linked to the security of these farflung places. Sending help in the form of food aid to these countries whose people are starving is clearly the right thing to do, but it is also the smart thing to do. If we stand by and watch these violent uprisings cause governments to fall, this growing crisis will pose a threat to the security of the United States of America.

Surveys by Pew Research show favorable opinions of America suffered steep declines since 2000, and not just among old enemies but among recent allies: in Great Britain, from 83 percent favorable toward the United States down to 56 percent in 2006; in Germany, from 67 percent to 37 percent; in Indonesia, from 75 percent to 30 percent; in Turkey, from 52 percent to 12 percent; and in Jordan, which we consider to be an ally and friend, only 15 percent of the people have a favorable opinion of our Nation. Yet amid these troubling numbers, the study also showed moments of improved attitudes toward America, generated by U.S. aid for tsunami victims in Indonesia and elsewhere.

We need to take heed that some countries in the world that share our values and have common goals in life think little of our country. They are wrong. They don't understand our values. They don't understand who we are. We have a chance to help them understand by coming to the aid of those living in poverty and those facing starvation and depravation around the world.

The causes of today's soaring global food prices and food shortages are many, they are complicated, and they are interrelated. For the sake of world security, more work is needed to understand these causes and develop long-term solutions to feed a hungry world. But we cannot wait for comprehensive solutions to start dealing with today's crises. We need to focus on what we can do at this moment. We need to put an end to this emergency.

The Department of Agriculture announced last week that it will release $200 million in commodities from the Bill Emerson Humanitarian Trust. Bill was a friend of mine. He always had a soft spot in his heart for these programs, and I am glad this one is named after him. Mr. President, $200 million is an important step that will help, but it is not enough.

Last week, I met with Josette Sheeran. She runs the World Food Program. What a tough assignment at this moment in history. She says they are at least $755 million short of what is needed to respond to this global crisis. Beginning next month, for lack of money, the World Food Program may be forced to suspend its school feeding programs in Cambodia. This last chart shows women in a small village in India reaching out desperately for rice sold by Government officials. ''The world's misery index is rising'' as a result of the food crisis, Josette Sheeran of the World Food Program said last week.

Senators BIDEN and KERRY have joined me in asking the White House for $550 million for this global food crisis. I have joined Senator BOB CASEY and others in asking the Appropriations Committee in the Senate to provide this help in the supplemental funding bill which we will be considering very soon.

Other countries are rising to the challenge. Last week, France announced an additional $100 million; the UK pledged $60 million; and Norway, $20 million. Such contributions are important.

Another important step would be for the United States and donor nations to allow a percentage of food aid to be purchased in local food products. It may be that the food is there and if purchased can be given to the people rather than delaying the delivery by shipping things from faraway destinations. I urge my colleagues to support this request.

For those who say $550 million is just too much to spend to avoid global shortages and unrest, I remind them that is just about what we spend in 1 day in the war in Iraq—1 day. We are talking about the amount of money needed to try to avert a global food crisis.

A little over a week ago, the world's economic ministers met here in Washington to discuss the state of the world economy. They declared that food shortages and skyrocketing prices posed potentially greater threats to economic stability than the turmoil in capital markets. They called on wealthier nations to help prevent starvation and disorder.

We have a choice. We can stand back and watch this disaster unfold or we can demonstrate to the world what we stand for. We can show the world that we understand hunger and violent unrest are also forms of tyranny and terrorism and we are committed, the United States, to doing our part to help end them.

This is not charity. International food assistance in the face of the global food crisis is the right thing to do, the smart thing to do, and the American thing to do.

Mr. President, I ask unanimous consent that following my remarks, the April 18, 2008, article from the New York Times as well as the April 22, 2008, article from the Irish Times be printed in the RECORD.

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

[From the New York Times, Apr. 18, 2008]

ACROSS GLOBE, EMPTY BELLIES BRING RISING ANGER

(By Marc Lacey)

PORT-AU-PRINCE, HAITI.—Hunger bashed in the front gate of Haiti's presidential palace. Hunger poured onto the streets, burning tires and taking on soldiers and the police. Hunger sent the country's prime minister packing.

Haiti's hunger, that burn in the belly that so many here feel, has become fiercer than ever in recent days as global food prices spiral out of reach, spiking as much as 45 percent since the end of 2006 and turning Haitian staples like beans, corn and rice into closely guarded treasures.

Saint Louis Meriska's children ate two spoonfuls of rice apiece as their only meal recently and then went without any food the following day. His eyes downcast, his own stomach empty, the unemployed father said forlornly, ''They look at me and say, 'Papa, I'm hungry,' and I have to look away. It's humiliating and it makes you angry.''

That anger is palpable across the globe. The food crisis is not only being felt among the poor but is also eroding the gains of the working and middle classes, sowing volatile levels of discontent and putting new pressures on fragile governments.

In Cairo, the military is being put to work baking bread as rising food prices threaten to become the spark that ignites wider anger at a repressive government. In Burkina Faso and other parts of sub-Saharan Africa, food riots are breaking out as never before. In reasonably prosperous Malaysia, the ruling coalition was nearly ousted by voters who cited food and fuel price increases as their main concerns.

''It's the worst crisis of its kind in more than 30 years,'' said Jeffrey D. Sachs, the economist and special adviser to the United Nations secretary general, Ban Ki-moon. ''It's a big deal and it's obviously threatening a lot of governments. There are a number of governments on the ropes, and I think there's more political fallout to come.''

Indeed, as it roils developing nations, the spike in commodity prices—the biggest since the Nixon administration—has pitted the globe's poorer south against the relatively wealthy north, adding to demands for reform of rich nations' farm and environmental policies. But experts say there are few quick fixes to a crisis tied to so many factors, from strong demand for food from emerging economies like China's to rising oil prices to the diversion of food resources to make biofuels.

There are no scripts on how to handle the crisis, either. In Asia, governments are putting in place measures to limit hoarding of rice after some shoppers panicked at price increases and bought up everything they could.

Even in Thailand, which produces 10 million more tons of rice than it consumes and is the world's largest rice exporter, supermarkets have placed signs limiting the amount of rice shoppers are allowed to purchase.

But there is also plenty of nervousness and confusion about how best to proceed and just how bad the impact may ultimately be, particularly as already strapped governments struggle to keep up their food subsidies.

SCANDALOUS STORM

''This is a perfect storm,'' President Elías Antonio Saca of El Salvador said Wednesday at the World Economic Forum on Latin America in Cancũn, Mexico. ''How long can we withstand the situation? We have to feed our people, and commodities are becoming scarce. This scandalous storm might become a hurricane that could upset not only our economies but also the stability of our countries.''

In Asia, if Prime Minister Abdullah Ahmad Badawi of Malaysia steps down, which is looking increasingly likely amid post-election turmoil within his party, he may be that region's first high-profile political casualty of fuel and food price inflation.

In Indonesia, fearing protests, the government recently revised its 2008 budget, increasing the amount it will spend on food subsidies by about $280 million.

''The biggest concern is food riots,'' said H.S. Dillon, a former adviser to Indonesia's Ministry of Agriculture. Referring to small but widespread protests touched off by a rise in soybean prices in January, he said, ''It has happened in the past and can happen again.''

Last month in Senegal, one of Africa's oldest and most stable democracies, police in riot gear beat and used tear gas against people protesting high food prices and later raided a television station that broadcast images of the event. Many Senegalese have expressed anger at President Abdoulaye

Wade for spending lavishly on roads and five-star hotels for an Islamic summit meeting last month while many people are unable to afford rice or fish.

''Why are these riots happening?'' asked Arif Husain, senior food security analyst at the World Food Program, which has issued urgent appeals for donations. ''The human instinct is to survive, and people are going to do no matter what to survive. And if you're hungry you get angry quicker.''

Leaders who ignore the rage do so at their own risk. President René Préval of Haiti appeared to taunt the populace as the chorus of complaints about la vie chére—the expensive life—grew. He said if Haitians could afford cellphones, which many do carry, they should be able to feed their families. ''If there is a protest against the rising prices,'' he said, ''come get me at the palace and I will demonstrate with you.''

When they came, filled with rage and by the thousands, he huddled inside and his presidential guards, with United Nations peacekeeping troops, rebuffed them. Within days, opposition lawmakers had voted out Mr. Prēval's prime minister, Jacques-Édouard Alexis, forcing him to reconstitute his government. Fragile in even the best of times, Haiti's population and politics are now both simmering.

''Why were we surprised?'' asked Patrick Élie, a Haitian political activist who followed the food riots in Africa earlier in the year and feared they might come to Haiti. ''When something is coming your way all the way from Burkina Faso you should see it coming. What we had was like a can of gasoline that the government left for someone to light a match to it.''

DWINDLING MENUS

The rising prices are altering menus, and not for the better. In India, people are scrimping on milk for their children. Daily bowls of dal are getting thinner, as a bag of lentils is stretched across a few more meals.

Maninder Chand, an auto-rickshaw driver in New Delhi, said his family had given up eating meat altogether for the last several weeks.

Another rickshaw driver, Ravinder Kumar Gupta, said his wife had stopped seasoning their daily lentils, their chief source of protein, with the usual onion and spices because the price of cooking oil was now out of reach. These days, they eat bowls of watery, tasteless dal, seasoned only with salt.

Down Cairo's Hafziyah Street, peddlers selling food from behind wood carts bark out their prices. But few customers can afford their fish or chicken, which bake in the hot sun. Food prices have doubled in two months.

Ahmed Abul Gheit, 25, sat on a cheap, stained wooden chair by his own pile of rotting tomatoes. ''We can't even find food,'' he said, looking over at his friend Sobhy Abdullah, 50. Then raising his hands toward the sky, as if in prayer, he said, ''May God take the guy I have in mind.''

Mr. Abdullah nodded, knowing full well that the ''guy'' was President Hosni Mubarak.

The government's ability to address the crisis is limited, however. It already spends more on subsidies, including gasoline and bread, than on education and health combined.

''If all the people rise, then the government will resolve this,'' said Raisa Fikry, 50, whose husband receives a pension equal to about $83 a month, as she shopped for vegetables. ''But everyone has to rise together. People get scared. But we will all have to rise together.''

It is the kind of talk that has prompted the government to treat its economic woes as a security threat, dispatching riot forces with a strict warning that anyone who takes to the streets will be dealt with harshly.

Niger does not need to be reminded that hungry citizens overthrow governments. The country's first postcolonial president, Hamani Diori, was toppled amid allegations of rampant corruption in 1974 as millions starved during a drought.

More recently, in 2005, it was mass protests in Niamey, the Nigerien capital, that made the government sit up and take notice of that year's food crisis, which was caused by a complex mix of poor rains, locust infestation and market manipulation by traders.

''As a result of that experience the government created a cabinet-level ministry to deal with the high cost of living,'' said Moustapha Kadi, an activist who helped organize marches in 2005. ''So when prices went up this year the government acted quickly to remove tariffs on rice, which everyone eats. That quick action has kept people from taking to the streets.''

THE POOR EAT MUD

In Haiti, where three-quarters of the population earns less than $2 a day and one in five children is chronically malnourished, the one business booming amid all the gloom is the selling of patties made of mud, oil and sugar, typically consumed only by the most destitute.

''It's salty and it has butter and you don't know you're eating dirt,'' said Olwich Louis Jeune, 24, who has taken to eating them more often in recent months. ''It makes your stomach quiet down.''

But the grumbling in Haiti these days is no longer confined to the stomach. It is now spray-painted on walls of the capital and shouted by demonstrators.

In recent days, Mr. Préval has patched together a response, using international aid money and price reductions by importers to cut the price of a sack of rice by about 15 percent. He has also trimmed the salaries of some top officials. But those are considered temporary measures.

Real solutions will take years. Haiti, its agriculture industry in shambles, needs to better feed itself. Outside investment is the key, although that requires stability, not the sort of widespread looting and violence that the Haitian food riots have fostered.

Meanwhile, most of the poorest of the poor suffer silently, too weak for activism or too busy raising the next generation of hungry. In the sprawling slum of Haiti's Cité Soleil, Placide Simone, 29, offered one of her five offspring to a stranger. ''Take one,'' she said, cradling a listless baby and motioning toward four rail-thin toddlers, none of whom had eaten that day. ''You pick. Just feed them.''

[From the Irish Times, Apr. 22, 2008]

CLIMATE CHANGE DEVASTATION GIVES FOOD FOR THOUGHT ON EARTH DAY

(By Fr. Seán McDonagh)

Tuesday, April 22nd, is Earth Day. Unfortunately, there is very little to celebrate this year, as the devastation of the Earth is increasing at an extraordinary rate and, in many countries, the poor are feeling the pain of hunger and starvation.

The major culprit this year is climate change. Droughts in various parts of the world, especially Australia, have cut food supplies and the rush to grow biofuels leaves less land on which to grow food. As a result food prices have jumped dramatically during the year. Maize is up 31 per cent, rice has increased by 74 per cent, soya is up 87 per cent, and wheat is now 130 per cent dearer than it was last year.

In recent years, concerns about global warming and the end of the oil era convinced many people that growing energy crops might be a good idea. In the U.S. the production of ethanol from plant matter increased by a factor of five in the past decade. Policy decisions taken this year will lead to a further five-fold increase. Europe is also boosting biofuel production and attempting to source it from various parts of the world.

The speed at which these changes are taking place can be seen from a glance at investment in biofuels. In 1995 it was a mere $5 billion. A decade later it had jumped to $38 billion, and is expected to top $100 billion (€63 billion) by 2010.

Sorry to say the biofuel boom is a classic example of the paradox of conscious purpose. This means that we often achieve the very opposite result to the one we intended. In both southeast Asia and South America, growing biofuel crops has led to massive destruction of the rainforest. In Brazil, for example, more than 302,514 hectares were destroyed in the second half of 2007. One of the main reasons for this is the pressure to grow more soya.

In Malaysia and Indonesia producing biofuels from palm oil will increase the amount of carbon dioxide released into the atmosphere, because the preferred way of clearing the forest is by burning it. This final destruction of the forest will lead to the extinction of countless species of plant, animal, reptile and bird life.

Global food supplies are also at a very low ebb. The last time the U.S.'s grain silos were so empty was in the early 1970s when President Richard Nixon sold the wheat surplus to the USSR because crop failures there were leading to starvation. The U.S. recently told the World Food Programme to expect a 40 per cent increase in the price of food in 2008.

Less food and dearer food has led to riots around the world. In Morocco, 34 people were arrested in January 2008 for taking part in riots over food prices. The situation in Egypt is worse. In a 12–month period up to March 2008, the price of cereals and bread had increased in Egypt by 48.1 per cent, according to Egypt's Central Agency for Public Mobilisation and Statistics. The price of cooking oil rose by 45.2 per cent. Because of these increases, the Egyptian government has relaxed the rules on who is eligible for food aid. This has led to tensions and, if the situation continues, could destabilise the government.

The same is true in Pakistan. Meanwhile, at least four people were killed and 20 wounded when demonstrations against rising food prices turned into riots in southern Haiti.

My colleagues in the Philippines tell me that both the price of rice and insecure supplies of the cereal could do much more to destabilise the government of President Gloria Macapagal Arroyo than coup plotters or even charges of gross corruption. All in all there is little to celebrate on Earth Day, 2008.

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

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

The legislative clerk proceeded to call the roll.

GLOBAL YOUTH SERVICE DAY

Mrs. DOLE. Madam President, I rise today in support of the 20th Annual Global Youth Service Day. This event, the largest service event in the world, celebrates the contributions of young people to better their community, country and world through voluntarism. The day also celebrates contributions by the community, including the

public, private, and nonprofit sectors, to empower young people.

Like the youth who participate in the Global Youth Service Day, I gravitated towards public service at a young age. After graduating from law school, I worked for the Department of Health, Education and Welfare on the rights and potential contributions of disabled Americans. We all have a contribution to make, and for me, the greatest joy in life has come from public service, which has enabled me to touch countless lives. My mother, Mary Hanford, who passed away just shy of 103 years old, taught me at a very young age the importance of giving back to your community and helping those around you. She taught me that the best thing you can leave behind is not found on a résumé or in a bank account; it is found in your character, making a difference, a positive difference, the lives of others.

During Global Youth Service Day, millions of young people across the globe will participate in thousands of community improvement projects. Although we commemorate this event only once a year, Global Youth Service Day is a celebration of contributions made every day by dedicated young people who desire to change the world one good deed at a time, and by the communities that empower them to do so. True service is not giving 1 day or even 1 week a year; it is truly a way of life.

The projects carried out for Global Youth Service Day focus on issues ranging from increasing literacy to protecting the environment and ending hunger. One can see the diversity of the projects and the dedication of the participants by looking at those carried out in my home state of North Carolina during last year's Global Youth Service Day. One such project, the Pfeiffer University Relay for Life, was held a few miles from my hometown of Salisbury. This 24-hour relay was held to support cancer research and to raise awareness. Another project, in Charlotte, involved a group doing their own part to protect the environment by picking up litter and cleaning a creek in their neighborhood.

Looking back over the years, my belief is it won't be the cars you drove or the titles you held or the awards you were given that will matter. No, it is character, integrity, a caring heart and compassionate concern and love for your fellow man that will count for so much more. So let me assure you, that just one individual, one person like those who participate in this important day, can make a world of difference . . . even, I might say, a different world. Volunteers are a powerful force, and our future depends on people like these youth, who will motivate and challenge others and make that positive difference.

No one is ever too young or too old to be involved in shaping our world. I encourage all youth to be inspired on this day to use their talents to find ways to make a positive difference in the lives of others. I am proud to be an original cosponsor of legislation designating April 25, 2008, as Global Youth Service Day.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OIL PRICES

Mr. SANDERS. Madam President, this country faces many problems. All over this country people are worried about decent-paying jobs, the high cost of college education, and a disintegrating health care system. They are worried about the growing gap between the very rich and everybody else. But on Saturday, I held three town meetings around the State of Vermont: one in Norwich in the morning, one in Radford in the afternoon, and one in a small town in northern Vermont in Danville in the evening.

To nobody's surprise, the issue that is paramount on people's minds today is the outrageously high price of gas and home heating oil. Vermont is a rural State, which means people very often have to travel long distances to work. When they pay $3.50 for a gallon of gas, it essentially means in most cases that any wage increase they might have gotten over the last year goes right into that gas pump. People are hurting. Wages, in fact, are often not going up. So the end result is that people are working longer hours for lower wages.

I have talked to many people who say: We used to go places. We used to travel. We can't afford to do that anymore. Also, obviously, in a State such as Vermont, where the weather gets very cold in the wintertime, the cost of home heating oil is a real burden. There are many people in my State and all over the country who are worried about how they are going to be able to heat their homes next winter.

We have a national crisis. It is a crisis that is not only impacting on gas prices at the pump or home heating oil prices. It impacts food and every other product we purchase because as oil prices go up, prices on so many of the products we buy are going to go up as well. This is a national crisis.

The time is long overdue for the White House and for Congress to begin to move forward in a comprehensive way. I would be less than honest if I told you I have a lot of confidence that the Bush-Cheney administration is going to do what is right. Just a month ago, President Bush, when asked about the high price of gas at the pump, was very surprised to learn, in fact, that it was going up.

Vice President CHENEY, who was the former CEO of Halliburton, deeply involved in the oil industry when they first came into power, met with representatives of the oil industry. They are representing, unfortunately, the oil industry. They are not representing the consumers of this country or working families. So it is incumbent on the Congress now in a comprehensive way to start moving forward.

This is a complicated issue. I don't think anyone believes there is one single cause for the rapid increase in oil prices, nor does anybody believe there is one single solution. But we do know some of the causes and what we have to do to lower the price of oil. If we are going to protect middle-class Americans, working Americans, that is exactly what we have to do.

While oil prices are soaring, what we should acknowledge is that the profits of huge oil companies are also soaring to recordbreaking levels. We know hedge fund managers make billions speculating on oil futures, and we know OPEC continues to function as a price-fixing cartel in violation of the World Trade Organization.

The average price for a gallon of gas recently hit a recordbreaking $3.53 a gallon, which has more than doubled since George W. Bush has been President. The price of diesel fuel is now averaging over $4 a gallon, and the price of oil is hovering at close to $120 a barrel. These prices say it all. We have a national emergency on our hands. The time is now for this Congress, this Senate, to act boldly to protect consumers.

