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No. 100

Senate

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

PRAYER

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

Let us pray.

God of hope, who fills us with joy and peace, sustain our Senators and those who support them with the power of Your Holy Spirit. Work in them, enabling them to do infinitely more than they can imagine.

Lord, give them a peace which the world cannot give and a passion to accomplish Your purposes. When they are weary, give them rest, and when they are discouraged, empower them to persevere. Prepare their hearts and minds to serve You and country with humility and integrity, as they work together with mutual forbearance and respect.

Lord, teach them to seek first Your honor and glory. But above all, fill them with Your matchless love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, there will be an hour for morning business. Senators will be able to speak for up to 10 minutes each. The Republicans will control the first half, and the majority will control the second half. The Senate will proceed thereafter to the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. The time until 12:30 is equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons. Following the recess, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy Act.

UNANIMOUS-CONSENT REQUEST— H.R. 5749

Mr. REID. Mr. President, my distinguished friend, the Senator from the State of Arizona, is here. As a result, I am going to propound a unanimous-consent request so as not to cause him to have to spend any time here he would not ordinarily have to do.

The House has passed an unemployment compensation bill. I am going to show the Senate in a little while that we are at 76 filibusters. I am not going to go through another one on unem-

ployment compensation. If we do not agree to pass this bill at this time, there will not be a long floor debate on unemployment compensation. What we will do, it is my understanding this legislation will be in the supplemental we will get from the House. That being the case, we will have ample time to talk about the issue if anybody wants to.

The distinguished majority whip is going to speak on unemployment compensation, as are some others today. But right now I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 780, H.R. 5749, a bill we recently received from the House, the Emergency Extended Unemployment Compensation Act. I ask that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, I do object. I wonder if I may make one brief comment.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. KYL. Mr. President, I wish to make the point that when we do extend unemployment benefits, if we do, the Senate needs to weigh in on its ideas about how it ought to be done, for one thing. The House-passed bill, which I don't think we want to consider, eliminates the 20-week work requirement which has been the law now since 1981. So theoretically someone could work a very short period of time and be entitled to this 13-week extension, something I don't think we want to change. As a result, we would like the Senate to weigh in and get it done the right way. For that reason, I have to object to bringing the House bill up at this time.

Mr. REID. Mr. President, we will be willing now to accept that change in the legislation and pass it.

Mr. KYL. Mr. President, if I might further address the majority leader

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



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then, I have several concerns. I highlighted one.

Mr. REID. I say to my friend, this, I believe, will be in the package we get from the House, and we will be happy to work with the minority if they feel some changes should be made. There are a number of people on my side who would agree to this, and maybe there are other points on which we can agree.

Mr. KYL. I appreciate that. I think there are some issues the Senate wishes to modify in the proposal. The offer to work together is a fair one, and that is how we ought to proceed.

TAX EXTENDER LEGISLATION

Mr. REID. Mr. President, yesterday was a remarkably good day. When I got out of law school, I went back to Nevada and thought I would be this great golfer. I golfed for 6 months or so, and then realized I was becoming obsessed with the game. Therefore, I decided I shouldn't do this. I had a family, and it took so much time.

For a number of years, I have listened to my friends talk about how much they enjoy golf, and I am sure they do. But it has only been in recent years that the American public has focused on golf, and that is because of Tiger Woods.

I can remember the first time I watched this little boy play. They showed him on the late night shows. Of course, as we all know, it was taped a lot earlier before his bedtime. This little kid, when he was 3 years old, could do remarkable things with his golf club. That is the way it was through his entire career, including at Stanford University.

Over the weekend, we all watched with attention while Rocco Mediate was going stroke for stroke with the great Tiger Woods. They tied in regulation play. They played an extra 18 holes. It was a tie. Finally, yesterday, it was concluded. All of us had mixed emotions as for whom we were pulling. Everyone likes Tiger Woods because he is so good and so nice, but we all also rooted for this underdog.