Recordbreaking oil and gas prices at the pump are posing a crisis not only to commuters going to work, especially in rural areas, but family farmers, consumers, small businesses, truckers, airlines, grocery stores, restaurants, hotels, tourists, and every sector of our economy.

High oil prices are one of the reasons we are moving toward a serious recession which will impact not just this country but the entire world.

The national oil emergency we are currently experiencing demands both a short-term and a long-term solution. Long term, we must reduce our dependency on fossil fuel, we must move to energy efficiency, we must move to sustainable energy—and the potential there is enormous. It is enormous. We can save huge amounts of energy when we have a transportation system that enables us to drive hybrid cars, to get cars that get 70, 80 miles per gallon, where we have a mass transportation system. There is enormous potential in terms of solar thermal plants, which produce huge amounts of electricity. There is enormous potential in terms of wind, other forms of solar. We have to focus and invest in those technologies.

But over the short term, today, we have to understand that while we move forward in transforming our energy system, we must respond to the pain

and the distress and the fear Americans are feeling today as gas prices soar.

While this is a complicated issue, there are a number of ways I believe Congress can act to lower the price of oil. Let me mention a few ideas I believe we should be pursuing.

First, we need to impose a windfall profits tax on the oil and gas industry. The American people do not understand—I do not understand—why they are paying recordbreaking prices at the gas pump, while ExxonMobil has made more profits than any other company in the history of the world for the past 2 consecutive years. The price at the pump: $3.50 a gallon; ExxonMobil making more profits than any company in the history of the world.

Last year alone, ExxonMobil made $40 billion in profits, and rewarded its CEO, Rex Tillerson, with $21 million in total compensation. Now, you may think that is a lot of money. But a few years ago, they rewarded their former CEO, Lee Raymond, with a $400 million compensation package when he retired.

Outrageously high prices for oil and gas and CEOs at ExxonMobil with huge compensation packages. But ExxonMobil is clearly not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over $595 billion in profits since George W. Bush has been President.

Let me be very clear. I believe oil companies should be allowed to make a reasonable profit, but they should not be allowed to rip off the American people. Enacting a true windfall profits tax would not raise a dime in revenue but would lead to significantly lower gas prices at the pump—something we need to do today. The reason for that is quite simple. There would no longer be an incentive for the big oil companies to gouge consumers at the pump because they would not be able to keep any of their windfall profits.

Imposing a windfall profits tax will not be easy. Since 1998, the oil and gas industry has spent—this is quite amazing—over $600 million on lobbying. Since 1998, a 10-year period, they have spent over $600 million on lobbying. They own the law firms. They are former Republican leaders, former Democratic leaders, besieging Congress to do everything we can to protect the big oil companies rather than people who are getting ripped off at the gas pump.

Since 1990, these very same oil and gas companies have made over $213 million in campaign contributions. So the folks back home may get an understanding of why we are not as a body aggressively standing up to these people, that has to do with huge amounts of money in lobbying, huge amounts of money in campaign contributions.

But the time is now for the Congress to have the courage and for the President of the United States to say no to the oil and gas lobbyists and their outrageous campaign contributions and yes to consumers who simply cannot afford to pay these outrageously high prices for gas and oil.

While it is true oil companies and their executives are making out like bandits, it is also true that is not the only cause of the problem. What we are seeing today is that wealthy speculators and hedge fund managers have also been making obscene profits—billions and billions of dollars, in some cases going to individuals—by driving up the price of oil in unregulated energy markets with no Government oversight.

That is why Congress must act to rein in these greedy speculators who often have nothing to do with oil at all. They do not care what they are speculating on. They are just making money by driving up profits, and we must act by closing what has been referred to as the ''Enron loophole,'' the loophole that enabled Enron to do disastrous things in California some years ago and on the West Coast.

This loophole was created in 2000 as part of the Commodity Futures Modernization Act. At the behest of Enron lobbyists, a provision in this bill was inserted in the dark of night and with no congressional oversight, no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight, the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation.

Since the Enron loophole has been in effect, crude oil prices have jumped from $33.39 a barrel, in 2000, after adjusting for inflation, to over $117 a barrel today.

Last January, a veteran oil analyst at Oppenheimer has estimated there is as much as a $57 a barrel ''speculative premium'' on the price of oil. Others have estimated that speculators are driving up the price of oil by about 20 to 30 percent.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation.

I would like to thank Senators LEVIN and FEINSTEIN for introducing legislation to close this loophole. It should be passed and signed into law as soon as possible.

In addition, the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve and immediately release oil from this Federal stockpile to reduce gas prices.

At a time of record-high prices, it simply makes no sense to continue to take oil off the market and put it into the SPR. But do not take my word for it. Even the staff at the Strategic Petroleum Reserve recommended against buying more oil for SPR in the spring of 2002. Let me quote from what they had to say about this 6 years ago:

> Commercial inventories are low, retail prices are high and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

If that advice was relevant in the spring of 2002, it is even more relevant today. Yet that is exactly the policy the administration is following. Even though there are over 700 million barrels of oil in the Reserve, the administration has plans of putting an additional 13 million barrels of oil into our Nation's stockpile.

There is another issue out there that we must address, and that is beginning to understand that OPEC is a cartel whose function in life is to control oil production and artificially drive up the price. It is my view that OPEC is operating in violation of World Trade Organization rules.

The President of the United States should begin action to break up OPEC. Yesterday, I signed a letter, as I believe the Presiding Officer did, demanding that Saudi Arabia—one of the key OPEC nations; the largest oil-producing country in the world—increase their production.

Amazingly, Saudi Arabia is producing less oil today than they were several years ago. There are experts who believe they can be producing 1.8 million barrels a day more, which would have a significant impact on driving oil prices down. We have to remind Saudi Arabia that in 1991, when Saddam Hussein's army was going to overrun that country and take their oil, soldiers from the United States of America put their lives on the line—died—defending Kuwait, defending Saudi Arabia. That was their time of need. Today it is our time of need. It is the world economy's time of need.

Saudi Arabia wants to buy sophisticated aircraft from the United States of America. Well, I say to them, as many of my colleagues say: Friendship is a two-way street. Increase your production. Drive down the prices of oil.

Lastly, we must give the President the power to impose temporary price caps to stabilize oil prices when markets are being manipulated.

Today, the Federal Energy Regulatory Commission, FERC, has the authority to impose temporary price caps on electricity. When it used this authority to deal with the California energy crisis created by Enron, electricity prices fell dramatically. The President should have similar authority over gas prices.

These are a few of the ideas that are out there. Other people have good ideas. My view is we should bring these ideas together in a comprehensive way. If we do that, and if we stand together in a bipartisan way—if the President of the United States decides to represent the consumers of this country rather than just the oil companies—we can keep faith with the American people. We can lower prices. We can deal with the very severe national crisis this country is now facing.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I thank the Senator from Vermont for his comments about what is a growing national crisis: the price of oil and the price of gasoline at the pump. I congratulate him for making many important points relating to this issue and where the Senate needs to go in trying to address it. So I look forward to working with him on his ideas and many of the other ideas my colleagues have to try to give consumers some relief at the pump.

I think many consumers already have either turned on their televisions or seen through the impact of going to the gas station themselves that at $118 a barrel for oil, they are paying at least $3.56 a gallon for gasoline and more for diesel.

But what is important to understand about this is that oil futures—which is an indication of the price of oil and impacts the physical market's price of oil—are going to be over $100 for several years, including probably until 2015. That is, the marketplace has already decided it is buying oil at over $100 until 2015. So that is going to keep the price of oil high at over $100 and it is going to continue to have a significant impact and it is something we need to take into consideration.

Now, we have heard a lot of debate on the floor this morning about this issue and what the cause of it was. There have been a lot of accusations by a lot of different people saying: Here is what we think the problem is.

Well, I wish to go through a couple things I want to make sure our colleagues understand is not the problem or not the solution.

First of all, we had people talking about how this was all about more supply, and that if Democrats had not opposed drilling in the Arctic Wildlife Refuge, somehow today we would not have this problem, we would be sitting here without any kind of oil problem.

Well, I wish to remind people that the Energy Information Administration—our own Federal Government agency—did an analysis of drilling in the Arctic National Wildlife Refuge and said that:

> Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon, and only in twenty years when drilling is at or near peak production.

That would be when it was at peak capacity. So hardly where we are today—at $118 a barrel—would that have had a significant impact on the prices we have today.

We also heard people say this was about environmental regulations, that somehow environmental regulations had caused this problem.

Well, let's hear from the oil company executives themselves. This one, Shell's CEO, said:

> We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery.

So here are oil company executives saying they do not know of any environmental regulations. I think this was testimony before the Senate—one of our committees. So, obviously, their oil company executives are saying that is not what the problem is.

They also said environmental regulations are not stopping refinery expansions. So they were clear, testifying, again, before the Senate:

> At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation.

So you cannot stand on the floor of the Senate and blame regulations or environmental issues for not doing something that would impact the price of oil today. It is not true. These are CEOs, these are people in the business, and they are basically saying: No, that is not the effect.

We have one more from BP who said that it also was not stopping them from doing anything:

> We do not believe that any Federal or State environmental regulations have prevented us from expanding refinery capacity or siting a new refinery.

So here is the oil industry itself saying that is not what the issue is, that is not what the problem is. They have not been back since this time period to claim any kind of Federal regulation or environmental issue.

So let's look at the other issue people talk about: inventory. Oh, there must be inventories related to that issue of the fact that you wouldn't allow us to drill in the Arctic Wildlife Refuge or that it is about these environmental restrictions and we couldn't build refineries.

Here is someone who is an oil analyst who on March 10 had this to say about inventories:

> Gasoline inventories are higher than the historical average at this time of the year, so there is really no need to worry about supply being too tight.

So this is an oil analyst talking about the marketplace and basically saying: You can't say this is about tight supply as it relates to the fundamentals of supply and demand.

So is this just about supply and demand? Is it about that? Well, one individual from the Truckers Association basically just said a few weeks ago:

> The oil market is no longer functioning on supply-and-demand fundamentals.

I don't blame the Truckers Association for saying that because they are on the front line of out-of-control diesel prices. When they see $4 a gallon for their diesel, it takes over $1,000 to fill up a typical tractor trailer, and they can't make enough money when they are paying that kind of a price. This year, they will pay $22 billion more—$22 billion more—for diesel fuel than last year's high prices. So don't think it is not costing Americans and costing industries that are based on transportation and profit margins that are very low.

We know there is more to this issue than what people have talked about here on the floor this morning. But let's look at what is really going on and whether this price is justified. Let's look at that.

Again, I think a great source to understand whether this price is justified—that is, whether there is something else going on in the marketplace—is the oil company executives themselves because if they are saying oil shouldn't be at $100 a barrel, then why should it be at $100 a barrel? If those in the industry are even claiming it shouldn't be at this price, then something must be wrong and we should act to correct it.

But here is the CEO of Marathon Oil who basically said:

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

That is an oil company executive owning up to that, just saying right upfront that it is not about the fact that oil should be at $100 a barrel.

Let's look at what some other CEO said, this one the CEO of Royal Dutch Shell, who just recently, on the 11th of this month, basically said that oil fundamentals are no problem, meaning that is not what the issue is. It isn't basically supply and demand. They are the same as they were when oil was selling for $60 a barrel. What he is saying is that the fundamentals in the market are the same as when they were $60 a barrel, so there is no problem with supply and demand.

Let's look at another executive from an energy company. I like this because he actually just recently testified before the House of Representatives and just spit it right out. He just said it plain and simple. He said that the price of oil should be about $50 to $55 per barrel. That is an oil company executive this month testifying before a House committee saying that is what the price of oil should be.

Now, I ask my colleagues, what are we going to do about this situation when even the oil company executives are testifying—in this case, under oath before Congress—and basically saying there is no justification for this price? What are we going to do? Are we going to just sit by and do nothing? We have people in the marketplace who are urging us to do something.

This is from an energy analyst who basically was just quoted as saying: Unless the U.S. Government—the U.S. Government—steps in to rein in speculators' power in the market, prices will just keep going up. That is an oil industry analyst. That is what he is saying.

Everybody wants a functioning market. Functioning markets mean there is transparency, there is not manipulation, it is working well, people can trust the outcome, and people can make investments knowing that someone isn't gaming the system. That is what a functioning market is. It is clear that this individual is saying they are not sure there is a functioning market, and they are basically saying that unless the U.S. Government steps

in to rein it in, we are going to have a problem.

We have seen this before. We saw this with the Western energy crisis in electricity. We saw the market go crazy and people stand by and say: Oh, you know what, you didn't build enough capacity; the environmentalists stopped it; this and this was wrong, and that is what the problem was. Well, during that time period, guess what happened. We lost nearly 600,000 jobs, and there was a $35 billion drop in economic product. For us in the Northwest, it cost our economy billions of dollars, and we are still recovering from it. So now is not the time to sit and point fingers that this is about some PAC environmental problem or regulation or ANWR; this is about taking testimony from individuals and standing up and deciding what we are going to do to protect our consumers.

My colleague from Vermont mentioned a few things, and I wish to mention a few things, also, because I think there are four or five things we should be doing right now to help consumers. This is a crisis. It demands a response by the Federal Government. Some of these powers exist within the Federal Government now, some of them we are working on, but we need to be aggressive about protecting our consumers.

The first one my colleague from Vermont mentioned was closing the Enron loophole. Now, many people may not understand what closing the Enron loophole is, but just to give my colleagues a little refresher, this debate has been going on basically since shortly after 2000 when Congress gave a loophole to electronic trading of energy. Basically, what that loophole meant is they didn't have to have the same kind of transparency; that is, we don't have the ability to look at the books and see whether somebody manipulated the price or was doing something untoward in the marketplace. We gave them an exemption.

Since that time, Senator FEINSTEIN and then more recently Senator LEVIN, myself, and others have been trying to close that Enron loophole. We have been trying to close that Enron loophole for over 4 years now. If anybody wants to say there is any responsibility here about what Congress hasn't done and it has impacted the price of energy, then people ought to look at their voting record and see whether they voted to close the Enron loophole because that is part of this problem.

In addition, we should require oversight of all oil futures; that is, why are we saying oil futures somehow are less important than any other commodity we trade on the futures market for NYMEX or for the Chicago Mercantile Exchange? They have reporting requirements. Federal investigators can go and look at their books and see whether somebody can manipulate the market. They have that. But, no, we are letting some of these oil futures which impact the price of today's oil—as I said, from now until 2015, people are purchasing oil futures at over $100 a barrel, which means that is going to be a market indicator for what the physical price will be. We need to be having oversight of oil futures.

We had a very interesting hearing about a year ago where a professor from American University, I think, came to testify, and he said: Is hamburger any more important than oil in America? Because he said that when you look at beef and how it is regulated and beef futures, there are things they have to report. There are transparencies in the marketplace. We require all of this of them, but oil, which is essential to our economy, we basically have given exemptions to. So we need to require oversight of all oil futures.

The third thing we need to do is have the Federal Trade Commission write rules for a law that we passed in 2007. This body did something. That is what people should be holding up today—holding up the fact that we did something to protect consumers. We wrote a new Federal statute basically which said that manipulation of oil markets was a Federal crime, that you couldn't have any manipulative devices or contrivances that manipulated the price of oil. Now we are sitting around waiting for the FTC to implement that rule.

Now, some people think: Well, maybe there is not manipulation in the marketplace. I want to give three examples which have happened recently, all in the last few years. They have been the result of having new statutes on the books, but we certainly need to have this regulation implemented. One of those examples was British Petroleum. The company must now pay approximately $373 million in part for conspiring to corner the market and manipulate the price of propane carried through the Texas pipeline. So there is an example of where regulators got on the job. Similarly, in 2006, a manipulative scheme to game a natural gas market by a now defunct hedge fund cost consumers upwards of $9 billion, and in July of last year, Marathon Oil agreed to pay a $1 million fine to settle charges that Marathon Petroleum Company, a subsidiary, attempted to manipulate the crude oil prices in 2003.

So these are incidents of manipulation happening. We have an industry that is saying it is not about supply and demand and the price should really be anywhere from $50 to $60 a barrel; it shouldn't be at this price. We need the Federal regulators to do their job.

The fourth thing we need to do: Having gone through this with the incredible crisis of electricity, we learned we have various agencies with various oversight, and the Department of Justice did something very wise during that time period. It created the Enron Task Force. It created an Enron Task Force to coordinate all the agencies that could help them in the investigation of the manipulation and corruption and fraud that was perpetrated by that company. It worked well. That President's corporate task force on fraud exists within the Department of Justice today.

My colleague from Washington, Congressman INSLEE, and myself wrote to the Department of Justice and President Bush on Monday calling for a Department of Justice oil market fraud task force. We believe it is time to bring DOJ into the picture to be aggressive in working with the CFTC, the FTC, the SEC, the Federal Energy Regulatory Commission, and any other Federal agency to be the policeman on this beat and make sure oil markets are not being further manipulated.

The last thing we need to do is to make sure price gouging is also not occurring. Now, we had language in the 2007 Energy bill on this issue. I like this language because it is based on language that 28 States have now that in the case of an emergency, when prices have gone out of control, it gives the President the ability to declare an emergency and to deal with those prices. We may be getting to that point. We may be getting to the point where we listen to these oil analysts who are saying these prices are going to just keep going up unless the Federal Government does something, and then I think we are going to have to do more than this. But at least we need to do these four things—and I say hopefully pass this fifth one as well—to make sure we are giving all the tools to the administration to protect consumers.

My colleague from Vermont said it well. This is about what are we going to do to protect consumers. There are a lot of things that have been happening since our economy took this more significant downturn. I would say it is a significant downturn because no one can sustain these oil price impacts across our economy. Yes, there are other things such as housing, but this is having a significant impact. But if you look at some of the solutions we have done so far, whether we are talking about housing or in the banking industry, we have done a lot for the big organizations. This is about doing something to protect consumers on price.

I hope my colleagues will take this list seriously as we propose legislation, and I hope all of my colleagues will join in the Department of Justice starting this investigation. If you look at their Web site, they will tell you when they started the President's corporate task force on fraud, particularly relating to Enron, and they started making sure traders and others knew they were going to lose their livelihood and their profession if they manipulated the market, people started getting serious about their actions.

At $118 a barrel, we have to send a message by the enforcement agencies of the Federal Government that we are going to get serious about challenging manipulative activity as it relates to oil prices and that we are going to do our job and we are going to demand

that the Federal Government have a cop on the beat when it comes to high oil prices.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Mississippi is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. COCHRAN. Mr. President, whatever one's point of view on the war in Iraq, on whether we should be involved or not in the competition for influence in that region, the incontrovertible fact is, there are men and women in the U.S. Armed Forces who are there trying to protect our interests, carry out the orders of their superiors, and safeguard and defend the United States against all enemies, foreign and domestic. And they are in danger of running short of equipment and supplies and the other means necessary to succeed in this conflict because requests for supplemental appropriations are languishing in the House and Senate Appropriations Committees, with no certain schedule for reporting out the bills that must be passed, the bills that must be passed to support our troops and replenish the accounts that have been depleted in this conflict.

Mr. President, I am growing increasingly concerned about the status of the President's fiscal year 2008 request to provide supplemental funding to support our ongoing efforts in Afghanistan and Iraq. The President submitted the bulk of his request in February of 2007 in conjunction with his regular fiscal year 2008 budget submission. He did so largely because Congress clearly expressed its desire for a full year estimate of war costs. Yet Congress did not appropriate a full year's funding.

At the end of last year, Congress approved only a $70 billion ''bridge fund'' to support our operations in Iraq and Afghanistan until this spring. Enacting even that amount required a protracted struggle between the House, the Senate, and the President. As a result, the Department of Defense had to issue furlough notices, make a series of inefficient transfers and reprogrammings, and generally function in ways that could only detract from its primary duties.

We find ourselves today facing a very similar situation, more than 14 months after the submission of the President's request. We have not appropriated, approved, or otherwise acted on some $108 billion of the President's request. The personnel, operations, and maintenance accounts that support our activities in Iraq and Afghanistan are running low. And by May or June, those accounts will run out of money. Soon the Department of Defense will once again have to issue furlough notices, initiate transfers and reprogrammings, and take other inefficient and demoralizing actions that simply should not be necessary.

I have no doubt that Congress will someday approve a funding bill. While individual Senators have different views about what our policies should be in Iraq and Afghanistan, I am confident that each of my colleagues wants ultimately to provide our Armed Forces and our diplomatic corps with the resources they need to implement the policies of the U.S. Government.

My concern is, when will we act? And how will we act? Every day, I read stories speculating about action on the supplemental. Last week, the Appropriations Committee held a hearing on the supplemental with Office of Management and Budget Director Nussle as the witness from the administration. It seemed as though we might mark up the bill this week, but that has not occurred. I had hoped that by now a markup would be definitely scheduled for next week. But that hasn't occurred either. Hopefully, a markup will occur before we lose yet another week.

But I grow more concerned with each passing day. In the other body, it appears the majority will bypass the committee altogether and take a bill straight to the House floor. Why they would choose to forfeit the detailed knowledge and expertise of the relevant committee of jurisdiction is beyond me, but that is their decision to make. In the Senate, I am not entirely comfortable that a similar procedure isn't under consideration. I know very well that it would not be Chairman BYRD's preference, but I recognize that such decisions are sometimes made by leadership and not by the chairman.

I am also concerned that the process by which Congress will consider the supplemental will again be through a series of messages between the House and the Senate. The House will neither hold a committee markup nor generate an original bill for consideration. As such, it appears there will be no conference committee to reconcile differences between the House and Senate. Rather, the committee leadership, as well as the majority leadership in the House and Senate, will retire behind closed doors to produce a final product for our consideration. The minority will be part of the discussion to varying degrees, but there will be no conference meeting to attend, there will be no conference votes to decide items of disagreement, and there will be no conference report for Members to sign or not to sign.

None of these procedures are without precedent. The Republican majority at times employed similar tactics to move legislation. But I fear that in the appropriations realm, we are making a habit of these procedures—a bad habit. Processing bills by exchanging messages with the House is becoming the norm rather than the exception. Formal conference committees are becoming rare. It seems that committee markups may be the next part of the regular order to go by the boards. This trend should be of concern to all Members of the Senate, not just the members of the Appropriations Committee.

I get the sense that the majority is struggling mightily to develop a unified, bicameral course of parliamentary action that is most advantageous for their party and which minimizes the chances of unexpected legislative outcomes. I can understand that desire. It is extraordinarily difficult to guide a bill as significant as this supplemental through the legislative process, particularly in an election year.

But in meeting and striving to engineer all uncertainty out of the process, the majority is losing valuable time—time that, in my view, would be better spent marking up the bill, moving it to the floor, and processing amendments in the regular order. Let's not forget those who are depending upon the outcome for their livelihood, their ability to defend themselves and protect the security interests of our great country. They are the ones who are awaiting our action.

Let the Congress work its will. Let the President make a decision whether to sign the bill, and let Congress respond, if necessary. Not to make light of the Senate schedule over the past 2 weeks, but we should be using this window of time that appears to be available to us. In the increasingly political atmosphere in which Congress operates, sometimes we have to remind ourselves of our core responsibilities as Members of this body. In the context of this war supplemental, I think our core responsibility is to give the men and women of our Armed Forces and diplomatic corps the resources they need to succeed in the mission they have been assigned by their Government, and to do so without undue delay

We have had the President's request for 14 months—14 months. We have held hearings. Members and staff have had numerous meetings with administration officials and other interested parties to discuss the details of the need. We have received an updated report from General Petraeus and Ambassador Crocker.

Mr. President, it is time to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OIL AND GAS PRICES

Mr. DORGAN. Mr. President, I want to discuss several areas this afternoon. One is the excessive market speculation with respect to the price of oil and gas. My colleagues have done so, and I will weigh in on that.

I think what is happening is not only unfair to the American consumer but damaging to this country's economy. So I will talk about that in a bit. I

want to mention that, on Monday of next week, at 2 p.m., I intend to chair a hearing of the Democratic Policy Committee, in which we will hear from three additional whistleblowers on the issue of waste, fraud, and abuse in contracting in Iraq.

I have held a lot of hearings over a number of years with respect to contracting in Iraq. It is the most unbelievable waste, fraud, and abuse in the history of this country. On Monday, we will hear from whistleblowers who will tell us about the infamous burn pits in Iraq, where in many cases valuable equipment is taken to be burned. In other cases, equipment has been pilfered and taken into the black market. It is an unbelievable tale. But it just fits in with the other things we have heard.

I will not go through all the examples. I have spoken about them at great length. Presumably, some are under criminal investigation. One would expect and hope that the Defense Department would begin to debar some contractors that are, in my judgment, cheating the American taxpayers.

Let me give a few examples. A contractor is charging for 42,000 meals a day they are serving to U.S. soldiers. It is discovered they are only serving 14,000 meals, overcharging by 28,000 meals a day. I don't know, maybe you can miss a cheeseburger or two on the bill someplace. But how do you overcharge for 28,000 meals a day?

An American contractor is paid to rehabilitate 140 Iraqi health clinics and gets paid over $100 million, paid for with American dollars. The money is gone, but there are no health clinics. I guess there are maybe 20 of them with shoddy construction.

An Iraqi doctor who knows that an American contractor was paid to rehabilitate health clinics in rural areas goes to the Iraqi Health Minister and says: I would like to tour these clinics that the American taxpayers paid to rehabilitate because health is such an important need. The Interior Minister of Iraq said: You don't understand, most of these are imaginary clinics.

I had a guy come to a hearing I held, and he saw $85,000 trucks being burned on the side of the road, left on the side of the road because they didn't have a wrench to fix a flat tire. The road was safe, the only reason they left the trucks by the side of the road was because they could make a profit by buying another one. Mr. President, $85,000 trucks torched because they had a plugged fuel pump. What is the big deal about that? The contractor will simply reorder new trucks because the American taxpayers are going to be stuck with that bill. It is a cost-plus contract.

How about $7,600 a month for leasing SUVs? How about $45 for a case of Coca-Cola? How long do we have to come to the floor of the Senate and talk about this unbelievable, utter waste of the American taxpayers' dollars?

We had a man named Judge Radhi come to testify. I asked that he be allowed to testify before the Senate Appropriations Committee. He came. He was appointed by Paul Bremer to be the head of a Commission on Public Integrity in Iraq. They tried to kill him three times because the folks over there didn't like somebody looking over their shoulders.

He said they pursued thousands of cases of corruption; $18 billion had been pilfered and wasted, most of it American money. He talked about $3 billion spent by the former Defense Ministry of Iraq ordering airplanes that never arrived in Iraq because it is likely the money ended up in a Swiss bank account.

Judge Radhi said, $18 billion he estimated was wasted, most of it American money.

Does that surprise anybody? We lifted C–130 cargo loads of one-hundred-dollar bills out of this country to fly them to Iraq. In a war zone, you are distributing one-hundred-dollar bills out of the back of pickup trucks. Is it any wonder this is the most waste, fraud, and abuse we have ever seen?

In 1940, at the start of the Second World War, Harry Truman, then serving in this body, helped create a bipartisan committee. It became known as the Truman Committee. It cost $15,000 and saved $15 billion. They did 60 hearings a year for 7 years—60 hearings a year for 7 years. They issued subpoenas. When they saw waste, fraud, and abuse, they stopped it. They were serious. It was a bipartisan investigative committee right here in this Chamber.

This war in Iraq has gone on 5 years. I have held hearing after hearing chronicling the waste, fraud, and abuse. And it is unbelievable.

We read that one of the largest contractors we have engaged in Iraq, the Halliburton Corporation, has been paying 10,000 of their U.S. employees through a subsidiary in the Cayman Islands that has no staffing at all, just an office address. Why would they do that? Why would they hire Americans and run their payroll through the Cayman Islands? So they don't have to pay payroll taxes to the U.S. Government.

When this supplemental comes to the floor of the Senate in the next week or two, I am going to offer an amendment that says any contractor doing that should not be getting any more contracts.

At some point, does anybody have the nerve to stand up and say this has to stop? Is there at least a small group of people, perhaps a quorum, who would say this has to stop? What we should do and what I have tried and I say with the support of Senator REID—and I appreciate his support—we have tried very hard to create a Truman-type committee on behalf of the American taxpayers to say: Stop this waste, stop this fraud, stop this abuse.

We have been unable to do that in three votes in the Senate. I regret that because the American taxpayer is being fleeced and American soldiers are being disserved by this waste, fraud, and abuse.

Let me mention one additional example, which may seem like a small matter, but is symptomatic of a larger problem. Henry Bunting, a wonderful man who worked in Kuwait as a buyer for Halliburton Corporation, brought a towel to a hearing. He held it up. He said: We were buying towels for American soldiers. Here is a towel I was supposed to buy, a white towel. So I ordered white towels.

My supervisor said: You can't buy that white towel. You need to buy a towel that has the logo of our company, embroidered in silk.

I said it will triple, quadruple the cost. The supervisor said: It doesn't matter, it is a cost-plus contract. We will earn more money.

Unbelievable.

Bunnatine Greenhouse came to testify. The price of her testimony was her job. She was the highest civilian official in the U.S. Army Corps of Engineers. She said this awarding of the LOGCAP Rio contracts was the most blatant abuse of contracting authority she had seen in her entire career. For that it cost her job.

I have told my colleagues before, I called the general at home at night who has since retired, who hired Bunnatine Greenhouse, who was judged to be one of the best contracting officials we ever had. I called him at home at night.

I said: General Ballard, tell me about Bunnatine Greenhouse. He said she was tops and what happened to her was wrong, dreadfully wrong.

She blew the whistle on the good old boys network, and now her case is behind a shroud in the Defense Department like all the rest of these issues—under investigation, they say. When will the investigation be done? When will it end?

Halliburton KBR was contracted to provide water to the military bases in Iraq. That was their job. A man named Ben who was in Iraq working for Halliburton came and said: We were providing water but were not checking the—were not testing the water.

It turns out the nonpotable water was more contaminated than raw water from the Euphrates River. That is what our soldiers were showering in, shaving with, and often brushing their teeth with.

Then I got hold of an internal Halliburton document—I believe it was 21 pages—written by Will Granger, the man in charge of water quality in Iraq for Halliburton. He said this was a near miss. It could have caused mass sickness and death. This was an internal document leaked to me from inside Halliburton, written by a man in charge of water in Iraq: A near miss, could have caused sickness and death.

We had whistleblowers from inside the company say this is what happened: Water more contaminated than

raw water from the Euphrates River being sent to these camps. Halliburton said it didn't happen—despite the fact I had the evidence—didn't happen, never happened, not true. The U.S. Army said: Didn't happen, never happened. I did not understand that. I would have thought the U.S. Army would have been apoplectic on behalf of the health of its troops.

So I asked the inspector general: Do an investigation, will you, and tell me what the facts are.

The inspector general did the investigation and just finished a month and a half ago. Guess what? The whistleblowers were right. So why did the U.S. Army declare to us it didn't? I understand the company deciding it will not admit to anything. What about the U.S. Army? In fact, they sent a general to this Congress, to the Armed Services Committee, to say these incidents never happened. Now we have an inspector general report that not only demonstrates that the general testified inappropriately, was wrong, deceived the Congress, but that the inspector general had provided that information to the Pentagon prior to them sending the general up here to tell us information that was not accurate.

It just goes on and on.

Mr. President, we need to have a Truman committee. I know my message is tiresome to some, but it doesn't matter much to me. This Congress owes it to the American people to do what previous Congresses have done during wartime, and that is properly investigate the waste, the fraud, and the abuse on the most significant expenditure of taxpayers' money that has ever occurred ever in the history of this country for contractors. We shoveled money out this door. It is unbelievable. And almost no oversight.

I brought to the floor of the Senate many times a picture of a man who testified with bricks of one-hundred-dollar bills wrapped in Saran Wrap. He said it was the Wild West. We told contractors: Come to this building and bring a bag because we pay in cash.

I described that in the context of a company called Custer Battles. Two guys who had virtually no contracting experience in a very short time got many millions of dollars worth of contracts. And they were then found to have defrauded the Coalition Provisional Authority.

I came to the floor a week or two ago and said the New York Times did some enterprising reporting—good for them, and I say to those reporters: You did some great work, work that probably could have and should have been done by the Congress in the recent past.

I showed a picture of a man named Ephraim, 22 years old, and his 25-year-old vice president who was a massage therapist—a 22-year-old CEO of a company and a 25-year-old massage therapist as the vice president. They ran a company that was a shell corporation set up by the 22-year-old's dad some years ago out of an unmarked office in Miami Beach. They got $300 million in contracts from the U.S. Department of the Army to provide munitions and weapons to the Afghan army and police.

What ended up in Afghanistan was, in many cases, ammunition from the mid-1960s, manufactured by the Chinese in boxes that were taped and coming apart. This was a company that got over $300 million.

Should somebody ask the U.S. Department of the Army and the Sustainment Command of the Department of the Army in Illinois how on Earth did this happen? How did you think you would get by with this? How are you going to explain this to the American taxpayers?

We desperately need to establish a Truman committee to investigate this issue. The American taxpayers deserve no less, in my judgment.

MEDIA MARKET CONCENTRATION

Mr. DORGAN. Mr. President, I wish to mention, this morning out of the Senate Commerce Committee, thanks to Senator INOUYE's and Senator STEVENS' support of my legislation, we passed legislation that will veto a rule that was passed by the Federal Communications Commission that allows for more consolidation in America's media.

The Federal Communications Commission decided they want more concentration in the media, despite the fact that most of what Americans hear, see, and read every single day is directed by about five or six major corporations in America. They think we need more concentration. So they passed a rule that says it is going to be OK to allow newspapers to buy television stations in the same city.

We have had a prohibition against that action for a while. It is called cross-ownership. They did their rule. The Chairman of the Federal Communications Commission was very anxious to get this rule done and serve whatever master he was serving. They did their rule, but today we passed a veto resolution out of the Commerce Committee, a disapproval of the rule by the Federal Communications Commission that would allow greater concentration in the media.

The last thing we need is more concentration in the media. We have all these supporters that come to the Senate floor who say: What are you talking about? We have all these new outlets. Go to the Internet. See how many sites there are. Go to cable television. See how many channels there are. I say: Yes, a lot of new choices but from the same ventriloquist, the same source.

One guy testified before the Commerce Committee and said, for example, on cable television in my office, 48 channels are on basic tier and 42 of those channels belong to the same five or six major companies. That bill will come to the floor of the Senate because it is a privileged piece of legislation. My resolution of disapproval, passed by the Commerce Committee today, will come to the Senate as a privileged resolution. It will be on the calendar now. I am going to consult with Senator REID, and I will visit with the minority, and find a time to bring it up and have a vote to disapprove the rule that was enacted by the Federal Communications Commission, which, in my judgment, stands logic on its head.

OIL MARKET SPECULATION

Mr. DORGAN. Mr. President, the final matter I want to talk about today is this issue of the price of oil and the price of gasoline and excessive speculation. There has been some discussion today about this, and I want to make this point.

We have seen a dramatic runup in the price of oil and, therefore, the price of gasoline. There is no justification with respect to the fundamentals of oil and supply and demand for that. There is no justification for it at all, but something has changed in this country. What has changed is the futures market has become an orgy of speculation.

Let me quote a man named Mr. Fadel Gheit, a top analyst from Oppenheimer and Co. He has been in this business for 30 years. He said this a couple of months ago.

> There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions in the world. I call it the world's largest gambling hall. It's open 24/7. It's totally unregulated. This is like a highway with no cops and no speed limit and everybody's going 120 miles per hour.''

This is happening in the futures market. You need a futures market to hedge. You need it for liquidity. I understand that. What has happened to the futures market is pretty bizarre. We now see on the futures market 20 times the amount of oil bought and sold every day than is used every day. Twenty times more is bought and sold than is used. For the first time, we see hedge funds up to their neck in the futures market. Is it because hedge funds love oil? No, they don't know anything about oil. Do they want oil delivered to their offices? Do they want oil delivered to their homes? No. They never want to own any oil. They want to buy things they will never get from people who never had it. That is the way the futures market works. These people are speculating. Hedge funds are neck deep speculating in oil futures, and for the first time investment banks have joined them. So you now have big investment banks and big hedge funds with a presence in the futures market like never before. They have all these commodity corners in their company now, and they are hiring more, and they are speculating at an unbelievable rate.

I am told, and I have read, that investment banks for the first time are

even buying oil storage capability to buy oil and take it off the market. Why? To wait until it increases. So now we have oil upwards to $120 a barrel because we have so much rampant speculation or outright gambling in these markets.

What does that mean for the folks driving a Chevrolet down the road, getting low on gas and trying to figure out how to get to a gas pump, and how to pay the bill when they get there? Well, the folks in the hedge funds, these folks in the investment banks on these commodity markets that are engaged in the 24/7 casinos, are going to the bank. Man, they are going to the bank big time. I am talking billions and billions of dollars. It is pretty unbelievable. When you have a person drive up to the gas pump and fill that car with gas, a portion of that money now goes to this carnival of speculation in the futures market to reward the speculators. A portion of it, of course, goes to the OPEC cartel too. These are folks who sit around in a closed room with a locked door and make decisions about price and about production.

I might add, while I am at it, that Saudi Arabia, by the way, has 800,000 barrels a day less production on the market than they did 2 years ago—800,000 barrels a day, every day. That means a lot in terms of what might happen in that market.

So we have a lot of things going on here. What should we do about it? Well, in addition to all of that, the Bush administration is deciding they want to stick, and they are sticking, 60,000 to 70,000 barrels of oil underground every single day in something called the Strategic Petroleum Reserve. We have an SPR to save for a national emergency. Well, they are buying oil at $118 a barrel coming off the Gulf of Mexico as a royalty in kind transfers. They are taking $118-a-barrel oil and putting it in the ground, 60,000 to 70,000 barrels a day.

With oil at record highs, it is Byzantine to see this administration saying we have to do more to fill the SPR. This is at a time when the Strategic Reserve is 97 percent filled. So they take oil out of the supply, which puts upward pressure on oil and gas.

When the supplemental appropriations bill comes to the floor of the Senate, I intend to offer that amendment as well, to stop putting oil underground in SPR when oil is above $75 a barrel. I mean, this doesn't take a reservoir of common sense. It just takes a few grains of common sense from somebody who might actually help to fix this problem.

What I also want to do is to increase the margin requirements on the exchange. If you buy stock on margin, you pay a 50-percent margin requirement to buy stock. If you want to control oil by going into the futures market for oil, you pay 5 to 7 percent. You pay a 50-percent margin for stock, but 5 to 7 percent for oil. If you want to control $100,000 worth of oil, it will cost you $5,000 to $7,000. That doesn't make any sense.

That encourages speculation. That encourages the speculation that pushes the runup of these prices. I believe the margin requirement ought to be at least 25 percent at this point, during this period of aggressive speculation. So I am putting together a piece of legislation on that as well.

You know, I want this country to develop an energy policy that makes us much less dependent on foreign sources of oil, engages in much more conservation, and much more efficiency. We should produce more. I am one of the four Senators who helped pass the legislation finally that opened up Lease 181 in the Gulf of Mexico in 2006. So I believe in additional production. I believe we ought to conserve more. I believe we need more efficiency, and I believe we need to pay much more attention to renewable energy.

All those things are important. All of them are important. But right at the moment we have a circumstance where we have an administration sticking oil under the ground at the wrong time, which puts upward pressure on oil and gas. We also have hedge funds and investment banks hip deep in the futures market speculating and making billions of dollars on speculating. At the same time, they are driving up the price of oil and gas for American families and doing great damage to this country's economy.

It is not just the family, and it is not just the business. It is not just the truckers and not just the airlines that are hurt. This country is experiencing significant economic damage as a result of the runup in these prices. I think there are reasons for us to come to the floor on an urgent basis and take obvious steps to deal with it. I have mentioned several, and there are more. But I only want to make the point that this is not some passing fancy that is going to be a magnet for a lot of discussion. This is a very serious, real problem that is doing significant damage to this country's economy.