The one thing we noted yesterday is this golf tournament took place in San Diego. The sun was shining, and it was a beautiful day for golf. That is what the commentators kept saying. We were literally stuck in the rain yesterday. Those of us who were here last night about 4 o'clock saw a violent storm. There was lightning, thunder, driving rain, and lots of wind. As a result, I spoke with Senator McCONNELL, and we thought it was best to delay the vote. We had people calling saying: I am stuck in Richmond. One Senator was supposed to go to Dulles. She had to land in Richmond. Another Senator was stuck in Buffalo. We had people stuck all over the country. So we did this, and it was the right thing to do.

We intended to vote on the motion to proceed to the Renewable Energy and Job Creation Act, known as the tax extender bill. Some on the other side, I

am sure, may have welcomed yesterday's delay, but we are where we would have been last night. We need to return to a vote on the motion to proceed to the tax extender bill today, and we will do that, as has been indicated.

The cornerstone of this legislation is an extension of incentives for businesses to invest in clean, renewable energy. Right now, we reward these innovators who are blazing the trail to a greater, cleaner, more affordable energy future, but we don't reward them very much. These people are creating hundreds of thousands of jobs. The potential is out there. If we can pass this legislation, it would mean so much to the American economy and the world ecology, the world environment.

This is not just the Democrats talking. Somebody I have gotten to know over the years is a man by the name of T. Boone Pickens. As I understand, he is from the State of Texas. He has proven one thing: He knows how to make money. He has proven he is willing to take chances, and most always his chances turn out good at the bank for him.

What T. Boone Pickens has now decided to do is make money on renewable energy. He has done so much in the State of Texas alone. He, among others, thinks we should pass the legislation that is so important to give these tax credits to the American entrepreneurs so they will create jobs.

Here is a chart: Republican filibusters and counting, 76. For a long time, we had to keep creating new charts because they kept filibustering so much and it got to be a burden. So what we have done is we put Velcro on this chart. We can peel these babies off. Because the Republicans are so often filibustering, we now have a Velcro chart. We hope we don't have to change this too much more, the "7," or change the "6." Of course, we changed that a couple times last week. The Republicans are filibustering what T. Boone Pickens and others want.

There are hundreds of thousands of jobs, millions of jobs out there we could create if we have this tax incentive. They are doing it other places. In Australia, they are in the process of constructing a solar energy plant. That one plant will be 10,000 megawatts. They can do that all over Australia. It is an Australian company that is heavily involved now in California and other parts of the West.

These tax credit extensions will continue to encourage the renewable energy industry in States all over the West, States that have wind and Sun, and some States, such as California or Nevada, have a lot of geothermal. If the Senate does not act to extend these tax incentives, this research and entrepreneurship will literally be in jeopardy. Thousands of Americans will lose jobs. They are already in the process of losing jobs because the tax credits are about to expire.

We need an opportunity to move away from \$140 barrel oil imported

from unstable regions and unfriendly governments. There is no problem facing America that American ingenuity cannot handle. Failing to pass this tax incentive legislation will mean stacking the deck against innovation.

The minority is saying we shouldn't pay for these extensions, we should run up the red ink. During the last 7½ years, we have had the master at running up the red ink in the White House. We have now almost a \$10 trillion deficit. We are saying we should pay for this legislation. The House has already done that.

The setoffs are very simple. One tax that does not kick in we have extended on a number of occasions in the past. The Republicans did this. We want to do it again. We also believe these offshore shenanigans that are taking place in America where they put these phony companies offshore to get tax breaks should come to an end. And that is what we have done. Most of it would be directed toward billionaires. These hedge funders have recognized they had a good deal going, and they have indicated, with rare exception, that they think it is a good idea. So it is not as if we are trying to ramrod some vicious tax increase to the American middle class. In fact, that is not the case.

We cannot let this legislation fail, and the Republicans are going to let it fail unless we get cloture on this legislation. Not only does this legislation do good things for renewable energy and job creation, but it also expands the child tax credit for families of 13 million children; it provides as many as 30 million homeowners with property tax relief; it helps 4.5 million families afford the cost of college with the tuition deduction; it allows millions of teachers to deduct out-of-pocket classroom expenses; and it levels the playing field by providing tax relief to people living in States with no income tax through the State and local sales tax deduction. Our economy is losing jobs, for 6 months now losing jobs, hundreds of thousands of jobs. In the 8 years President Clinton was President, almost 23 million jobs were created. In this administration, it is quite to the contrary. The disastrous Bush economic policy is the reason we have these job losses, a policy that Republican nominee JOHN MCCAIN wants to preserve. We think this is wrong.