There is a lot to do next week and the week after, and I will be introducing some additional legislation. I will be anxiously awaiting the appropriations supplemental legislation. When the emergency supplemental appropriations bill comes to this floor, either in the Appropriations Committee or on this floor, we must be given the opportunity—and will be given the opportunity—to offer the kind of amendments I have suggested. This will include an amendment that stops the putting of oil underground in the SPR at a time when oil is priced at $118 a barrel. This is just one of the obvious things we can do to stop penalizing American consumers and damaging this country's economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the quorum call be rescinded.

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

FLORIDA PRESIDENTIAL PRIMARY

Mr. NELSON of Florida. Mr. President, I want to address the Senate on two subjects. I will be brief.

The task has fallen to this Senator from Florida to continue to try to press the chairman of my party and its executive committee, in the form of the Democratic National Committee, to recognize the votes of 1.75 million Florida Democrats who went to the polls on January 29, a turnout of twice any previous turnout in a Presidential primary, to express their preference for the nominee of our party. They did so in those huge numbers, they did so in a duly called election by Florida law, which caused all of the rhubarb in the first place because the legislature of the State of Florida moved ahead of the date set by the two parties after which they would then be punished by the party rules.

Both party rules provided that the two parties would be punished if they moved earlier than the date of February 5 for their primary. The party rules in both parties said that half of the delegates would be taken away. Indeed, that is what the Republican National Committee did. But not so the Democratic National Committee, for they decided to take a full pound of flesh and take away all the delegates and say the election didn't count.

There are some people who are thinking, even though they felt passionately about it at the time, the way all this worked out, since we don't have a nominee yet at an early day like the Republican nominee, I think some people are thinking maybe this should have been worked out a long time ago, such as last summer, before this ever came to a head.

But it is what it is, and all the attempts at finding a compromise that can seat the Florida delegation at the convention have all come to naught because of the inability of the two candidacies to come to a conclusion as to what they would be able to accept.

The bottom line is that seating Florida, whether you seat them according to the DNC rules, taking away half the delegates, or seating the whole delegation, advantages one candidacy and it disadvantages the other candidacy. As a practical matter, I think it is going to be difficult to get an accommodation and agreement to do it.

But I want everybody to understand that the Democratic National Committee can take away delegates—they have that authority. But the Democratic National Committee cannot deny the certification of a legal election by Florida voters. You can't deny that. It is a fact. It is a certified election under Florida law. That was a

legal election under Florida law and it was a clean election under Florida law. The Democratic National Committee cannot deny that certification of that legal election.

Sadly, one of the byproducts of all this is that in listening to what the latest Gallup poll says, one-half of all the Democrats in the United States think all of this fracas is hurting the party—one-half of all the Democrats in the country. When you combine that latest Gallup Poll with the fact that months ago a poll in Florida showed that 22 percent of Independent Florida voters, 22 percent of Independents in Florida, would be less likely to vote for the Democratic nominee in November because of the way that Florida is being treated by the Democratic National Committee: Democratic National Committee, you better wake up. We have a problem on our hands.

What we ought to be doing is looking at November. As the old colloquialism says, we better watch out or we are going to be cutting off our nose to spite our face.

EQUAL PAY

Mr. NELSON of Florida. Mr. President, it is hard for me to understand how the Senate cannot support equal pay for equal work, the same for women as for men. That happened yesterday, on a vote of 56 in favor of proceeding to the bill on equal pay for equal work and 43 against. I do not understand that.

What is worse is my wife and many other spouses of Senators cannot understand that. I assure you, they are letting their husbands and spouses know how they feel—that they cannot understand how the Senate cannot proceed to a bill for equal pay for equal work for women.

I hope the next time we try to move to a bill for which we have to hit the 60-vote threshold to get over the filibuster to get to the bill—we need 4 more votes—I hope somewhere over there we are going to be able to get them when we bring up equal pay for equal work for women.

I yield the floor.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REID. Mr. President, I rise today, on the 93rd anniversary of the onset of the Armenian genocide, to honor the victims of this terrible tragedy and to reiterate my unwavering support for the United States Government to officially recognize as genocide the series of atrocities carried out against the Armenian population by the Ottoman Empire beginning on April 24, 1915.

It truly saddens me that after 93 years, the United States has failed to acknowledge the Armenian genocide for what it was. Between 1915 and 1923, the Ottoman Empire forcibly deported around 2 million Armenians, of whom 1.5 million men, women, and children were killed. Those fortunate enough to survive the massacres, forced marches, and deliberate starvation, were ejected from their homeland.

In response to reports of these horrific events, U.S. Ambassador to the Ottoman Empire Henry Morgenthau, Sr. explicitly condemned the policy of the Government of the Ottoman Empire as ''a campaign of race extermination.'' Moreover, Ambassador Morgenthau was praised by U.S. Secretary of State Robert Lansing for his efforts ''to stop Armenian persecution.''

Perhaps more significant to the Chamber in which I stand today was the passage of S. Con. Res. 12 on February 9, 1916. This prescient piece of legislation not only acknowledged that a colossal tragedy had ensued in the midst of the Great War, but also resolved that the President of the United States ''designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians,'' who, at that time, were enduring ''starvation, disease, and untold suffering'' at the hands of the Ottoman leadership.

Less than 4 years later, while the Armenian genocide continued, the Senate would also pass S. Res. 359, which stated, in part, that recent congressional testimony ''clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.''

I say to my friends in the Senate, given how our esteemed colleagues of the past reflected on this terrible tragedy, I cannot help but think that they would have surely labeled these atrocities as genocide if only the word had been coined. The United States has a rich history of defending human rights, standing up for the oppressed, and speaking the truth about genocide. However, in spite of support from Members of Congress and leaders in the Armenian community, the official policy of the executive branch of the United States still does not recognize the Armenian genocide.

I am so proud that my home state of Nevada, with its vibrant Armenian-American community, and 40 other U.S. States have, by legislation or proclamation, already recognized the Armenian Genocide. In fact, on April 11, 2000, former Nevada Governor Kenny Guinn proclaimed April 24, 2000, as a day of remembrance of ''The First Genocide of the 20th Century.''

I would also like to congratulate the Armenian-Americans of southern Nevada for planning yet another successful Armenian Genocide Commemoration event on the campus of the University of Nevada-Las Vegas. It is so wonderful to see this community from my home county come together each year to honor the survivors and their deceased brethren, and I wish my Armenian friends in Nevada the best of luck with this year's commemoration and those for years to come. May God bless them and all of those who fight on their behalf.

Mr. BIDEN. Mr. President, I rise today to commemorate the 93rd anniversary of the Armenian genocide.

On April 24, 1915, an ancient nation faced extermination when officials of the Ottoman Government initiated a series of raids in which hundreds of Armenians were arrested and subsequently deported or killed. Isolated incidents of brutality had occurred before, but sadly this event marked the beginning of a campaign of murder, deportation, and forced starvation. When the violence ultimately ended, as many as 1.5 million Armenians had died and 500,000 were exiled. Armenians all but disappeared from land their people had occupied for centuries.

The American Ambassador to the Ottoman Empire at the time was the distinguished Henry Morgenthau who described the horrors perpetrated against the Armenians as the ''murder of a nation.''

Just this week, the Senate Foreign Relations Committee, which I have the honor to chair, had a hearing on the systematic murder of innocents in Darfur. The incident serves as an important reminder that an open discussion of the Armenian genocide is critical. Since the 1915 ethnic cleansing, the murder by a government of its own citizens has occurred again and again.

It is depressing to think that human beings have not learned their lesson. The whole world is diminished, wounded, and made poorer by such tragedies and we must not forget them if we hope to prevent them. The commemoration of this act of brutality and systematic murder 93 years ago is important and relevant not only for the survivors and their descendents, but for humanity as a whole.

TRIBUTE TO DAN CHERRY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a good friend, Dan Cherry. A retired U.S. Air Force brigadier general, Dan Cherry is a respected Kentuckian and a man of character.

During his time in the Air Force, General Cherry volunteered for combat duty in 1966 and 1971, flying over 295 missions, most of them over North Vietnam. On one of those missions in April 1972, General Cherry shot down the plane of a Vietnamese soldier, Nguyen Hong My.

General Cherry always wondered what happened to the pilot that he shot down, and he recently was given the chance to meet him. General Cherry and Hong My met face to face in Vietnam almost 36 years to the day of General Cherry's shooting down Hong My's MiG–21 fighter.

Mr. President, I ask my colleagues to join me in honoring Brigadier General Dan Cherry, who through his actions of patronage and reconciliation has shown us what it means to be a true American, and Kentuckian. Recently

the Bowling Green Daily Newspaper published a story about General Cherry and the remarkable story of his journey to Vietnam. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Bowling Green Daily News, Apr. 13, 2008]

VIETNAM VET REUNITES WITH PILOT HE SHOT DOWN IN '72

(By Jim Gaines)

BOWLING GREEN, KY.—On April 6, Dan Cherry and Nguyen Hong My were back in the air near Hanoi, capital of Vietnam.

Almost 36 years before—on April 16, 1972—Cherry shot down My's MiG–21 fighter in the same area.

My parachuted as his plane crashed, breaking his arms in the process; and now Cherry's plane, an F4D Phantom II, is restored to its wartime colors and parked in the Aviation Heritage Park on Three Springs Road.

Last week, the two men flew together past the scene of their earlier encounter, chatting in the comfortable seats of a jetliner on their way to My's home.

''It was, I guess, the most amazing experience I've ever had in my lifetime,'' Cherry said.

Cherry volunteered for combat duty in Southeast Asia in 1966, then for a second tour in 1971. He flew 295 missions, most of them over North Vietnam. He retired as a brigadier general in the U.S. Air Force and went on to a career in Kentucky state government and managing the Kentucky TriModal Transpark.

But, Cherry said, he often wondered what happened to the pilot he shot down. When the Aviation Heritage Park was in its planning stages 2½ years ago, one of its local backers half-jokingly suggested trying to find the MiG pilot.

Cherry worked through friends to contact a reunion show on Vietnamese TV, which worked through the Ministry of Defense to identify Nguyen Hung My.

In December, a producer of the show—called ''As If We Never Parted''—e-mailed Cherry with the news and asked if he'd appear on the show.

After flying to Vietnam for his first visit since the war, he went to the TV studio April 5. According to Cherry, the show's host introduced him and told the audience about his life. After showing pictures of Cherry's family, she introduced My.

Cherry said he was nervous, wondering how he'd be received. But My smiled as he came out and shook Cherry's hand. Through an interpreter, My said he was glad to meet Cherry. The anchor told about My's life, his four years of flight training in the Soviet Union and his war service.

Thanh Nien News, a major newspaper in Ho Chi Minh City which publishes in Vietnamese and English, reported on the pilots' meeting. According to that story, My said he'd never thought about looking for the pilot who once shot him down. After the war, he studied English and finance, and worked for an insurance company, the paper said.

My flew for two more years after recovering from his bail-out injuries, speaks Chinese and Russian, has a great sense of humor, and is obviously highly respected by friends and family, Cherry said.

After the show, the two sat down backstage and talked about flying and their respective families.

''We hit it off really well,'' Cherry said.

Later, they and the TV staff went to a rooftop restaurant in downtown Ho Chi Minh City. Over dinner, My asked if Cherry would visit his home in Hanoi. Cherry—already planning to go to Hanoi the next day as a tourist—thought My meant some indefinite time in the future; it turned out he meant the next day. When Cherry agreed, My changed his own travel schedule so they could be on the same flight.

My's house, it turned out, was within walking distance of Cherry's hotel. That night he and his friends Larry Bailey and John Fleck made their way to My's house along streets teeming with motor scooters, Cherry said.

They had dinner with My's family, and Cherry got to hold his former opponent's 1-year-old grandson, he said.

''It was just a tremendous experience to be welcomed so completely,'' Cherry said. ''I've made a good friend in Mr. Hong My.''

In return, he gave My a bottle of bourbon and invited him to visit Bowling Green, perhaps later this year, he said.

My offered to guide them around the city the next day, showing up at 8 a.m. in a car with his son-in-law and friend. He took them to one site after another, including a number of military museums that ordinary tourists wouldn't get to see, Cherry said. They saw past displays of Soviet-built fighter planes, including MiG–21s like the one My flew in 1972, he said.

Cherry also visited the ''Hanoi Hilton''—the building made notorious as a prison for American pilots shot down over North Vietnam. It's now a museum. Most of the exhibits, though, are devoted to the Vietnamese who were held there during the decades of French rule, Cherry said; there's only one small room describing its time as a prison for Americans.

The overall impression he had of Vietnam is that what the Vietnamese call the ''American War'' has been put far behind them, he said.

''They're moving on to the future. They don't hold any grudges,'' Cherry said.

My also asked for help with one task: He shot down an American plane, too, but believes that pilot was killed, Cherry said. So he asked if Cherry could help him find that pilot's family. He would like to express his respect and condolences, Cherry said.

NATIONAL TAKE YOUR DAUGHTER AND SON TO WORK DAY

Mr. DURBIN. Mr. President, April 24 is Take Your Daughters and Sons to Work Day, which is a great opportunity for people who are in a position to do so to give their kids a better idea of what they do for a living. In my office, we had a short social time this morning to allow the children of staff members to gather and talk about their experience. Participation in Take Your Daughters and Sons to Work Day can be fun for the parents and the children. But at its heart, this day is a part of a broad effort to reach pay equity for women.

On Tuesday, we marked Equal Pay Day, the point in 2008 when the average woman's wages finally catch up with what the average man earned in 2007. The numbers are sobering.

Equal pay has been the law since 1963. But today, 45 years later, women are still paid less than men—even when women have similar education, skills, and experience. While women's wages have risen in all States, in inflation-adjusted dollars, since 1989, the typical full-time woman worker does not make as much as the typical man in any State. At the present rate of progress, it will take 50 years to close the wage gap nationwide.

In 2007, women were paid 77 cents for every dollar men received. That is $23 less for every $100 worth of work women do—$23 less to spend on groceries, housing, child care, and other expenses. Nationwide, working families lose $200 billion of income annually to the wage gap.

Over a lifetime of work, the 23 cents on the dollar women are losing adds up. The average 25-year-old working woman will lose more than $523,000 to unequal pay during her working life. These figures are even worse for women of color. And because women are paid less now, they have less money to set aside for retirement, and they will earn lower pensions than men.

Part of the motivation behind Take Your Daughters and Sons to Work Day is to expose children of both genders to professional fields that historically have been dominated by men. This day is one of many initiatives developed to encourage girls and young women in their education and professional journeys. Professional and student organizations, such as the Society of Women Engineers, offer a support network for those young women who are making their mark in professions that historically have not seen many women.

Take Your Daughters and Sons to Work Day can help both girls and boys see the career opportunities that may be open to them if they stay in school, set goals, and study. I commend the employers and employees who are able to participate today. I would also like to congratulate and encourage the children who are sizing up options for their future careers. Let us keep in mind today that we need to keep working to enable every child to achieve his or her full potential, and we need to ensure that women are fully and fairly compensated for all the work they do.

Mr. PRYOR. Mr. President, I rise in honor of today's Take Our Daughters and Sons to Work Day when, over the past 15 years, individuals, families and workplaces have joined in expanding opportunities and transforming the lives of millions of girls and boys both nationally and internationally. I want to take this opportunity to discuss the importance of family in creating an active and resourceful citizenship and workforce for the future. As our Nation continues in its historical role as a melting pot, the importance of international adoption in the fabric of American families continues to grow. Mr. PAUL Hanly Furfey stated that ''The first, the most fundamental right of childhood is the right to be loved. The child comes into the world alone, defenseless, without resource. Only love can stand between his helplessness and the savagery of a harsh world.'' Families created or expanded by international adoption are unique and special, open to cultural differences and

sharing in the common elements of mankind, compassion and love.

The United Nations Population Division gathered data from more than 100 countries and found that in a world of 2.2 billion children under the age of 18, fewer than 12 per 100,000 are being adopted. In other words, in a total global population of 6.5 billion, there are only about 260,000 adoptions of all kinds annually including those within countries, across borders and of step children. In the United States we have seen an upward trend in international adoptions from 7,083 in 1990 to 17,718 in 2000 and over 20,000 international adoptions in 2007.

I have received several letters of concern from many Arkansans inquiring as to what the U.S. Government is doing to help these children find their way to loving homes in Arkansas. In fact, the United States has taken several important steps to protect the rights of the child and to assist families in the international adoption process. From a global level, the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption—Hague Adoption Convention—a broad multilateral treaty, was signed by the United States in March of 1994. In 2000, the Senate and the House passed the Intercountry Adoption Act of 2000 to implement the Convention. In 2006, the Department of State issued the final rule on the Accreditation and Approval of Agencies and Persons to implement the Convention and the Intercountry Adoption Act.

Legislation to help adoptive families pay for expenses associated with adoption procedures was signed by President Bill Clinton in 1996 to make improvements to the Internal Revenue Code to add a two-part adoption assistance tax relief program. The tax relief for adoption expenses has helped many families to be able to afford the financial costs of the actual adoption process. The Department of Homeland Security now issues immigrant visas to children entering the United States with adoptive parents who are U.S. citizens under the I–800 Visa Program, making them U.S. citizens when they reach U.S. soil.

On my part, I have signed several letters to international leaders concerning the importance of transparency in the adoption process in all countries, particularly in the signatories of the Hague Adoption Convention.

Our recognition of today's Take Our Daughters and Sons to Work Day provides us with a great opportunity to recognize the unique role and contributions of adoptive families in our country. Families created through adoption are special. They go through so much time and energy to find each other. We must celebrate these families who through perseverance and determination become whole and provide a loving environment for our next generation.

EXPANDED DNA COLLECTION

Mr. LEAHY. Mr. President, I was concerned to learn from the newspapers last week that the Federal Government is getting ready to publish a rule sanctioning the collection of DNA samples from all citizens arrested for Federal crimes and from many people detained as illegal immigrants. These samples may even be kept permanently as part of the Government's DNA database even if a person is ultimately exonerated.

I have long supported the analysis of DNA evidence to catch the guilty and exonerate the innocent. In 2000, I introduced the Innocence Protection Act, which included the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program for defendants. This program, where appropriate, gave defendants access to the postconviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong. As a former prosecutor, I was acutely aware that DNA testing could help prevent both the conviction of innocent defendants, and the criminal justice nightmare of the real wrongdoer remaining undiscovered and possibly at large.

In 2004, Congress passed the Innocence Protection Act as an important part of the Justice for All Act. Congress recognized the need for important changes in criminal justice forensics despite resistance from the current administration. The Justice for All Act authorized several other important programs to encourage the use of DNA evidence, which I strongly supported, notably including the Debbie Smith DNA Backlog Grant Program to eliminate the nationwide backlog of rape kits and other evidence awaiting DNA testing in crime labs around the country. That important program has helped law enforcement to find the perpetrators of terrible crimes throughout the country and to ease the ordeal that crime victims go through.

But DNA testing, like any powerful tool—and particularly any powerful tool in the hands of the government must be used carefully. If abused, it can infringe on the privacy and civil liberties of Americans while doing little to prevent crime. I am concerned that the policy just announced may do exactly that.

When Senator KYL proposed the legislation that formed the basis for this policy, I said that it raised serious privacy concerns. Right now, a person's DNA can be collected immediately upon arrest, and it can be used immediately to search the DNA indexes for a possible ''hit.'' But it cannot be added to the Federal index unless and until the person has been formally charged with a crime. This new policy allows DNA to be entered for those who have been arrested but not charged.

This change adds little or no value for law enforcement, while intruding on the privacy rights of people who are, in our system, presumed innocent. It creates an incentive for pretextual arrests and will likely have a disproportionate impact on minorities and the poor. This policy may also make it harder for innocent people to have their DNA expunged from government databases.

Since I first spoke out against this provision in 2005, we have only seen more examples of abuses of power by this administration, including the Justice Department's improper firing of prosecutors for political reasons and the FBI's abuse of national security letter power given in the PATRIOT Act. In this light, the added power to collect and keep DNA information from potentially innocent people gives even more cause for concern.

I will study the proposed rules and policy carefully, and the Judiciary Committee will perform careful oversight of its implementation. We must ensure that DNA evidence is used aggressively and efficiently to make us safer, but also that it is used in a careful and appropriate way that secures our rights and increases our confidence in our justice system.

NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. KENNEDY. Mr. President, I strongly support a resolution by Senator MENENDEZ supporting National Child Care Worthy Wage Day. I hope that it will shine a brighter light on the many challenges facing the early childhood education and care community and the importance of attracting and retaining excellent childcare workers.

Across the country today, nearly two-thirds of children under the age of 5 are in some form of nonparental care while their parents are at work and more and more research emphasizes that learning begins at birth. The quality of early care that children receive has a profound impact on the rest of their lives.

Children in high-quality early care and education programs are 30 percent more likely to graduate from high school and twice as likely to go to college. They are also 40 percent less likely to be held back a grade or need expensive special education programs.

Childcare is particularly effective for at-risk students. Important studies, including the research of both Nobel Laureate Economist James Heckman and Chairman of the Federal Reserve Ben Bernanke, show that quality early care and education can break the cycle of poverty and crime. Heckman's survey of at-risk boys who receive quality early education found that less than 10 percent of boys who participate will be convicted of a crime and less than 2 percent will end up on welfare—rates significantly lower than for those who do not receive such support.

The key to assuring quality early childhood education and care for our youth is access to a highly qualified educator or caregiver. Despite the obvious importance of their work, however,

child care providers are underpaid, unsupported and undervalued.

These providers are responsible for the social, emotional and mental development of the children in their care. They teach skills that young children need in order to be ready to read and learn when they go to school. They help young children learn about the world around them and how to interact with others. Yet the average salary of an early care and education workers is $18,820, and less than a third of them have health insurance.

In Massachusetts, those numbers are only marginally better—childcare workers are paid a little over $10 an hour and earn $22,760 annually. By comparison, registered nurses make $37,511 a year, police officers earn $37,078, and K through 12 teachers earn $32,306.

The story of Melvina Vandross is typical. She has spent the last 20 years caring for children in poor families in New York City. Due to the lack of sufficient Federal subsidies, she makes less than $19,000 a year in one of the world's most expensive cities. She has no health insurance, and could not afford to get her son the tutor he needed to succeed in school. Her commitment to the futures of some of the Nation's least fortunate children has made it nearly impossible for her to provide for herself and her family.

Melvina's story is unacceptable. It is unacceptable that Head Start teachers in Montana qualify for Habitat for Humanity homes. The men and women who shape the lives of our Nation's children deserve fair wages and benefits. The sacrifice we are asking of them for their indispensible work is too high.

Inadequate wages and benefits have made it difficult to recruit and retain qualified childcare providers. Turnover rates are going through the roof. Almost 30 percent of child care providers leave the field every year. Neither their wages nor their turnaround rates are acceptable. If we want our children to be cared for by qualified providers who have a good education and sound understanding of child development, we must see that they are fairly compensated and supported, commensurate with their contribution to our national, civic and economic well-being. They are indeed deserving of a worthy wage for their worthy work that is so important for the Nation's future. I urge my colleagues to support this important resolution. We owe it to the Nation's childcare providers, and we owe it to our Nation's children and their families.

WORLD MALARIA DAY

Mr. BIDEN. Mr. President, April 25 is World Malaria Day. That is the day that the world pauses to acknowledge that over a million people a year die of a disease borne by mosquitoes, a disease that we know how to prevent, a disease that we know how to treat. The most vulnerable are children under the age of 5; every 30 seconds a child dies of malaria. Pregnant women are also at high risk; 10,000 expectant mothers perish each year from the disease. Malaria exacts an enormous economic and social toll as well, costing the poorest countries in the world billions of dollars each year in lost productivity, working days, revenue, and investment. With global weather patterns changing, malaria is spreading further, reaching areas that were previously unaffected.

Last month, the Foreign Relations Committee approved a bipartisan bill that could, over the course of time, help to save millions of lives by providing people with the means to prevent and treat malaria. I am proud to have sponsored this bill, along with Senator LUGAR and our other colleagues. This legislation, S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, authorizes up to $5 billion over the next 5 years to combat malaria, a dramatic increase in resources. It also formally establishes the position of a global malaria coordinator to oversee U.S. programs and strengthens U.S. participation in the multilateral global fund to fight AIDS, tuberculosis, and malaria. These efforts will build on the dramatic early success of the President's malaria initiative, which was launched 3 years ago by President Bush. Already, under this initiative, the island of Zanzibar has witnessed a 95 percent reduction in infection rates among children. Through bednets, spraying of homes, and providing drugs, we can replicate that success on a much broader scale.

Similar legislation has passed the House of Representatives, and our bill received a strong vote of support in committee here. It is my hope that the Senate will soon take up S. 2731, that we will debate whatever differences we may have and vote on it, and that the President will be able to sign it into law well in advance of the G–8 meeting in July. If so, he will be in an excellent position to help convince other countries to undertake similar commitments. Even more important, we will let the people of Africa and other hard-hit areas of the globe know that the United States is sustaining the commitments that it first made in 2003 when Congress passed the original United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act.

DENIM DAY

Mr. LAUTENBERG. Mr. President, I rise today to recognize April 28, 2008, as the first annual ''Denim Day'' in New Jersey.

Each year, Denim Day is observed in communities across the country to raise awareness and educate the public about rape and sexual assault. The observance was created in response to an appalling 1998 decision of the Italian Supreme Court. In that decision, the court overturned a rape conviction because the victim was wearing tight jeans at the time of the attack and must have helped her rapist remove them. Women and men around the world were rightly outraged by the verdict, and wearing jeans on Denim Day has become an international symbol of protest, calling attention to the horrible crime of rape and the destructive attitudes that prevent sexual assault victims from receiving justice.

Every 2 minutes, someone in the United States is sexually assaulted. Despite its prevalence, sexual assault is one of the most underreported crimes in the world, meaning many attackers never spend a day in prison for their offenses. Denim Day in New Jersey will send a strong and powerful message that sexual assault is always wrong.

I hope this observance will encourage more sexual assault victims to come forward and hold their attacker accountable, as well as provide some comfort to the victims of sexual assault, who will know that they are not alone.

Once again, I would like to recognize April 28, 2008, as ''Denim Day'' in New Jersey and reiterate my strong support for observing this important day.

HONORING OUR ARMED FORCES

CORPORAL KYLE WESTON WILKS

Mr. PRYOR. Mr. President, I join Arkansans today in mourning the loss of Cpl Kyle Weston Wilks of Rogers, AR. He paid the ultimate sacrifice to stand up for democracy and peace. We are grateful for Corporal Wilks' service to our Nation and we will honor his memory. I know his family and friends will remember this fallen hero's great smile and penchant for life, including playing sports and watching Razorback football and NASCAR.

A marine with the 24th Marine Expeditionary Unit since September 2004, Corporal Wilks helped with the evacuation of Beirut in 2006 and most recently served in Afghanistan. During this time, Corporal Wilks was awarded the Good Conduct Medal, Humanitarian Service Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, National Defense Service Medal, and the Sea Service Deployment Ribbon.

Before his second deployment, Corporal Wilks visited New York to see Ground Zero, which reaffirmed his commitment to military service and his country. He was a true patriot who planned to use his training as a military policeman to begin a career in law enforcement.

Mr. President, Arkansas has now lost over 70 soldiers in the wars in Iraq and Afghanistan. As long as I serve in public office, I will work to honor their service, live up to their courage, and protect the principles they fought to preserve.

Corporal Wilks has said his parents, Randy and Kathy Wilks, were his heroes. My prayers are with them, as well as his sister Makayla, during this difficult time.

LILLY LEDBETTER FAIR PAY ACT

Mr. SALAZAR. Mr. President, I wish today to strongly support the Lilly Ledbetter Fair Pay Act, which would clarify the laws against pay discrimination. I would like to thank Senator KENNEDY, chairman of the Health, Employment, Labor and Pensions Committee, for his leadership on the bill. He has been a tireless champion for civil rights and I applaud his work.

Mr. President, we as Americans are bound by a powerful idea—a revolutionary idea—that our nation is a work in progress. It is an idea etched in the words of the Constitution: ''to form a more perfect union.'' It is an idea that has inspired some of our Nation's greatest achievements—abolishing slavery, banning segregation, and expanding voting rights. It is an idea that brings the best out of our public service.

This week in the Senate we have an opportunity to take another important step along our path of progress—to make our union more perfect.

It is no secret that pay gaps exist in our country. Gender, race, national origin, age, disability, or religion should not have any effect on a worker's pay. But, sadly, they do. Nationally, women earn 77 cents for every dollar that men earn. In Colorado, women earn 79 cents for every dollar that men earn. The inequities are even clearer when you break the numbers in Colorado down by ethnicity. On average, African-American women earn 61.2 percent of what White men earn. Asian-American women earn 68.4 percent; Hispanic women earn 52.4 percent; and Native American/Alaskan Native women only earn 54.7 percent of what White men earn.

These pay disparities persist partly because women still occupy fewer high-paying jobs than men. But they also persist because of continued pay discrimination in the workplace. We have laws on the books to make pay discrimination illegal, but those laws can be improved.

Lilly Ledbetter's case is a classic, and tragic, example. Ms. Ledbetter worked for the Goodyear Tire and Rubber Company in Gadsden, AL, for 19 years. She was a manager, a position predominately occupied by men at the company. After early retirement, Ms. Ledbetter learned, from an anonymous note, that male managers at the company were making 20 to 40 percent more than she was making in the same job.

So Ms. Ledbetter took Goodyear to court. The jury found that the company violated her rights under title VII of the Civil Rights Act of 1964. They awarded her back pay and damages.

The Court of Appeals for the Eleventh Circuit, however, reversed the district court decision. They said that Ms. Ledbetter filed her case too late. They said she needed to file her complaint within 180 days after the alleged unlawful employment practice occurred.

Rightly, Ms. Ledbetter appealed to the U.S. Supreme Court. In its 5-to-4 decision, the Supreme Court held that the 180-day statute of limitations begins when the original discriminatory act occurs. Whether the worker even knew that the discriminatory decision was made is of no consequence. Whether they were discriminated against for 1 or 20 years is also insignificant under the Court's majority decision.

It is critical to understand the profound impact of the Court's decision. If an employee cannot challenge a discriminatory paycheck beyond the 180 days that the employer made the discriminatory decision, companies that discriminate cannot be held accountable for their actions. Six months after a discriminatory action, the bad actor is in the clear. This was certainly not the intent of Congress when it enacted the Civil Rights Act of 1964.

In her dissenting opinion, Justice Ginsburg raised a good question and a matter of common sense. How was Ms. Ledbetter supposed to know, and therefore complain, when she was first given a lower raise than her male counterparts? Goodyear, like many employers, kept salaries and raises confidential.

The Lilly Ledbetter Fair Pay Act would correct this injustice. The bill would amend title VII of the Civil Rights Act of 1964 and other civil rights laws to make clear that the 180-day statute of limitations on a pay discrimination claim, based on gender, race, national origin, religion, age or disability, would restart every time an employee receives any wages or benefits affected by the discriminatory act. This was the law of the land for decades, with the exception of three States, until the U.S. Supreme Court decision, Ledbetter v. Goodyear.

The Lilly Ledbetter Fair Pay Act should receive the unanimous support of this body. We should all agree on the principle of 'equal pay for equal work.' We should all agree that pay discrimination has no place in a 21st century America. And we should all agree that when there is a clear problem with the existing law, we should correct it.

We have come a long way over the last 2½ centuries toward opening the doors of opportunity to every American. But ours is a nation still in progress, and our Union can still be perfected.

I urge my colleagues to support this bill.

Ms. SNOWE. Mr. President, I rise today to speak in strong support of the Fair Pay Restoration Act, S. 1843,—and I am proud to be an original cosponsor of this bipartisan measure, introduced by Senator KENNEDY and supported by 40 of my colleagues in the Senate. This bill would rightly provide victims of workplace gender discrimination with the reasonable timeframe they deserve to file discrimination suits under Federal law—while restoring longstanding precedent that was regrettably reversed by the U.S. Supreme Court last year.

I firmly believe that America should be a global leader on issues related to gender discrimination and equal pay, but with its decision in Ledbetter v. Goodyear Tire & Rubber Co., the Supreme Court telegraphed entirely the wrong message to the rest of the world about the value of equal pay for equal work—and ignored the realities of pay discrimination. Furthermore, with the economy in crisis, gas prices sky-high, and housing values falling, it is all the more critical we not lose vital ground on fair pay.

It is no secret that women play a substantial leadership role in our Nation—we are business leaders, entrepreneurs, politicians, mothers, and much more. But regrettably, wage discrimination still exists and has remained constant for many years. In 1963, the year of the Equal Pay Act's passage, full-time working women were paid 59 cents on average to the dollar received by men. In 2004, more than 40 years later, women were only paid 77 cents for every dollar earned by men.

What is even more troubling is that, according to a National Academy of Sciences report, between one-third and one-half of the wage disparities between men and women cannot adequately be explained by differences in experience, education, or other legitimate qualifications. And notably, this wage discrimination exists despite the passage of the Equal Pay Act that made it illegal to pay women less than men for performing equal work.

Wage discrimination also continues to exist despite the 1964 Civil Rights Act, which outlawed discrimination in employment and wages on the basis of sex, race, color, religion, and national origin. This pernicious injustice continues despite Congress passing the 1991 Civil Rights Act, which I strongly supported, along with most of my colleagues on both sides of the political aisle.

As a former cochair of the Congressional Caucus for Women's Issues, I have been a longtime advocate in the pay equity debate. As some of my colleagues may remember, in 1984, Representative Claudine Schneider, R–RI, Representative Nancy Johnson R–CT, and I wrote to the Reagan administration asking that it prevent the Justice Department from weighing in against AFSCME v. Washington, which supported the concept of pay equity. And as a Member of the House of Representatives, I repeatedly introduced bipartisan resolutions that would have established a commission to study compensation practices in Congress from 1984 to 1993. It is therefore simply unconscionable to imagine that in this day and age, wage-setting practices are still being affected by historical gender biases resulting in the undervaluation of work and low pay for women.

Sadly, the Supreme Court's decision in Ledbetter will make it virtually impossible for women workers to close the wage gap and to receive the remedies they deserve when they are discriminated against. This decision represents an enormous step backward for women and for any person alleging pay discrimination.

Lilly Ledbetter's story poignantly coupled with this unfortunate ruling reminds us that wage discrimination persists across our Nation. It is therefore long past time we reversed the Supreme Court's decision in Ledbetter and clarified that laws against pay discrimination apply to every paycheck or other compensation a worker receives. And Senator KENNEDY's Fair Pay Restoration Act would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age or disability.

This bipartisan measure would also impose a reasonable time limit for filing pay discrimination claims and would start the clock for filing pay discrimination claims when compensation is received, rather than when the employer decides to discriminate. Each discriminatory paycheck would restart the clock for filing a pay discrimination claim and as long as workers file their claims within 180 days of a discriminatory paycheck, their charges will be considered timely. This measure would restore the precedent applied by nine courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases until the Supreme Court's May 29, 2007. It would also maintain the current limits on the amount employers owe.

The bill would also restore congressional intent, by mirroring language prohibiting discriminatory seniority systems, which was included in the landmark Civil Rights Act of 1991. The bill was signed by President George H. W. Bush in 1991, and I was pleased to support this measure which passed with overwhelmingly bipartisan support.

Some contend this bill would ''exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims'' . . . that it would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. That is simply an exaggeration. The fact is—employers would not have to adjust for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Rights Act of 1964, and this bill would not change this 2-year limit on back pay.

I cannot overstate my support for the Fair Pay Restoration Act, and I encourage my colleagues in the Senate to vote for this legislation tomorrow to ensure equal pay for women and minorities in the workforce. Discrimination of any kind in the workplace should not be tolerated. It is time the law reflected that.

Thank you. Mr. President, I request unanimous consent that a copy of my remarks be included in the CONGRESSIONAL RECORD.

ADDITIONAL STATEMENTS

HONORING RETIRED MAJOR D. BROCK FOSTER

● Mr. BROWN. Mr. President, I wish to honor the service of a great American—U.S. Air Force retired MAJ D. Brock Foster.

A native of Ohio who served his country in World War II, Korea, and Vietnam, Major Foster demonstrated uncommon courage while flying as an A–1 Skyraider during a rescue mission near the Ho Chi Minh Trail on June 28, 1968. At great risk to his personal safety, Major Foster remained in the rescue area amid heavy antiaircraft artillery and enemy fire to make repeated passes to protect the rescue helicopter. Major Foster's selfless heroism enabled the successful rescue of the Navy pilot who had been encircled by hostile forces for more than 39 hours.

Nearly 40 years later, Major Foster is receiving long overdue recognition for his sacrifice and valor and will be awarded the Distinguished Flying Cross. Given to those who distinguish themselves in aerial flight by taking heroic actions above and beyond the call of duty, the Distinguished Flying Cross is a fitting recognition of Major Foster's unwavering dedication to the service of the United States.

I am proud to honor this great Ohioan. His heroic actions and dedication to the U.S. Air Force and his fellow servicemen are an inspiration to all Americans.●

WORKER EDUCATION

● Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate three educational institutions in my State of Oregon, Columbia Gorge Community College, Lane Community College and the Oregon Institute of Technology.

Recently, Columbia Gorge Community College received $1.6 million to support the college's community-based job training program to develop skilled technicians for renewable energy facilities such as wind, solar, hydropower and biofuels production. The funding is part of the Department of Labor's Community-Based Job Training Grant Initiative to help community colleges provide area students and workers with the skills needed to stay competitive in up-and-coming industries. The program is the only one of its kind on the west coast. Just in the Pacific Northwest, developers of wind energy facilities will need 300–500 additional workers in the next decade. Since the fall of 2007, Columbia Gorge Community College has offered a 1-year Certificate and a 2-year Associate of Applied Science Degree in Renewable Energy Technology.

Lane Community College in Eugene, OR was recently commended for their certificate and 2-year degree programs which train students in energy management and renewable energy. Graduates of the program are in high demand by renewable energy companies. Lane Community College is quickly gaining recognition as a national leader in sustainability and has won five awards in the past 2 years, including the Campus Sustainability Leadership Award from the Association for the Advancement of Sustainability in Higher Education, and the Outstanding College Recycling Program Award from the National Recycling Coalition.

The Oregon Institute of Technology, OIT, also has earned distinction for offering the Nation's first 4-year undergraduate degree program in renewable energy. The Institute is on track to graduate the first class of students this year. Graduating students can seek employment in variety of fields including design, engineering, installation, auditing and programming within the renewable energy sector. Additionally, OIT is working to become the only college campus in the world to be completely powered by geothermal energy.

I believe that we have a responsibility to encourage efforts to increase the availability of renewable energy and conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. These community colleges are leading the way in educating these workers and providing highly skilled workers to the rapidly expanding renewable energy sector in our State and the Nation. I commend them for their efforts and pledge my full support as they move forward.●

COMMENDING WAUKESHA HOME DESIGN CENTER

● Ms SNOWE. Mr. President, this week is National Small Business Week, a time to celebrate the critical role small businesses play in powering our economy. Indeed, as ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, I am constantly reminded of how crucial small businesses are to maintaining our economic vitality. Nationally, small firms represent 99.7 percent of all businesses and have generated 60 to 80 percent of net new jobs over the past decade. On occasion, one of these small businesses goes above and beyond the call of social responsibility with an act of true thoughtfulness and generosity. Michael Costigan and the employees of the Waukesha Home Design Center in southeastern Wisconsin recently answered this call to action and made a difference in their community.

The story begins several weeks ago, when a selfish individual posing as a worker stole a television from the Zablocki Veterans Affairs Medical Center in Milwaukee, WI. This was a cowardly

and despicable act, and I hope that the perpetrator is brought to justice. After the theft, elderly and sick veterans at the center were preparing to adjust to watching their favorite movies, TV shows, and Milwaukee Brewers games on an older and smaller television, until a local businessman heard what had happened on the radio.

Michael Costigan, the general manager of the Waukesha Home Design Center and a veteran himself, was incensed by this incident, and decided to take action. He and the company's 25 employees, many of whom are also veterans, immediately made arrangements to donate a 52-inch flat-panel high-definition television to the Veterans Center. Just this morning, Mr. Costigan and other employees personally delivered the television to a group of ecstatic veterans, who will no longer suffer because of the inconsideration of another. I am pleased to hear that the residents have already set up their Nintendo Wii to play bowling.