With millions of Americans suffering from job loss, home foreclosures, record gas, energy, and grocery prices, there is no reason on Earth to oppose the bill before us now. I spoke with someone in New Mexico yesterday. He said his home has dropped in value by 50 percent. In many places in America, the value of homes has dropped 25 percent. This bill would create hundreds of thousands of good jobs here at home, lower taxes for American businesses and families and lower energy prices.

Yesterday, my friend, the Republican leader, indicated his caucus plans to oppose this legislation. Why? It seems,

as I have indicated, Republicans object to paying for these crucial tax cuts by eliminating an existing tax loophole that unfairly allows hedge-fund billionaires to avoid paying taxes. Even the hedge funders themselves realize this loophole is unfair and is destined to be corrected. Yesterday, hundreds of major American corporations sent a letter to Congress urging that we pass the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I just referred.

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

JUNE 16, 2008.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The undersigned companies, representing a broad cross section of the U.S. business community and hundreds of thousands of U.S. jobs, request that the Senate take action during the current work period to extend tax provisions that expired at the end of 2007 or will expire at the end of 2008.

The House of Representatives last month passed a tax extenders package included in H.R. 6049, the Renewable Energy and Job Creation Act of 2008, which provides a good starting point for Senate consideration. In April, Senate Finance Committee Chairman Baucus and Senator Grassley introduced S. 2886 containing a tax extenders package, including a critical increase in the Alternative Simplified Credit to spur R&D jobs in the United States. Swift action is now needed by the Senate to enact a tax extenders package that will bring significant positive benefits to the U.S. economy.

Important tax provisions, including the R&D tax credit and the deduction for state and local sales taxes, have already expired. Others, including critical renewable energy incentives, the Subpart F active financial services and look-through rules, the New Markets Tax Credit, and the incentive for domestic film production, expire at the end of this year. Large tax increases would fall on American companies and American workers if the expired and expiring provisions are not extended.

Failure by Congress to move quickly to extend these important provisions will bring investment in renewable energy and energy efficiency projects to a standstill, make it more difficult for U.S. companies to invest in critical R&D projects in this country, reduce private sector investment in business and economic development projects in distressed areas, and force many U.S.-based financial institutions to suffer a massive tax increase at a time when they can least afford it.

Failure to act this summer on tax extender legislation will have significant negative consequences for the U.S. economy. The value of the legislation to the U.S. economy and the need to act quickly at this critical time should be the dominant considerations.

We look forward to working with you on this important legislation and urge action during Congress' June legislative session.

Sincerely,

A.O. Smith Corporation; Abbott Laboratories; Abengoa Solar; Acciona Energy; Accellent, Inc.; Adroit Medical Systems; Advanced Hydro Solutions; Advanced Micro Devices, Inc.; Advantage Capital Partners; AEE Solar, Inc.; AES Wind Generation; Affymetrix, Inc.; Agilent Technologies, Inc.; Agility Design Solutions Inc.; AGP;

Agriletric Power; AIM Computer Solutions, Inc.; Air Products and Chemicals, Inc.; Akkena Solar; Allergan, Inc.; Alliant Energy; Almyra Management Company, Inc.; AltaTerra Ltd.; Alterra Bioenergy; Alticor Inc.; Altria Group, Inc.; AMD; Ameren Corporation; Ameresco; American Electric Power; American Express Company; American International Group, Inc.; American Laboratory Products Company, Ltd.; American Solar Electric, Inc.; and Amgen.

AngioDynamics, Inc.; Apple Inc.; Applied Materials, Inc.; Apricus; Archer Daniels Midland; Art Technologies, Inc.; AstraZeneca Pharmaceuticals LP; AT&T; Ataco Steel Products Corporation; ATAS International, Inc.; ATEECO, Inc.; Atlantic City Electric; Autodesk, Inc.; Avaya Inc.; Avista Corporation; AWR, Inc.; BAE Systems, Inc.; Ballard Power Systems; Bank of America; The Bank of New York Mellon Corporation; Batesville Tool & Die, Inc.; Baxa Corporation; Bio-Energy Systems, LLC; Biogen Idec; Biomass One, LP; BioSelect Fuels; Bloom Energy Corporation; Blue Sky Energy, Inc.; BMC Software; Boehringer-Ingelheim; The Boeing Company; Bommer Industries, Inc.; Boralex Inc.; Borel Private Bank & Trust Company; and Boston Scientific.

BP America; Brookfield Renewable Power; Brunswick Corporation; Butler Sun Solutions; CA, Inc.; CAB Incorporated; Cadence Design Systems, Inc.; California Micro Devices; Calpine Corp.; Calypso Medical Technologies, Inc.; Caravelle International LLC; Cardinal Systems Inc.; Case New Holland Inc.; Cassatt Corporation; Caterpillar Inc.; Central Vermont Public Service Corporation; Cepheid Inc.; Certess, Inc.; CH Energy Group, Inc.; Chelan County Public Utility District; the Chubb Corporation; Cisco Systems, Inc.; Citigroup, Inc.; Click Bond, Inc.; CMS Energy Corporation; Coca-Cola Company; Coherent, Inc.; Coherex Medical, Inc.; Colmac Energy, Inc.; ConAgra Foods, Inc.; Conceptus Inc.; Constellation Energy; Construction Navigator, Inc.; and Con-Way.

Coulomb Technologies; Covanta; Cummins Inc.; Cummins-Allison; Cymer, Inc.; Decker Energy International; Deere & Company; Deeya Energy, Inc.; Delmarva Power; Devine Tarbell & Associates, Inc.; DG Fairhaven; DIAB; DNV Global Energy Concepts; Dominion; The Dow Chemical Company; DTE Energy; Duke Energy; DxTech LLC; Dynatronics Corp.; E&E Manufacturing Co., Inc.; Eaton Corporation; EDS; Electronics for Imaging; Eli Lilly and Company; eLynx; Emphasys Medical, Inc.; Empire Broadcasting Corp.; The Empire District Electric Company; Energy Conversion Devices; Energy East Corporation; Energy Innovations; Energy Unlimited, Inc.; EnFocus Engineering Corporation; Engineering DataXpress, Inc.; and Envision Solar International, Inc.

EPV Solar, Inc.; Eskay Metal Fabricating; EV Solar Products, Inc.; eVent Medical, Inc.; Exelon Corporation; Extol International, Inc.; Fairchild Semiconductor Corporation; FatSpaniel, Inc.; FileMaker, Inc.; First Wind; FirstEnergy Corp.; FlowVision, LLC; Ford Motor Company; FPL Group; Fredon Corporation; GE Energy; GE Energy Financial Services; Genentech; General Electric Corporation; General Motors Corporation; Genworth Financial; Gilead Sciences; GMAC, LLC; Goldman Sachs; Goodrich; GR Spring & Stamping, Inc.; Grant County Public Utility District; Great Plains Energy, Inc.; Green Earth Fuels, LLC; Green Mountain Power Corporation; Greylock Partners; Griffin Realty Advisors; groSolar; Harley-Davidson Motor Company; and Harris Stratex Networks.

Hawaiian Electric Company; HCI Publications; Hewlett-Packard Company; Hitachi Global Storage Technologies; Honeywell; Hospira, Inc.; Human Genome Sciences;

Hydra-Tech Pumps; Hydro Consulting & Maintenance Services, Inc.; Hydro Green Energy, Inc.; i2 Technologies; iControl Incorporated; Imperium Renewables Inc.; Impulse Dynamics; INDECK Energy Services, Inc.; Independent Energy Systems; Innovallight; Intel Corporation; Inter-Island Solar Supply; International Business Machines Corporation; International Paper; Interstate Power and Light; Intevac, Inc.; Invenery LLC; ITC Holdings Corp.; Jan Medical; Jasper Design Automation, Inc.; JDS Uniphase Corporation; Johnson & Johnson; Johnson Controls; JPMorgan Chase & Co.; Juniper Networks, Inc.; K&S Tool, Die & Manufacturing, Inc.; KeyBank; and Keystone Insurers Group.