I am highlighting this compelling story on the Senate floor today because of the example it sets for each and every one of us. The company has only been in business since November of last year, but they have already made a lasting impression on their local area. While we in Congress must do all that we can to support our nation's heroic and patriotic veterans, it is good to see that there are individuals and businesses caring for those who have given so much to defend our country's freedoms. My heartfelt gratitude and appreciation goes out to Michael Costigan and the Waukesha Home Design Center's employees for their work of selflessness and charity, and I wish them a bright future in all of their endeavors.●

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 and a withdrawal which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 1:15 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 bills, in which it requests the concurrence of the Senate:

H.R. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the government-wide suspension and debarment system.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

H.R. 3928. An act to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purposes.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

H.R. 5613. An act to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

H.R. 5712. An act to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2903. 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 25, 2008.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 322. Concurrent 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.

ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2903. 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 25, 2008.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2634. An act to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 3033. An act to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3721. An act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3928. To amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4185. An act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5479. An act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5483. An act to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5528. An act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5819. An act to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5613. To extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 24, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2903. 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 25, 2008.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–5913. A communication from the Under Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, a report relative to the Department's proposal to accept a 160-acre donation from the Wilderness Land Trust; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5914. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metconazole; Pesticide Tolerances'' (FRL No. 8360–5) received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5915. A communication from the Deputy General Counsel, Department of Agriculture, transmitting, pursuant to law, the report of action on a nomination for the position of Secretary of Agriculture, received on April 23, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5916. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions'' (FRL No. 8359–7) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5917. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyazofamid; Pesticide Tolerances'' (FRL No. 8360–4) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5918. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerances'' (FRL No. 8359–9) received on April 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5919. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, a report relative to acquisitions made from foreign entities; to the Committee on Appropriations.

EC–5920. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2007; to the Committee on Armed Services.

EC–5921. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5922. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a document recently issued by the Agency entitled, ''Lead Hazard Information Pamphlet; Notice of Availability''; to the Committee on Banking, Housing, and Urban Affairs.

EC–5923. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Changes in Maximum Mortgage Limits for Multifamily Housing'' (RIN2502–AI62) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5924. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 18189) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5925. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 18197) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5926. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (73 FR 18188) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5927. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Debt Collection'' (Docket No. 47535–01–U) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5928. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (73 FR 17926) received on April 23, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–5930. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Policy, received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5931. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Trip Limit Reduction for the Hook-and-Line Commercial Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone'' (RIN0648–XG54) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5932. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (RIN0648–XG08) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5933. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers'' (FCC 08–78) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5934. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Ash Fork and Paulden, Arizona'' (MB Docket No. 07-220) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5935. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Clayton, Oklahoma'' (MB Docket No. 07–227) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5936. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Various Rules Affecting Wireless Services'' (WT Docket No. 03–264) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5937. A communication from the Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Universal Service Support for Health Care Providers—Eligibility'' (FCC 08–47) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5938. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands; Reviewing of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands'' (FCC 08–83) received on April 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5939. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year'' (RIN0648–XG34) received on April 23, 2008; to the Committee on Commerce , Science, and Transportation.

EC–5940. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and the Bering Sea Subarea for Vessels Participating in the BSAI Trawl Limited Access Fishery'' (RIN0648–XG52) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5941. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management

Area'' (RIN0648–XG70) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5942. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XG73) received on April 23, 2008; to the Committee on Commerce , Science, and Transportation.

EC–5943. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Specification of Fiscal Year 2008 Total Allowable Catches for Eastern Georges Bank Cod, Eastern GB Haddock, and GB Yellowtail Flounder in the U.S./Canada Management Area'' (RIN0648–AW13) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5944. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG65) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5945. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XG62) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5946. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Ft. LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG58) received on April 23, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5947. A communication from the Secretary of Energy, transmitting a legislative proposal intended to give the Department the authority to share Restricted Data in certain situations with persons not in possession of specific security clearances; to the Committee on Energy and Natural Resources.

EC–5948. A communication from the Chief Human Capital Officer, Office of the Secretary, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Secretary, received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC–5949. A communication from the Associate Deputy Secretary of the Interior, transmitting a draft bill entitled, ''Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008''; to the Committee on Energy and Natural Resources.

EC–5950. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Virginia Regulatory Programs'' (Docket No. VA–124–FOR) received on April 23, 2008; to the Committee on Energy and Natural Resources.

EC–5951. 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 Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules'' (FRL No. 8559–7) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5952. 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 Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan'' (FRL No. 8552–4) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5953. 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 Air Quality Implementation Plans; Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area'' (FRL No. 8559–6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5954. 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 Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class I Area'' (FRL No. 8557–6) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5955. 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 Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions'' (FRL No. 8559–5) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5956. 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; Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision'' (FRL No. 8559–1) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5957. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; Organic Liquids Distribution'' ((RIN2060–AO99)(FRL No. 8557–1)) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5958. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 8542–3) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5959. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska'' ((RIN2060–AN94)(FRL No. 8557–8)) received on April 23, 2008; to the Committee on Environment and Public Works.

EC–5960. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Statement of Policy on Conduct of New Reactor Licensing Proceedings'' (7590–01–P) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5961. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Significant New Use Rules on Certain Chemical Substances'' ((RIN2070–AB27)(FRL No. 8358–4)) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5962. 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 Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations'' (FRL No. 8555–4) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5963. 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 Air Quality Implementation Plans; Virginia; Incorporation of On-Board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area'' (FRL No. 8555–5) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia and for Purposes of Reducing Ozone Interstate Transport'' ((RIN2060–AN12)(FRL No. 8556–2)) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States'' (FRL No. 8556–1) received on April 17, 2008; to the Committee on Environment and Public Works.

EC–5966. 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 ''Employer Comparable Contributions to Health Savings Accounts under Section 4980G'' ((RIN1545–BF97)(TD 9393)) received on April 17, 2008; to the Committee on Finance.

EC–5967. A communication from the Assistant Director of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employee Leasing Arrangements'' (Rev. Rul. 2008–23) received on April 17, 2008; to the Committee on Finance.

EC–5968. 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 ''Applicable Federal Rates—May 2008'' (Rev. Rul. 2008–24) received on April 23, 2008; to the Committee on Finance.

EC–5969. A communication from the Administrator, National Aeronautics and Space Administration, transmitting proposed legislation intended to permit the Administration to continue to procure Russian support for the International Space Station until suitable U.S. capabilities are in place; to the Committee on Foreign Relations.

EC–5970. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities during fiscal year 2007; to the Committee on Foreign Relations.

EC–5971. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan relative to the JCSAT–12 Commercial Communications Satellite; to the Committee on Foreign Relations.

EC–5972. A communication from the Secretary of Labor, transmitting proposed legislation intended to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Health, Education, Labor, and Pensions.

EC–5973. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal 2007 (March 2008)''; to the Committee on Homeland Security and Governmental Affairs.

EC–5974. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Compliance with the Government Managers Accountability Amendment Act of 1995 Has Been Incomplete and Inconsistent''; to the Committee on Homeland Security and Governmental Affairs.

EC–5975. A communication from the Director, U.S. Office of Government Ethics, transmitting a legislative proposal intended to modernize the financial disclosure process for Federal personnel; to the Committee on Homeland Security and Governmental Affairs.

EC–5976. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Performance Measurement System Needs Long-Term Stability and Commitment to Maximize Effectiveness''; to the Committee on Homeland Security and Governmental Affairs.

EC–5977. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–5978. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002''; to the Committee on Indian Affairs.

EC–5979. A communication from the White House Liaison, National Institute of Justice, Department of Justice, transmitting, pursuant to law, the report of action on a nomination for the position of Director, received on April 23, 2008; to the Committee on the Judiciary.

EC–5980. A communication from the Secretary of Labor, transmitting, a draft bill intended to enhance the Department's ability to administer the H–2A foreign labor certification program; to the Committee on the Judiciary.

EC–5981. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting draft legislation intended to provide for the continued performance of the functions of the U.S. Parole Commission; to the Committee on the Judiciary.

EC–5982. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, amendments to the Federal Rules of Bankruptcy Procedure that were adopted by the Court; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments and an amendment to the title:

S. 2433. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day (Rept. No. 110–331).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

H. Con. Res. 292. A concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments.

S. Res. 511. A resolution recognizing that John Sidney McCain, III, is a natural born citizen.

S. Res. 515. A resolution commemorating the life and work of Dith Pran.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Bruce A. Litchfield, to be Brigadier General.

Air Force nominations beginning with Brigadier General C. D. Alston and ending with Brigadier General Mark S. Solo, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2008.

Air Force nomination of Maj. Gen. Dana T. Atkins, to be Lieutenant General.

Army nomination of Brig. Gen. Scott G. West, to be Major General.

Army nomination of Lt. Gen. Walter L. Sharp, to be General.

Army nomination of Lt. Gen. Ann E. Dunwoody, to be Lieutenant General.

Army nomination of Gen. David D. McKiernan, to be General.

Army nomination of Brig. Gen. Robert L. Caslen, Jr., to be Major General.

Army nomination of Maj. Gen. Mitchell H. Stevenson, to be Lieutenant General.

Army nomination of Maj. Gen. Frank G. Helmick, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Randolph D. Alles and ending with Brigadier General Michael R. Regner, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008. (minus 1 nominee: Brigadier General Melvin G. Spiese)

Marine Corps nomination of Brig. Gen. Darrell L. Moore, to be Major General.

Marine Corps nomination of Lt. Gen. Keith J. Stalder, to be Lieutenant General.

Marine Corps nominations beginning with Col. James M. Lariviere and ending with Col. Kenneth J. Lee, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Marine Corps nomination of Brig. Gen. Joseph F. Dunford, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John M. Paxton, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Dennis J. Hejlik, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Richard F. Natonski, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Duane D. Thiessen, to be Lieutenant General.

Navy nomination of Rear Adm. John M. Bird, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Victor C. See, Jr., to be Rear Admiral.

Navy nominations beginning with Captain Douglass T. Biesel and ending with Captain Douglas J. Venlet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008. (minus 1 nominee: Captain Terry B. Kraft).

Navy nomination of Rear Adm. (lh) Carol I. Turner, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with David M. Abel and ending with Michael M. Zwalve, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Air Force nominations beginning with Susan S. Baker and ending with Jon C. Welch, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David A. Bargatze and ending with Aaron E. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Mark E. Allen and ending with Charles E. Wiedie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Kerry M. Abbott and ending with William F. Ziegler III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with Richard T. Broyer and ending with Brian K. Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with John T. Aalborg, Jr. and ending with Michael A. Zrostlik, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Air Force nominations beginning with David L. Babcock and ending with Wayne A. Zimmet, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Air Force nomination of Howard P. Blount III, to be Lieutenant Colonel.

Air Force nomination of Errill C. Avecilla, to be Major.

Air Force nomination of Mark Y. Liu, to be Major.

Air Force nominations beginning with Bryce G. Whisler and ending with Timothy M. French, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Air Force nominations beginning with Phiet T. Bui and ending with Michael J.

Morris, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2008.

Army nominations beginning with Mario Aguirre III and ending with Scott B. Zima, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Barry L. Adams and ending with Timothy M. Zegers, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Kevin S. Anderson and ending with Rufus Woods III, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nominations beginning with Robert B. Allman III and ending with Richard F. Winchester, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008.

Army nomination of Barry L. Shoop, to be Colonel.

Army nomination of Brian J. Chapuran, to be Major.

Army nomination of Gregory T. Reppas, to be Major.

Army nomination of Vanessa M. Meyer, to be Major.

Army nominations beginning with Thomas E. Durham and ending with Daniel P. Massey, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Charles L. Garbarino and ending with Juan Garrastegui, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nominations beginning with Milton M. Ong and ending with Matthew S. Mower, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Army nomination of Craig A. Myatt, to be Lieutenant Colonel.

Army nomination of John C. Kolb, to be Colonel.

Army nomination of Kenneth D. Smith, to be Major.

Army nomination of John M. Hoppmann, to be Lieutenant Colonel.

Army nominations beginning with Amy M. Bajus and ending with Robert P. Vasquez, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Marine Corps nominations beginning with David G. Mcculloh and ending with Paul W. Voss, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nomination of Thomas M. Cashman, to be Captain.

Navy nomination of Kelly R. Middleton, to be Lieutenant Commander.

Navy nomination of Theresa A. Fraser, to be Lieutenant Commander.

Navy nominations beginning with Lee R. Ras and ending with Elizabeth M. Solze, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2008. (minus 6 nominees beginning with John M. Marmolejo)

Navy nomination of Aaron J. Beattie IV, to be Lieutenant Commander.

Navy nominations beginning with Kristian E. Lewis and ending with Luther P. Martin, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2008.

Navy nominations beginning with Samuel G. Espiritu and ending with Paul G. Scanlan, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Navy nominations beginning with Terry L. Buckman and ending with Thomas M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on April 15, 2008.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Trevor M. Hare, to be Lieutenant.

Coast Guard nomination of Susan M. Maitre, to be Lieutenant Commander.

By Mr. DORGAN for the Committee on Indian Affairs.

*Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

By Mr. LEAHY for the Committee on the Judiciary.

Michael G. McGinn, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2010.

Mark S. Davis, of Virginia, to be United States District Judge for the Eastern District of Virginia.

David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri.

Stephen N. Limbaugh, Jr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. HARKIN:

S. 2903. A bill 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 25, 2008; considered and passed.

By Mrs. MCCASKILL:

S. 2904. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MCCASKILL:

S. 2905. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2907. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mr. COBURN):

S. 2908. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2909. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

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

S. 2910. A bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, and Mr. MENENDEZ):

S. 2912. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2914. A bill to ensure the safety of seafood and seafood products being imported into the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2915. A bill to require the Commissioner of Social Security to issue uniform standards for the method for truncation of social security account numbers in order to protect such numbers from being used in the perpetration of fraud or identity theft and to provide for a prohibition on the display to the general public on the Internet of social security account numbers by State and local governments, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 2916. A bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 2917. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. DURBIN, and Mr. LAUTENBERG):

S. 2918. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. SMITH, Mr. DORGAN, Mr. THUNE, Mr. PRYOR, and Ms. SNOWE):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

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

S. 2920. A bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DORGAN (for himself and Mr. CRAPO):

S. Res. 530. A resolution designating the week beginning October 5, 2008, as ''National Sudden Cardiac Arrest Awareness Week''; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUYE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON):

S. Res. 531. A resolution supporting the goals and ideals of a National Child Care Worthy Wage Day; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. Res. 532. A resolution recommending that the Langston Golf Course, located in northeast Washington, DC, and owned by the National Park Service, be recognized for its important legacy and contributions to African-American golf history, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON):

S. Res. 533. A resolution expressing the sense of the Senate regarding the political situation in Zimbabwe; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 34

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 34, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1311, a bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes.

S. 1882

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1882, a bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) 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. 1954

At the request of Mr. BAUCUS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2485

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

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2512

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2512, a bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2619, a bill to protect innocent

Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2689

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors 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. 2702

At the request of Mr. SALAZAR, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2753

At the request of Mr. MENENDEZ, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2753, a bill to protect consumers, and especially young consumers, from skyrocketing credit card debt, unfair credit card practices, and deceptive credit offers.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. KOHL) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2775

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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. 2878

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of 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.

S. 2895

At the request of Mr. DODD, the names of the Senator from Montana (Mr. TESTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. RES. 482

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 482, a resolution designating July 26, 2008, as ''National Day of the American Cowboy''.

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 523

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 523, a resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Ms. STABENOW):

S. 2906. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are taking a look at the big picture, including the increased risk of accidently importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill has two main components. First, it requires the Administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the Administration to disclose in the same report all sanitary and photosanitary, or SPS, trade barriers that could unduly restrict export markets for American commodities. What we've seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to make clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our States are battling insects and crop diseases and dreading the next outbreak. Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidently imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator STABENOW knows better than anyone how much money, time and other resources the Ash Borer has cost the States of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or ''Med fly.''

The list goes on and on. And there isn't a single State that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trade Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

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

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

S. 2906

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agriculture Smart Trade Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FREE TRADE AGREEMENT.—The term ''free trade agreement'' means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) INVASIVE AGRICULTURAL PESTS AND DISEASES.—The term ''invasive agricultural pests and diseases'' means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) SANITARY AND PHYTOSANITARY MEASURE.—The term ''sanitary and phytosanitary measure'' has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) INVASIVE AGRICULTURAL PESTS AND DISEASES.—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) SANITARY AND PHYTOSANITARY MEASURES.—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

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

S. 2910. A bill to require brokers to disclose and pay independent truckers for any fuel surcharges received from shippers that relate to fuel costs paid for by the truckers; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise to introduce legislation that I believe is vital to the survival and competitiveness of our nation's trucking industry. For too long, our small business motor freight carriers, who struggle every day to make ends meet, have had their concerns ignored and neglected. Today, as the entire trucking industry faces monumental economic challenges spurred by skyrocketing, record-breaking oil prices and exorbitant and volatile fuel costs, not to mention a detrimental slow-down in the hiring of new drivers, our independent operators are having to contend with a devastating economic downturn and enduring business failures—the likes of which this country has not seen since 2000.

During the first quarter of 2008, nearly one thousand motor carriers failed, and they were not just trucking companies with two or three trucks, but the average number of vehicles numbered 45 trucks! As you can imagine, the financial impact is enormous, especially given that the Bureau of Transportation Statistics projects freight to grow by more than 70 percent by 2020. Forestalling action is not an option if we are to sustain our trucking industry which is an undeniable, economic lifeline of this nation.

That is why I have taken this opportunity to join with Senator BROWN in introducing the Trust in Reliable Understanding of Consumer Costs (TRUCC) Act which would provide our small business operators and carriers with the long-denied fairness that is owed to them. It is time that these hard-working men and women free from stranglehold of unscrupulous brokers and middle-men who charge shippers for fuel costs, but refuse to pass on those costs to operators who actually pay for the fuel. Our bill would provide not only a clear line-item delineating the fuel surcharge in the contracts provided to our small business carriers, but also would guarantee that the entity in the transaction—whether a shipper, broker, or driver—who absorbs the consistently-rising cost of fuel will become the recipient of the fuel surcharge.

To our measure's detractors who mischaracterize it, calling it among other things—outrageous, I want to remind them that our focus is on small business motor carriers which comprise more than 90 percent of the truck industry, and that these individuals continue to traverse the country, carrying consumer goods and propelling our economy forward in the process. And they do so, despite the constant challenges that are part and parcel of this occupation . . . brokers who obfuscate the amount or even existence of fuel surcharges to the benefit of their own coffers, the escalation of fuel prices, maintenance costs for their vehicles,

the long days or weeks of travel—sacrificing time away from their families in order to make a living, feed their families, and finance the education of their children. And so, Mr. President, I ask, how can we afford to turn a blind eye to the plight of these Americans whose livelihood is so integral to commerce in the great country? Merely wishing the problem away or simply keeping it out of sight and out of mind is neither tenable nor acceptable.

Make no mistake, not all brokers are bad actors, nor are all small business operators being exploited. That is precisely why the legislation Senator BROWN and I are offering today does not place onerous burdens on the logistics industry. We merely seek to ensure that an industry under siege on several fronts receives what its purveyors are rightfully entitled to—equitable treatment and a modicum of transparency. Is it too much to ask that they may see for themselves in a transaction who, if anyone, is receiving a fuel surcharge, and how much is being paid out for the cost of fuel? Is it too much to ask for an assurance that, if the motor carrier is willing to pay the high cost of fuel at the pump while transporting goods across this nation, that carrier will be reimbursed? The answer to both questions is a resounding, ''No!'' The solution to addressing this regrettable situation is our common-sense legislation the consideration of which is long overdue.

I urge all my colleagues who have small business motor carriers in their state to consider seriously this issue and lend their strong support to this welcomed legislation.