KLA-Tencor Corporation; Kovio, Inc.; KPMG, LLP; Lam Research Corporation; The LeverEdge; LibraryWorld, Inc.; Lincoln Financial; LM Glasfiber; Lockheed Martin; Louis Dreyfus; LSI Corporation; Lynguent, Inc.; Macrovision Solutions Corporation; Mainstream Energy Corporation; Masimo Corporation; Maxim Integrated Products; McCormick & Company, Inc.; Mead and Hunt; MedImmune LLC; MEDRAD; Mega-Watt Consulting, Inc.; Merck; Merit Medical Systems, Inc.; Merrill Lynch; METACURE (USA) Inc.; MetricStream, Inc.; Microsoft Corporation; Minnesota Power; Minnetronix, Inc.; Mitsubishi Electric; Monsanto Company; Morgan Stanley; Mortenson Construction; Motorola; and MSE Power Systems, Inc.

Mystic Pharmaceuticals, Inc.; National City; National Grid; National Semiconductor Corporation; Naturener USA, LLC; Nelson Energy; NetApp; NetLogic Microsystems, Inc.; Neuronetics, Inc.; NeuroPace, Inc.; New Leaf Paper; News Corporation; Northrop Grumman Corporation; NorthWestern Energy; Novellus Systems, Inc.; Novo Nordisk Inc.; NuVasive, Inc.; NVIDIA; NXP Semiconductors USA Inc.; oDesk Corporation; OGE Energy Corporation; Oracle; Organic Fuels; Orthovita, Inc.; Otter Tail Corporation; Ovalis, Inc.; Owens Corning; Pacific Winds, Inc.; Palm, Inc.; Palmer College of Chiropractic; Pepco Holdings, Inc.; Pfizer; PG&E Corporation; P-K Tool & Manufacturing Company; and Plan it Solar.

PNM Resources, Inc.; Polycom, Inc.; Portland General Electric; PPG Industries; PPL Corporation; Precision Machine & Supply, Inc.; Presencia Technology, LLC; Primary Power International; Procter & Gamble; Progress Energy; Proto Services, Inc.; PSEG; Puget Sound Energy; Q-Cells; Rath, Young and Pignatelli, P.C.; Raytheon Company; Real Intent, Inc.; REC Solar, Inc.; ReGrid Power; Renegy, Inc.; Renewable Energy Group (REG); Renewable Power Solutions, Inc.; Rinnai Tankless Water Heater Corporation; RMT—WindConnect; Rockwell Automation; Rockwell Collins; sanofi-aventis U.S. Inc.; Sanyo; SCHOTT Solar, Inc.; Seagate Technology; SEALED AIR Corporation; Seattle Medical Technologies, Inc.; Siemens Corporation; Sierra Pacific Resources; and Simpson Investment Company.

SkyFuel; Skyline Solar, Inc.; SolarCity; SolarWorld California; SOLEC; SolFocus; Solvay Pharmaceuticals; Spansion, Inc.; Specialized Bicycles; Spinal Kinetics, Inc.; SpinalMotion, Inc.; St. Jude Medical; Steel-Fab, Inc.; The Stella Group, Ltd.; Stellar Solutions, Inc.; Stratex Energy, LLC; Sun Edison; SunEarth, Inc.; SunPower Corporation; Suntech; SV Solar; SVB Financial Group; Symantec Corporation; Synopsys, Inc.; Tagent, Inc.; Teradata Corporation; Tessera, Inc.; Texas Instruments; Textron, Inc.; Thermal Designs, Inc.; Thermosurgery Technologies, Inc.; Third Sun Solar and Wind Power, Ltd.; Time Warner; The Timken Company; and Toyota.

TPI Composites; TransCanada Hydro Northeast, Inc.; Transitions Industries;

Trimble Navigation Limited; Truseal Technologies, Inc.; Tupperware; U.S. Bank; UniSource Energy Corporation; United Solar Ovonic; United Technologies Corp.; VentureLoop, Inc.; Verari Systems, Inc.; Verizon; Wachovia Corp.; The Walt Disney Company; Watt Stopper/Legrand; Wescor, Inc.; Westar Energy, Inc.; Western Renewables Group; Whirlpool Corporation; Wind Capital Group, LLC; Wisconsin Power and Light; Wood's Powr-Grip Co., Inc.; World Energy; Wyeth; Xcel Energy, Inc.; Xerox Corporation; Xilinx, Inc.; Xoft, Inc.; and Zimmer, Inc.

Mr. REID. Mr. President, I think it is glaring to note that of these major companies—hundreds and hundreds of them that have signed this letter—not a single oil company has signed on. Oil companies don't want us to do this legislation. They want us to keep being beholden to them. But look at the companies that signed onto this legislation: Genetech, Cummins Inc., The Chubb Corporation, Merck, Merrill Lynch, Microsoft, Owens Corning, Pfizer, U.S. Bank, Wachovia, Verizon, and Whirlpool Corporation.

Scores and scores of other major companies are telling our Republican colleagues to vote for legislation the way it is written. They know the bill and they list the number of it. The letter was signed by the "Who's Who" of the Fortune 500 companies and many others—titans of American business. Hundreds of small companies in addition to that all agree Congress needs to act now to extend tax incentives for clean energy and innovation to provide the American people with desperately needed tax cuts.

We got nine Republicans when we voted on this last Thursday, and I publicly commended them. I hope we get more today. The record should be very clear that this, the 76th filibuster of the Republican minority, is something that is going to cause the further deterioration of the American economy. We want this legislation passed to help Americans wean themselves from that which is ruining our country economically and environmentally.

So I hope we have some people who will join Boeing, General Electric, Coca Cola, Intel, and other companies I have mentioned and move forward with this legislation. It is vitally important for the American people.

RECOGNITION OF THE MINORITY LEADER

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

HIGH GAS PRICES

Mr. McCONNELL. Mr. President, it has been more than a week since the Democratic nominee for President, the junior Senator from Illinois, responded to high gas prices by saying it wasn't high gas prices he minded but the fact that people didn't have time to get used to them. In his words, he would have preferred a "gradual adjustment" to a sudden jolt.

As I said last week, I can't imagine this is a view many other people share, certainly not the people of Kentucky, who I assure you are not at all interested in getting used to \$4-a-gallon gas, however gradual the adjustment. Our Democratic colleagues on the other side of the aisle have had a week to demonstrate they do not embrace the "gradual adjustment" philosophy of their nominee. We haven't heard a word from any of them.

Maybe they don't have a problem with \$4-a-gallon gasoline either. Maybe the junior Senator from North Dakota was speaking for all of them when he said over the weekend that \$4-a-gallon gasoline was finally forcing people to conserve. Telling people whose livelihoods depend on getting to and from work that they should get used to high gas prices is not an energy policy.

Supporting a gradual adjustment to \$4-a-gallon gasoline is not an energy policy. Americans need an energy policy befitting America, and that means using the natural resources we have here at home to bring down prices in the short term, while pursuing a long-term strategy for energy independence through clean technologies. We can do both, and we should do both.

We need more American energy now. That is the short-term solution to the current crisis. So, again, I call on our friends to consider this reasonable two-part solution and to drop their absolutist opposition to energy exploration in America.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, 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 Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the 30 minutes allotted to our side of the aisle for morning business be divided equally between myself and the distinguished Senator from Iowa, Mr. GRASSLEY.

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

GAS PRICES AND NATIONAL SECURITY

Mr. CORNYN. Mr. President, I wish to begin my remarks this morning by quoting the distinguished junior Sen-

ator from Illinois, Senator OBAMA, who said recently:

Our dependence on foreign oil strains family budgets and it zaps our economy. Oil money pays for the bombs that go off from Baghdad to Beirut, and the bombast of dictators from Caracas to Tehran. Our Nation will not be secure unless we take that leverage away, and our planet will not be safe unless we move decisively toward a clean energy future.

I would like to say to those comments from Senator OBAMA: Amen. He is exactly right. And so I would ask him: Why does he and our colleagues on the other side of the aisle continue to oppose domestic energy production that would reduce our dependency on oil from the Middle East?

As this chart shows, restricted domestic production in the United States sends billions of dollars to the Middle East, where we purchase that oil, and to countries such as Venezuela in South America. When one of my constituents back in Texas goes to the gas station and fills their pickup truck, and it costs him \$75 to \$100, he is wondering perhaps where the money goes. Our colleagues would suggest it just goes to big oil companies. But the fact of the matter is, it is more complicated than that. I think the picture needs to be painted and the story needs to be told of exactly what our refusal to depend more on our own domestic resources, rather than depending, as we do increasingly, on foreign sources of oil, means to our national security.