By Ms. MURKOWSKI (for herself and Mrs. MURRAY):

S. 2911. A bill to improve vaccination rates among children; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, today, I join with my colleague Senator MURRAY in introducing legislation that will help bolster childhood immunization in those parts of our country where immunization rates are much too low. Since the beginning of the 20th century, vaccines have completely eradicated the once frequent killer smallpox and almost eradicated polio. Vaccines save lives, avert communicable diseases and reduce health care spending for preventable diseases. We must continue in our efforts to achieve childhood immunization rates of 90 percent by 2010 and with passage of this bill, we can do just that.

Vaccines are one of the most effective tools for prevention of disease. According to the Centers for Disease Control and Prevention, for every $1 spent on vaccines, America saves $18.60 in both medical costs and societal costs. But more important than the cost saving is the weight and value we must place on ensuring that children are fully vaccinated. We must not lose one more child to a vaccine preventable disease. Childhood vaccines prevent over 10 million cases of infectious illness and nearly 34,000 childhood deaths in America every year. Clearly, vaccines are a tried and true way to not only reduce health care costs, but also to keep our children healthy.

The legislation Senator MURRAY and I are introducing today authorizes funding for effective interventions recommended by the Task Force on Community Preventive Services and helps to achieve childhood immunization rates of 90 percent by 2010. First, the legislation authorizes additional funding for a demonstration program allowing Women, Infant and Children clinics, also known as ''WIC'' to play a greater role in childhood immunizations. This is achieved by recommending vaccines to WIC recipients, coordinating care or immunization services, or employing an immunization coordinator. More than 45 percent of U.S. infants receive benefits through WIC clinics. A 2002 study by the National Foundation for Infectious Diseases recommended coordinating government benefits to keep children up-to-date with their immunizations and noted that WIC programs have successfully accomplished this in numerous communities. Our legislation would enhance such efforts and would even go a step further to require that any grantee using these funds have access to the State Immunization Information System to better coordinate immunization screenings and services.

Second, this legislation authorizes additional funding for the Centers for Disease Control and Prevention to conduct public, age appropriate immunization awareness campaigns and immunization education and outreach activities. Research shows that outreach, coupled with the coordination of immunization and WIC clinics, can increase childhood immunization rates by of approximately 12 percent.

Lastly, this legislation establishes a sense of the Senate concerning the importance of electronic record coordination by both the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, CDC, and that these leaders should work together to improve the integration of immunization information systems with electronic medical records, health information systems, and health information exchanges.

Vaccine preventable diseases will continue to be a threat to our Nation's most vulnerable population if we do not ensure proper vaccination among infants. Through this legislation, we can work to achieve the Healthy People 2010 objective of vaccinating 90 percent of all children by age two. To take a quote from a former First Lady of the United States and a cofounder of the organization Every Child by Two ''No child in America should have to get sick from a vaccine preventable disease. It's time for us to redouble efforts to protect the 20 percent of preschoolers who are routinely not being immunized on time.'' The Infant Immunization Improvement Act will be a vital first step to increasing vaccination rates and will serve as an important safeguard against the spread of communicable diseases. I would like to thank the Partnership for Prevention for their input on this legislation and the 156 members of the 317 Coalition for endorsing the Infant Immunization Improvement Act. I urge my colleagues to cosponsor this legislation—because leaving a single child unprotected is one too many.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2913. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I join once again with Senator HATCH to introduce a bill that will have a significant and positive impact on our cultural heritage. Hundreds of thousands of so-called ''orphan works''—works that may be protected by copyright, but whose owners cannot be identified or located—are collecting dust. Despite tremendous interest in using these orphan works in new collections and new creations, they often languish unseen, because those who would like to bring them to light, and to the attention of the world, fear the prospect of prohibitively expensive statutory damages. In other instances, the copyright in an orphan work may have expired, but potential users lack the information to be certain of the propriety of going forward with its use.

The Shawn Bentley Orphan Works Act of 2008 will remedy this situation. It will help potential users of orphan works find the owners of those works, and it will help the owners to receive compensation. The works will no longer be orphans; their owners will reap the financial benefits of their use, while the public reaps the creative benefits. More creative works will be used, contributing to our cultural and artistic heritage, and more creators will receive compensation for use of their work.

Our legislation permits the use of an orphan work only if the potential user performs and documents a good faith search for the copyright owner. If users cannot locate and contact copyright owners, they may use the orphan work. But if copyright owners later make themselves known, and if users have performed a search that qualifies under this legislation, owners are entitled to reasonable compensation. The user will not be liable for full statutory damages in those circumstances, but if a user does not perform that good faith search, the user will face up to $150,000 in statutory damages.

In practical terms, then, what does this mean? It means that a woman in Vermont can restore a wedding photograph of her grandparents, even if she

cannot locate the photographer to get permission to do so. It means that a library can display letters of American soldiers wrote during World War II, even if the library cannot contact the soldiers or their descendents. It means that museums can exhibit Depression-era photographs, even if they cannot determine the name of the photographer.

What this bill does not do is create a ''license to infringe.'' In any of the above instances, if the users do not conduct a good faith search for the copyright owner, those users are in the same boat they are in now when it comes to infringement. This bill does not change the basic premise of copyright law: If you use the copyrighted works of others, you must compensate them for it. As an avid photographer, I understand what it means to devote oneself to creative expression, and I applaud anyone with the talent and commitment to make a living doing so. Orphan works are too important to our families, our communities, and our culture to go left unseen and unused.

I thank Senator HATCH for his help in developing this legislation, and I look forward to working with him to ensure that this bill becomes law. I am especially pleased to name this bill for Shawn Bentley. Several years ago, Shawn died, tragically young, but he left behind a legacy of affection and regard for all of us who knew him. He served Senator HATCH as a counsel for intellectual property, and it was he who first inspired this effort on orphan works. Naming this bill for him is a testament to his dedication to the issue, and his value to the Judiciary Committee.

I ask unanimous consent that the full bill text be included in the RECORD.

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

S. 2913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Shawn Bentley Orphan Works Act of 2008''.

SEC. 2. LIMITATION ON REMEDIES IN CASES INVOLVING ORPHAN WORKS.

(a) LIMITATION ON REMEDIES.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

''§ 514. Limitation on remedies in cases involving orphan works

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) MATERIALS AND STANDARDS.—The term 'materials and standards' includes—

''(A) the records of the Copyright Office that are relevant to identifying and locating copyright owners;

''(B) sources of copyright ownership information reasonably available to users, including private databases;

''(C) industry practices and guidelines of associations and organizations;

''(D) technology tools and expert assistance, including resources for which a charge or subscription fee is imposed, to the extent that the use of such resources is reasonable for, and relevant to, the scope of the intended use; and

''(E) electronic databases, including databases that are available to the public through the Internet, that allow for searches of copyrighted works and for the copyright owners of works, including through text, sound, and image recognition tools.

''(2) NOTICE OF CLAIM FOR INFRINGEMENT.—The term 'notice of the claim for infringement' means, with respect to a claim for copyright infringement, a written notice that includes at a minimum the following:

''(A) The name of the owner of the infringed copyright.

''(B) The title of the infringed work, any alternative titles of the infringed work known to the owner of the infringed copyright, or if the work has no title, a description in detail sufficient to identify it.

''(C) An address and telephone number at which the owner of the infringed copyright may be contacted.

''(D) Information from which a reasonable person could conclude that the owner of the infringed copyright's claims of ownership and infringement are valid.

''(3) OWNER OF THE INFRINGED COPYRIGHT.—The 'owner of the infringed copyright' is the legal owner of the exclusive right under section 106, or any party with the authority to grant or license such right, that is applicable to the infringement.

''(4) REASONABLE COMPENSATION.—The term 'reasonable compensation' means, with respect to a claim for infringement, the amount on which a willing buyer and willing seller in the positions of the infringer and the owner of the infringed copyright would have agreed with respect to the infringing use of the work immediately before the infringement began.

''(b) CONDITIONS FOR ELIGIBILITY.—

''(1) CONDITIONS.—

''(A) IN GENERAL.—Notwithstanding sections 502 through 505, and subject to subparagraph (B), in a civil action brought under this title for infringement of copyright in a work, the remedies for infringement shall be limited in accordance with subsection (c) if the infringer—

''(i) proves by a preponderance of the evidence that before the infringement began, the infringer, a person acting on behalf of the infringer, or any person jointly and severally liable with the infringer for the infringement—

''(I) performed and documented a qualifying search, in good faith, for the owner of the infringed copyright; and

''(II) was unable to locate the owner of the infringed copyright;

''(ii) provided attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if such owner was known with a reasonable degree of certainty, based on information obtained in performing the qualifying search;

''(iii) included with the use of the infringing work a symbol or other notice of the use of the infringing work, in a manner prescribed by the Register of Copyrights;

''(iv) asserts in the initial pleading to the civil action the right to claim such limitations;

''(v) consents to the jurisdiction of United States district court, or such court holds that the infringer is within the jurisdiction of the court; and

''(vi) at the time of making the initial discovery disclosures required under Rule 26 of the Federal Rules of Civil Procedure, states with particularity the basis for the right to claim the limitations, including a detailed description and documentation of the search undertaken in accordance with paragraph (2)(A).

''(B) EXCEPTION.—Subparagraph (A) does not apply if, after receiving notice of the claim for infringement and having an opportunity to conduct an expeditious good faith investigation of the claim, the infringer—

''(i) fails to negotiate reasonable compensation in good faith with the owner of the infringed copyright; or

''(ii) fails to render payment of reasonable compensation in a reasonably timely manner.

''(2) REQUIREMENTS FOR SEARCHES.—

''(A) REQUIREMENTS FOR QUALIFYING SEARCHES.—

''(i) IN GENERAL.—For purposes of paragraph (1)(A)(i)(I), a search is qualifying if the infringer undertakes a diligent effort to locate the owner of the infringed copyright.

''(ii) DETERMINATION OF DILIGENT EFFORT.—In determining whether a search is diligent under this subparagraph, a court shall consider whether—

''(I) the actions taken in performing that search are reasonable and appropriate under the facts relevant to that search, including whether the infringer took actions based on facts uncovered by the search itself;

''(II) the infringer employed the applicable best practices maintained by the Register of Copyrights under subparagraph (B); and

''(III) the infringer performed the search before using the work and at a time that was reasonably proximate to the commencement of the infringement.

''(iii) LACK OF IDENTIFYING INFORMATION.—The fact that a particular copy or phonorecord lacks identifying information pertaining to the owner of the infringed copyright is not sufficient to meet the conditions under paragraph (1)(A)(i)(I).

''(B) INFORMATION TO GUIDE SEARCHES; BEST PRACTICES.—

''(i) STATEMENTS OF BEST PRACTICES.—The Register of Copyrights shall maintain and make available to the public, including through the Internet, current statements of best practices for conducting and documenting a search under this subsection.

''(ii) CONSIDERATION OF RELEVANT MATERIALS AND STANDARDS.—In maintaining the statements of best practices required under clause (i), the Register of Copyrights shall, from time to time, consider materials and standards that may be relevant to the requirements for a qualifying search under subparagraph (A).

''(3) PENALTY FOR FAILURE TO COMPLY.—If an infringer fails to comply with any requirement under this subsection, the infringer is subject to all the remedies provided in section 502 through 505, subject to section 412.

''(c) LIMITATIONS ON REMEDIES.—The limitations on remedies in a civil action for infringement of a copyright to which this section applies are the following:

''(1) MONETARY RELIEF.—

''(A) GENERAL RULE.—Subject to subparagraph (B), an award for monetary relief (including actual damages, statutory damages, costs, and attorney's fees) may not be made other than an order requiring the infringer to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work.

''(B) FURTHER LIMITATIONS.—An order requiring the infringer to pay reasonable compensation for the use of the infringed work may not be made under subparagraph (A) if the infringer is a nonprofit educational institution, museum, library, or archives, or a public broadcasting entity (as defined in subsection (f) of section 118) and the infringer proves by a preponderance of the evidence that—

''(i) the infringement was performed without any purpose of direct or indirect commercial advantage;

''(ii) the infringement was primarily educational, religious, or charitable in nature; and

''(iii) after receiving notice of the claim for infringement, and after conducting an expeditious good faith investigation of the claim, the infringer promptly ceased the infringement.

''(C) EXCEPTION TO FURTHER LIMITATION.—Notwithstanding the limitation established under subparagraph (B), if the owner of an infringed copyright proves, and a court finds, that the infringer has earned proceeds directly attributable to the use of the infringed work by the infringer, the portion of such proceeds attributable to such infringement may be awarded to the owner.

''(2) INJUNCTIVE RELIEF.—

''(A) GENERAL RULE.—Subject to subparagraph (B), the court may impose injunctive relief to prevent or restrain any infringement alleged in the civil action.

''(B) EXCEPTION.—In a case in which the infringer has prepared or commenced preparation of a work that recasts, transforms, adapts, or integrates the infringed work with a significant amount of the infringer's original expression, any injunctive relief ordered by the court—

''(i) may not restrain the infringer's continued preparation or use of that new work;

''(ii) shall require that the infringer pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright for the use of the infringed work; and

''(iii) shall require that the infringer provide attribution, in a manner that is reasonable under the circumstances, to the owner of the infringed copyright, if requested by such owner.

''(C) LIMITATIONS.—The limitations on injunctive relief under subparagraphs (A) and (B) shall not be available to an infringer if the infringer asserts in the civil action that neither the infringer or any representative of the infringer acting in an official capacity is subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106, unless the court finds that the infringer—

''(i) has complied with the requirements of subsection (b); and

''(ii) has made an enforceable promise to pay reasonable compensation to the legal or beneficial owner of the exclusive right under the infringed copyright.

''(D) RULE OF CONSTRUCTION.—Nothing in subparagraph (C) shall be construed to authorize or require, and no action taken under such subparagraph shall be deemed to constitute, either an award of damages by the court against the infringer or an authorization to sue a State.

''(E) RIGHTS AND PRIVILEGES NOT WAIVED.—No action taken by an infringer under subparagraph (C) shall be deemed to waive any right or privilege that, as a matter of law, protects the infringer from being subject to suit in the courts of the United States for an award of damages to the legal or beneficial owner of the exclusive right under the infringed copyright under section 106.

''(d) PRESERVATION OF OTHER RIGHTS, LIMITATIONS, AND DEFENSES.—This section does not affect any right, limitation, or defense to copyright infringement, including fair use, under this title. If another provision of this title provides for a statutory license that would permit the infringement contemplated by the infringer if the owner of the infringed copyright cannot be located, that provision applies instead of this section.

''(e) COPYRIGHT FOR DERIVATIVE WORKS AND COMPILATIONS.—Notwithstanding section 103(a), an infringer who qualifies for the limitation on remedies afforded by this section with respect to the use of a copyrighted work shall not be denied copyright protection in a compilation or derivative work on the basis that such compilation or derivative work employs preexisting material that has been used unlawfully under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end the following:

''514. Limitation on remedies in cases involving orphan works.''.

SEC. 3. DATABASE OF PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.

(a) ESTABLISHMENT OF DATABASE.—

(1) IN GENERAL.—The Register of Copyrights shall undertake a certification process for the establishment of an electronic database that facilitates the search for pictorial, graphic, and sculptural works that are subject to copyright protection under title 17, United States Code.

(2) PROCESS AND STANDARDS FOR CERTIFICATION.—The process and standards for certification of the electronic database required under paragraph (1) shall be established by the Register of Copyrights, except that certification may not be granted if the electronic database does not contain—

(A) the name of all authors of the work, if known, and contact information for any author if the information is readily available;

(B) the name of the copyright owner if different from the author, and contact information of the copyright owner;

(C) the title of the copyrighted work, if such work has a title;

(D) with respect to a copyrighted work that includes a visual image, a visual image of the work, or, if such a visual image is not available, a description sufficient to identify the work;

(E) one or more mechanisms that allow for the search and identification of a work by both text and image; and

(F) security measures that reasonably protect against unauthorized access to, or copying of, the information and content of the electronic database.

(b) PUBLIC AVAILABILITY.—The Register of Copyrights—

(1) shall make available to the public through the Internet a list of all electronic databases that are certified in accordance with this section; and

(2) may include any database so certified in a statement of best practices established under section 514(b)(5)(B) of title 17, United States Code.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—With respect to works other than pictorial, graphic, and sculptural works, the amendments made by section 2 shall apply to infringements that commence on or after January 1, 2009.

(b) PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS.—With respect to pictorial, graphic, and sculptural works, the amendments made by section 2 shall—

(1) take effect on the earlier of—

(A) the date on which the Copyright Office certifies under section 3 at least 2 separate and independent searchable, comprehensive, electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works, and are available to the public through the Internet; or

(B) January 1, 2011; and

(2) apply to infringing uses that commence on or after that effective date.

(c) PUBLICATION IN FEDERAL REGISTER.—The Register of Copyrights shall publish the effective date described in subsection (b)(1) in the Federal Register, together with a notice that the amendments made by section 2 take effect on that date with respect to pictorial, graphic, and sculptural works.

(d) DEFINITION.—In this section, the term ''pictorial, graphic, and sculptural works'' has the meaning given that term in section 101 of title 17, United States Code.

SEC. 5. REPORT TO CONGRESS.

Not later than December 12, 2014, the Register of Copyrights shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the implementation and effects of the amendments made by section 2, including any recommendations for legislative changes that the Register considers appropriate.

SEC. 6. STUDY ON REMEDIES FOR SMALL COPYRIGHT CLAIMS.

(a) IN GENERAL.—The Register of Copyrights shall conduct a study with respect to remedies for copyright infringement claims by an individual copyright owner or a related group of copyright owners seeking small amounts of monetary relief, including consideration of alternative means of resolving disputes currently heard in the United States district courts. The study shall cover the infringement claims to which section 514 of title 17, United States Code, apply, and other infringement claims under such title 17.

(b) PROCEDURES.—The Register of Copyrights shall publish notice of the study required under subsection (a), providing a period during which interested persons may submit comments on the study, and an opportunity for interested persons to participate in public roundtables on the study. The Register shall hold any such public roundtables at such times as the Register considers appropriate.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Register of Copyrights shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Register considers appropriate.

SEC. 7. STUDY ON COPYRIGHT DEPOSITS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the function of the deposit requirement in the copyright registration system under section 408 of title 17, United States Code, including—

(1) the historical purpose of the deposit requirement;

(2) the degree to which deposits are made available to the public currently;

(3) the feasibility of making deposits, particularly visual arts deposits, electronically searchable by the public for the purpose of locating copyright owners; and

(4) the impact any change in the deposit requirement would have on the collection of the Library of Congress.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the study conducted under this section, including such administrative, regulatory, or legislative recommendations that the Comptroller General considers appropriate.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. SMITH, Mr. DORGAN, Mr. THUNE, Mr. PRYOR, and Ms. SNOWE):

S. 2919. A bill to promote the accurate transmission of network traffic identification information; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, to help end the growing problem of phantom traffic, today I introduce the ''Signaling Modernization Act of 2008.'' Senators INOUYE, SMITH, DORGAN, THUNE, PRYOR, and SNOWE cosponsored this bill. Phantom traffic is a phone call sent over the telephone network without the identifying information carriers use to bill each other.

When I call home to Alaska, that call is transmitted over several different carriers. Phone companies charge each other for the use of their networks. The funds generated by these charges are particularly important to carriers in Alaska and throughout rural America. Phantom traffic prevents carriers from collecting the funds they are owed, impacting universal service and raising rates for rural customers.

It's time Congress pulled back the mask on phantom traffic to discover who or what is behind this problem that has plagued carriers for several years. The Federal Communications Commission is actively analyzing the issue, but it is time we find a solution.

Yesterday the Commerce Committee heard from a member of the National Telecommunications Cooperative Association from rural Missouri. He told us that 11 percent of their traffic did not have sufficient information for billing, causing them to lose about $37 per line per year. This loss of revenue makes it more difficult for rural carriers to deploy broadband.