While taxes, refining, shipping, and marketing add to the cost of retail gasoline, 70 percent of the cost of a gallon of gasoline is related to the cost of oil—crude oil. When the United States imports roughly 60 percent of the oil it consumes, the real profiteers of our dependence are the foreign nations from which we import.

In 2007, the U.S. fuel bill on oil imports was about \$330 billion, and some anticipate that figure will go to \$400 billion this year. We should be investing more money in America to increase our domestic energy production and creating jobs right here in America as we work to diversify our energy mix and pursue alternative energy sources. Unfortunately, we send American dollars to foreign nations and energy cartels, such as Venezuela and Iran—nations that openly condemn the United States and the principles for which we stand and seek to undermine our national interests at every turn.

Last year, in Venezuela alone, U.S. consumers spent an estimated \$30 billion on oil imports. We are all familiar with President Hugo Chavez and his thinly veiled threats and outlandish attacks on our country. But the money that is sent to Venezuela does not just empower the absurd talk of one man, it is helping him assemble a substantial military arsenal.

These pictures show some of the things Hugo Chavez is doing with the money we are sending him as we buy crude oil: fighter aircraft, submarines, Kalashnikov assault rifles, air defense

batteries. As a matter of fact, Russia has agreed to actually create a factory in Venezuela for the production of both AK-103 assault rifles, and 7.62-millimeter ammunition at a cost in excess of \$500 billion.

In 2006 alone, Venezuela entered into multiple agreements with Russia for the purchase of numerous advanced Russian-made weapon systems. These transactions included, as I have depicted on this chart, these 24 modern fighter-bomber aircraft at a price of more than \$1 billion, numerous attack and transport helicopters at the price of \$700 million, and an arsenal of these modern Kalashnikov assault rifles, which I showed a moment ago.

Last week, Venezuela conducted a preliminary agreement for its Navy to buy three Russian-made, improved Kilo patrol submarines—depicted here. This year, Venezuela accepted delivery of the first of several batteries of Russian-made Tor-M1 air defense systems, depicted on this chart.

In 2005, Venezuela ordered nine Chinese-made mobile air radar systems, valued at \$150 million. Earlier this year, the Venezuelan Government ordered six Austrian-made, multipurpose surveillance aircraft.

But we should not delude ourselves into thinking that money only goes to the buildup of the Venezuelan military. Colombia—of course, right next door to Venezuela in South America—our strongest U.S. ally in Latin America, tells us Hugo Chavez has been supporting the FARC, a narcoterrorist organization, and enabling attacks on the people of Colombia. In fact, a laptop recently captured from a terrorist leader demonstrates Hugo Chavez's close ties with the FARC.

The situation has prompted some in Congress to call for Venezuela to be put on our designated "state sponsors of terrorism" list. Clearly, the actions of Hugo Chavez and his accelerated militarization of Venezuela poses a significant threat to the stability of Latin America and to the United States because of its close proximity to our country.

It doesn't just stop there. As we know, President Mahmud Ahmadinejad in Iran is enjoying all the money America is sending to him and other countries when they purchase oil, with a price tag now of \$135 a barrel. We can't afford to forget that oil is a global commodity used by every country throughout the world, so money spent on oil imports from the Middle East or anywhere benefits Iran. Iran is continuing its effort to develop nuclear technology, depicted at these compounds in Bushehr and Natanz, depicted on these maps.

It is clear that Iran has nuclear ambitions to build nuclear weapons to dominate the Middle East and, frankly, represents a threat to world peace. So money spent on oil imports from the Middle East or anywhere actually benefits Iran, and they use that money to pursue their nuclear ambitions.

Iran is continuing its efforts to develop nuclear technology with the obvious goal of producing nuclear weapons. The last thing we need to do is to provide a steady stream of money to a man who openly pledges to "wipe Israel off the map" and promises that the United States, along with Israel, "will soon be destroyed."