Our bill will require all calls from voice communications service providers to contain enough information to allow carriers to bill each other, including voice over internet protocol providers offering 2–way service and providers transiting the traffic between originating and terminating providers. Our bill also directs the FCC to establish rules implementing this requirement within 12 months of enactment, and gives it the authority to adopt enforcement provisions. Phantom traffic steals from rural carriers and customers. I hope Congress and the FCC will look at this issue closely and put an end to phantom traffic.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 530—DESIGNATING THE WEEK BEGINNING OCTOBER 5, 2008, AS ''NATIONAL SUDDEN CARDIAC ARREST AWARENESS WEEK''

Mr. DORGAN (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 530

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving it a mortality rate of approximately 95 percent;

Whereas, to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas, for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if they can be administered in time;

Whereas, according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting those at risk for sudden cardiac arrest;

Whereas, according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double a victim's chances of survival;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African Americans are at a higher risk than the general population of dying as a result of sudden cardiac arrest, yet this fact is not well known to those at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas early October is an appropriate time to observe National Sudden Cardiac Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 5, 2008, as ''National Sudden Cardiac Arrest Awareness Week'';

(2) supports—

(A) the goals and ideals of National Sudden Cardiac Arrest Awareness Week; and

(B) efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this week with appropriate programs and activities.

SENATE RESOLUTION 531—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. FEINGOLD, Mrs. BOXER, Mr. LEVIN, Mr. DURBIN, Mr. INOUYE, Mr. SANDERS, Mr. DODD, Mr. CASEY, Mr. LAUTENBERG, Mr. AKAKA, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 531

Whereas approximately 63 percent of the Nation's children under age 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas the average salary of early care and education workers is $18,820 per year, and only ⅓ of these workers have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to the children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills and helping them to be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources can be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with their training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support from the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2008, as National Child Care Worthy Wage Day; and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

SENATE RESOLUTION 532—RECOMMENDING THAT THE LANGSTON GOLF COURSE, LOCATED IN NORTHEAST WASHINGTON, DC, AND OWNED BY THE NATIONAL PARK SERVICE, BE RECOGNIZED FOR ITS IMPORTANT LEGACY AND CONTRIBUTIONS TO AFRICAN-AMERICAN GOLF HISTORY, AND FOR OTHER PURPOSES

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 532

Whereas the Langston Golf Course was designated for construction by the Department of the Interior in the 1930s as a safe and expanded recreational facility for the local and national African-American communities;

Whereas Langston Golf Course was named for John Mercer Langston, the first African-American Representative elected to Congress from the State of Virginia, and who also was a founder of the Howard University Law School;

Whereas the Langston Golf Course is believed to be the first regulation course in the United States to be built almost entirely on a refuse landfill;

Whereas Langston Golf Course has been placed on the National Register of Historic Places, and the Capitol City Open golf tournament has made Langston Golf Course its home for the past 40 years;

Whereas the first American-born golf professional of African-American ancestry was John Shippen, who was born circa 1878 in the Anacostia area of Washington, placed 5th in the second United States Open golf tournament in 1896 at 16 years old, and helped found the Capitol City Golf Club in 1925;

Whereas the Capitol City Golf Club, eventually renamed the Royal Golf Club and Wake Robin Women's Club, has historically promoted a safe golf facility for African-Americans in Washington, especially during an era when few facilities were available, and these 2 clubs remain the oldest African American golf clubs in the United States;

Whereas the Langston facility continues to provide important recreational outlets, instructional forums, and a ''safe haven center'' for the enhancement of the lives of the city of Washington's inner city youth;

Whereas the Langston Golf Course and related recreational facilities provide a home for the Nation's important minority youth ''First Tee'' golf instruction and recreational program in Washington;

Whereas Langston Golf Course's operations and its related facilities seek to increase course-based educational opportunities under the auspices of the National Park Service for persons under 18 years of age, particularly those from populations of the inner-city and historically under-represented among visitors to units of the National Park System;

Whereas the preservation and ecologically balanced enhancements via future public and private funding for the lands making up the 212 acres of the Langston Golf Course will contribute a positive benefit to the National Park System's Environmental Leadership projects program, the Anacostia River Watershed, the city of Washington, and the entire metropolitan area;

Whereas Federal funds for enhancements to the Langston course have perennially been promised but rarely provided, even after the designation of Langston Golf Course as a ''Legacy Project for the 21st Century'', and after significant private funding and contributions were committed and provided; and

Whereas the Langston Golf Course and related recreational facilities have traditionally provided additional quality of life value to all residents of Washington, DC, and will do more so once upgraded to meet its obvious athletic and historical promise: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Langston Golf Course, its general management, and the Royal Golf and Wake Robin Golf Clubs are to be commended for their historical and ongoing contributions to the local community and the Nation;

(2) the Director of the National Park Service and the Secretary of the Interior should give appropriate consideration to the future budget needs of this important park in the National Park System; and

(3) the Secretary of the Senate should transmit an enrolled copy of this resolution to the general manager of the Langston Golf Course.

SENATE RESOLUTION 533—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLITICAL SITUATION IN ZIMBABWE

Mr. KERRY (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. OBAMA, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 533

Whereas, on March 29, 2008, parliamentary and presidential elections were held in Zimbabwe amid widespread reports of voting irregularities in favor of the ruling Zimbabwe African National Union-Patriotic Front (ZANU–PF) party and President Robert Mugabe, including, according to the Department of State, ''production of far more ballots than there were registered voters. . .[and] the allowance of police in polling places'';

Whereas official results showed that the opposition Movement for Democratic Change (MDC) won a majority of seats in the parliamentary elections, and independent monitors concluded based on initially posted results that MDC leader Morgan Tsvangirai received substantially more votes than President Mugabe in the presidential election;

Whereas, as of April 24, 2008, the Zimbabwe Electoral Commission has still not released the results of the presidential election, despite calls to do so by the African Union (AU), the European Union, the Government of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki Moon, and the United States;

Whereas, on April 19, 2008, the Zimbabwe Electoral Commission officially commenced recounting ballots cast in 23 parliamentary constituencies, primarily in districts that did not support candidates affiliated with ZANU–PF;

Whereas, on April 21, 2008, British Foreign Secretary David Miliband stated that the ongoing recount was potentially a ''charade of democracy'' that ''only serves to fuel suspicion that President Mugabe is seeking to reverse the results that have been published, to regain a majority in parliament, and to amplify his own count in the presidential election,'' and accused him of trying ''to steal the election'';

Whereas, the Government of Zimbabwe has arrested numerous members of the media and election officials, and over 1,000 Zimbabweans have reportedly been fleeing into South Africa every day, while forces loyal to the government have engaged in a brutal and systematic effort to intimidate voters;

Whereas, on April 20, 2008, the MDC released a detailed report showing that more than 400 of its supporters had been arrested, 500 had been attacked, 10 had been killed, and 3,000 families had been displaced, and Human Rights Watch reported on April 19, 2008, that ZANU–PF is operating ''torture camps'' where opposition supporters are being beaten;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was ''gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias'';

Whereas, while there is currently no international embargo on arms transfers to Zimbabwe, a Chinese ship carrying weapons destined for Zimbabwe was recently prevented from unloading its cargo in Durban, South Africa, and has been denied access to other ports in the region due to concerns that the weapons could further destabilize the situation in Zimbabwe;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that President Mugabe has ''done more harm to his country than would have been imaginable . . . the last years have been really an abomination . . .'' and called for the AU and SADC to play a greater role in resolving the crisis;

Whereas, the Department of State's 2007 Country Report on Human Rights Practices stated that, in Zimbabwe, ''the ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists''; and

Whereas annual inflation in Zimbabwe is reportedly running over 150,000 percent, unemployment stands at over 80 percent, hunger affects over 4,000,000 people, and an estimated 3,500 people die each week from hunger, disease, and other causes related to extremely poor living conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who have been subjected to incredible hardships, including violence, political repression, and severe economic deprivation, in their aspirations for a free, democratic, and more prosperous future;

(2) to call for an immediate cessation of politically motivated violence, detentions, and efforts to intimidate the people of Zimbabwe perpetrated by Zimbabwe's security forces and militias loyal to ZANU–PF;

(3) that the Zimbabwe Electoral Commission should immediately release the legitimate results of the presidential election and ratify the previously announced results of the parliamentary elections;

(4) that President Robert Mugabe should accept the will of the people of Zimbabwe in order to effect a timely and peaceful transition to genuine democratic rule;

(5) that regional organizations, including SADC and the AU, should play a sustained and active role in resolving the crisis peacefully and in a manner that respects the will of the people of Zimbabwe;

(6) that the United Nations Security Council should be seized of the issue of Zimbabwe, support efforts to bring about a peaceful resolution of the crisis that respects the will of the people of Zimbabwe, and impose an international arms embargo on Zimbabwe until a legitimate democratic government has taken power;

(7) that the United States Government and the international community should impose targeted sanctions against additional individuals in the Government of Zimbabwe and state security services and militias in Zimbabwe who are responsible for human rights abuses and interference in the legitimate conduct of the elections in Zimbabwe; and

(8) that the United States Government and the international community should work together to prepare a comprehensive economic and political recovery package for Zimbabwe in the event that a genuinely democratic government is formed and commits to implementing key constitutional, economic, and political reforms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance.

TEXT OF AMENDMENTS

SA 4576. Mr. AKAKA (for himself and Mr. BURR) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes; as follows:

On page 12, beginning on line 8, strike ''June 1, 2008'' and insert ''April 1, 2009''.

On page 13, line 17, strike ''January 1, 2008'' and insert ''January 1, 2009''.

On page 14, line 9, strike ''January 1, 2008'' and insert ''January 1, 2009''

On page 29, line 7, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 29, line 12, strike ''December 31, 2008'' and insert ''December 31, 2009''.

On page 30, line 19, strike ''December 31, 2008'' and insert ''December 31, 2009''.

On page 35, line 22, add after the period the following: ''The amendment made by the preceding sentence shall take effect on October 1, 2008, and shall expire on January 1, 2010.''.

On page 38, beginning on line 21, strike ''the date of the enactment of this Act'' and insert ''April 1, 2009''.

On page 41, line 16, strike ''May 1, 2008'' and insert ''April 1, 2009''.

On page 41, line 18, strike ''May 1, 2008'' and insert ''April 1, 2009''.

On page 41, line 24, strike ''the date of the enactment of this Act'' and insert ''April 1, 2009''.

On page 42, line 1, strike ''the date of the enactment of this Act'' and insert ''that date''.

On page 59, line 17, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 62, line 22, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 67, line 23, strike ''October 1, 2007'' and insert ''October 1, 2008''.

On page 71, beginning on line 9, strike ''October 1, 2007, and ending on September 30, 2011'' and insert ''October 1, 2008, and ending on September 30, 2012''.

On page 71, line 23, strike ''March 31, 2011'' and insert ''March 31, 2012''.

On page 72, line 3, strike ''September 30, 2011'' and insert ''September 30, 2012''.

On page 72, line 14, strike ''fiscal years 2008 through 2011'' and inserting ''fiscal years 2009 through 2012''.

On page 73, line 4, strike ''fiscal year 2011'' and insert ''fiscal year 2012''.

On page 75, beginning on line 22, strike ''December 31, 2010'' and insert ''December 31, 2011''.

SA 4577. Mr. WYDEN (for himself, Mr. BENNETT, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 334, to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; which was referred to the Committee on Finance; as follows:

On page 7, line 18, strike the period and insert the following: ''or an employer-sponsored health coverage plan described under section 103 offered by an employer.''.

On page 11, beginning on line 3, strike ''offered through the HHA of the adult individual's State of residence''.

On page 12, beginning on line 4, strike ''offered through the HHA of the adult individual's State of residence''.

On page 16, between lines 3 and 4, insert the following:

SEC. 103. HEALTH COVERAGE PLANS OFFERED BY EMPLOYERS.

(a) PLAN REQUIREMENTS.—

(1) IN GENERAL.—A health coverage plan described in section 105(h)(6) of the Internal Revenue Code of 1986 (relating to self-insured plans) that is offered by an employer shall be subject to—

(A) the requirements of subtitle B (except for subsections (a), (d)(2), and (d)(4) of section 111); and

(B) a risk-adjustment mechanism used to spread risk across all health plans.

(2) OTHER PLANS.—A health coverage plan that is not described in section 105(h)(6) of the Internal Revenue Code of 1986 that is offered by an employer shall be subject to the requirements of subtitle B (except for subsection (a) of section 111).

(b) DISTRIBUTION OF INFORMATION.—Employers that offer an employer-sponsored health coverage plan shall distribute to employees standardized, unbiased information on HAPI plans and supplemental health insurance options provided by the State HHA under section 502(b).

(c) PLANS OFFERED THROUGH EMPLOYERS.—An employer-sponsored health coverage plan shall be offered by an employer and not through the applicable State HHA.

On page 22, on line 13, insert ''(including a risk-adjustment mechanism)'' after ''rating principals''.

On page 102, line 19, insert ''The preceding sentence shall not apply to any employer who has less than 10 employees.'' after ''when paid.''.

On page 117, line 9, insert ''(except for employer-sponsored health coverage plans described under section 103 offered by employers)'' after ''HHA''.

On page 117, between lines 15 and 16, insert the following:

(4) make risk-adjusted payments to all health insurance issuers and employers offering a HAPI plan in such State to account for the specific population covered by the plan, in accordance with guidelines established by the Secretary;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m., in closed session to receive a briefing on a sensitive intelligence matter.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 24, 2008, at 10 a.m., to conduct a committee hearing entitled ''Turmoil in U.S. Credit Markets: Examining the U.S. Regulatory Framework Assessing Sovereign Investments.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April 24, 2008, at 10:30 a.m., in Room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session during the session of the Senate on Thursday, April 24, 2008, at 2:30 p.m., in Room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 10 a.m., in Room 215 of the Dirksen Senate Office Building, to hear testimony on ''Tax Aspects of a Cap-and-Trade System.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. 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 24, 2008, at 9:30 a.m. to hold a hearing on implementing smart power: setting an agenda for national security reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. 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 24, 2008, at 2 p.m. to hold a hearing on international debt relief.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. 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 24, 2008, at 4:45 p.m. to hold a briefing on a classified matter.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Restoring FDA's Ability to Keep America's Families Safe'' on Thursday, April 24, 2008. The hearing will commence at 9:30 a.m. in Room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized

to meet on Thursday, April 24, at 9 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a business meeting on pending issues to be followed immediately by an oversight hearing on ''Recommendations for Improving the Federal Acknowledgment Process.''

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

COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 24, 2008, at 10 a.m. in Room SD–226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 24, 2008, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 9:30 a.m. in order to conduct a hearing entitled, ''Addressing Iran's Nuclear Ambitions.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 24, 2008, at 2 p.m. in order to conduct a hearing entitled, ''Beyond Control: Reforming Export Licensing Agencies for National Security and Economic Interests.''

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, in order to conduct a hearing entitled ''An Examination of the Delta-Northwest Merger'' on Thursday, April 24, 2008, at 2 p.m., in Room SD–226 of the Dirksen Senate Office Building. The witness list is not yet available.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, April 24, 2008, at 2:15 p.m., in Room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jeryle Greene and Mindy Van Woerkom of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. KENNEDY. Mr. President, on behalf of Senator DODD, I ask unanimous consent that Pam Bradley, a fellow in Senator DODD's office, be granted floor privileges for the duration of consideration of the Genetic Information Nondiscrimination Act.

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

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 383, H.R. 2881, the FAA Reauthorization Act of 2007, 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 motion.

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, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 383, H.R. 2881, the FAA reauthorization bill:

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 28, the Senate resume consideration of the motion to invoke cloture at 4:30, with the time until 5:30 equally divided and controlled between the two leaders or their designees; and that at 5:30 the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 2881, with the mandatory quorum call being waived.

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

AUTHORITY TO SIGN ENROLLED BILLS

Mr. REID. I ask unanimous consent the majority leader be authorized to sign duly enrolled bills and joint resolutions through the recess or adjournment of the Senate until Monday, April 28, of this year.

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

AWARDING THE CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. REID. I ask unanimous consent that the Banking Committee be discharged from consideration of H.R. 4286.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4286) to award the Congressional Gold Medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights and democracy in Burma.

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

Mr. MCCONNELL. Mr. President, I rise today to note Senate passage of H.R. 4286, legislation that would award the Congressional Gold Medal to the jailed prodemocracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi. The bill now goes to the President for his signature.

I am pleased to report that this legislation has enjoyed broad bipartisan support. Once again I am joined in this effort by my friend, the senior Senator from California. Senator FEINSTEIN and I introduced this legislation and it has 76 cosponsors. In this regard, I would like to thank Rich Harper of Senator FEINSTEIN's staff and Lucy Bean of my staff for their work on the bill.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta, the State Peace and Development Council, SPDC. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies around the world to aid her in her struggle.

Despite the efforts of Suu Kyi and her allies, the SPDC will soon place a sham constitution before the people of Burma for an up-or-down vote. This might sound democratic, but no one is fooled. This proposed constitution includes language that would forbid Suu

Kyi from holding public office. Criticism of the document is a criminal offense. The true intent behind the proposed constitution is not the expansion of democratic principles. Its true purpose is to legitimize and make permanent the military junta and its brutal tyranny.

By awarding Suu Kyi the Congressional Gold Medal, we in Congress are letting the world know that the American people stand with Suu Kyi and the freedom-loving people of Burma and against the junta and the illegitimate charter it is propounding.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and that all statements relating to the bill be printed in the RECORD.

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

The question is on the third reading and passage of the bill.

The bill (H.R. 4286) was ordered to a third reading, was read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 510 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 510) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and all statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 510) was agreed to.

The preamble was agreed to.

The resolution, with its preambles, reads as follows:

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years, an improvement from a life expectancy in the 1960s where children did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommend that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas, although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May 2008: Now, therefore, be it

Resolved, That the Senate—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) supports the promotion of further public awareness and understanding of cystic fibrosis;

(3) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(4) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

REGARDING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 322.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 322) 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.

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

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 322) was agreed to.

The preamble was agreed to.

Mr. REID. I would note that Senator LEVIN has agreed to lead the Senate delegation to this most important occasion. We appreciate very much his doing so. He is one of the senior Members of the Senate and chairman of the Armed Services Committee, an appropriate person to do this.

MEASURE READ THE FIRST TIME

Mr. REID. I understand that H.R. 5613 is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.

Mr. REID. Mr. President, I ask for its second reading but then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR MONDAY, APRIL 28, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and that Senator DORGAN be recognized to speak for up to 30 minutes; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 383, H.R. 2881, FAA reauthorization, as under the previous order.

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

FAA REAUTHORIZATION

Mr. REID. Mr. President, I had the opportunity to meet this afternoon with unions representing different airline entities. I also met with the owners and operators of airlines. We have a real problem on our hands. Fuel costs are now approaching 50 percent of the costs of our commercial airlines—50 percent. It used to be that the No. 1 cost, of course, was labor, personnel, but that is not the way it is. It is approaching 50 percent.

We are spending billions and billions of dollars, and most of that money is going to places we would rather it not go, to countries that have certainly nondemocratic forms of government, and a number of them are doing some very bad things with the money we are sending.

We are going to approach this FAA reauthorization to try to direct attention to some of the issues we read about every day: 3,000 flights being canceled, airlines flying with improper equipment. We are going to do our very best to have a good debate. I hope we can proceed to this legislation. It is something that is so important for us to do as a country.

Mr. President,the cloture vote on the motion to proceed to the FAA reauthorization bill—I will again remind everyone—will be at 5:30 p.m. on Monday.

MEASURE READ THE FIRST TIME—S. 2920

Mr. REID. Mr. President, I think—I do not think—I am almost certain that S. 2920 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2920) to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 2008, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Monday, April 28, 2008, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008, VICE HAROLD C. PACHIOS, TERM EXPIRED.

DEPARTMENT OF STATE

KRISTEN SILVERBERG, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATESS 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. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

STANLEY A. OKORO
MERYL A. SEVERSON III

To be lieutenant commander

COLEMAN J. BRYAN
BRIAN M. CAMERON
TED R. CAMPBELL
STEVE S. CHAN
JENNIFER M. COLOMBO
REBECCA J. EICK
BRIAN L. FELDMAN
KANTI R. FORD
MARION C. HENRY
JASON J. LUKAS
JOSEPH R. LYNCH
WEBB R. MCCANSE
KATHLEEN J. MCDONALD
EDWARD J. MILLER
JOSHUA P. MOSS
DANIEL G. NICASTRI
STACEY C. QUINTERO
JAMISON R. RIDGELEY
DAVID B. ROSENBERG

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 24, 2008 withdrawing from further Senate consideration the following nomination:

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.