Aside from Iran's very troubling nuclear ambitions, U.S. military commanders have seen very clear evidence of Iranian involvement of Iraq. We have heard from General Petraeus and Ambassador Crocker about Iran's attempts to destabilize Iraq. What is worse, we have heard reports of the Iranians training militias and "special groups" in Iraq, both of whom have been a major source of violence and instability there.

Even more concerning, we have seen reports that Iran has been providing advanced improvised explosive devices called explosively formed penetrators that have been and continue to be used to kill and injure American soldiers in Iraq. As I have said, Iran has been linked to explosively formed penetrators used to kill American troops, and while these penetrators make up only a small percentage of the overall number of IEDs in Iraq, they generate a disproportionate share of American casualties.

The short side of this story is that our dependence on foreign oil is bankrolling deadly weapons. The money we continue to send to the Middle East and to Venezuela does nothing but enrich our enemies. Why in the world, then, would we deny ourselves access to the very natural resources that would allow us to become less dependent?

While Congress may not get it, it is clear that the American people get it. Rasmussen has just come out of the field with a new poll that says that 67 percent of the respondents support offshore drilling in America and 64 percent expect that it will lower gasoline prices. That is two-thirds of the respondents who believe offshore drilling should be allowed. Congress, of course, is the major impediment, having passed moratoria against production of oil from the Outer Continental Shelf since the early 1980s. Congress is the problem, and Congress needs to get out of the way and allow America to do what it does best, and that is to try to achieve less dependence on imported oil from our enemies.

The short version of this story is that our dependence on foreign oil is bankrolling deadly weapons that are being used against our troops and even more advanced weapons systems that could one day be turned on us or our allies—countries such as Colombia. Soaring gas prices are not just a problem for the American consumer, they are a problem for the American soldier, sailor, airman, and marine. They are a problem for our national security. The longer we sit idle and do nothing to increase our domestic energy production,

the more money we ship overseas and the more likely it is to empower the threatening actions of some of America's staunchest enemies.

While Congress agrees about the importance of reducing our Nation's dependence on foreign sources of oil—indeed, that is what Senator OBAMA said in the quotation I read at the start—Congress has not yet acted in a way consistent with those expressed concerns or in a way which would improve not only our economic security but our national security as well. I appreciate the determination of Congress to pursue and encourage alternative energy sources and increased energy efficiency—and these energy policies will serve us well into the future—but what we must realize is that oil and gas is the bridge to that future. It is not economically responsible to bypass solutions that will increase energy supply and help bring down the price of gas at the pump. Americans are spending an additional \$1,400 on energy costs just this last year, and the Department of Defense—perhaps the largest consumer of oil and gas in the country—spent \$12.6 billion on fuel just last year.

We cannot afford to keep filling the coffers of hostile, oil-rich nations such as Iran and Venezuela while we wait for alternative fuels to become a substantial and reliable source for our energy needs. We need a comprehensive and balanced energy policy that includes increased American energy production. We have raised fuel-efficiency standards, we have implemented a renewable fuels standard, we supported tax incentives for wind, solar, biomass, and energy efficiency appliances. Now we need to grow our domestic energy production by tapping into America's proven oil and gas reserves.

If we can begin to produce more energy here at home, then we can begin to ease our minds about how rogue states, such as Venezuela and Iran, will be using those dollars to threaten us. We have all said on numerous occasions that energy security is national security, but I fear many of us have failed to realize exactly what that means. We need to recognize that our inaction is not only raising the burden on American families, it is growing armies and weapons that may one day be used against us. In the case of Iran, that money is already being used against our troops in Iraq through these explosively formed penetrators that have injured and literally killed American citizens.

This is not an issue we can afford to take lightly. We all need to work together to expand American oil production in order to decrease the profits of sworn enemies of the United States and limit their militarization.

I yield the floor.

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

Mr. GRASSLEY. May I ask how much time is left on this side?

The ACTING PRESIDENT pro tempore. There is 15 minutes 45 seconds.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, I hope my colleagues had a chance to listen to the distinguished Democratic leader talk about the tax bill vote coming up and about Republican filibusters. I wish to tell the other side of the story.

As there are 76, according to their count, filibusters, presumably Republican, what defines a filibuster around here is when you file a cloture motion. If people have a desire to talk a few hours on a bill, maybe even a few minutes on a bill, and immediately a cloture motion is slapped in, then that defines a filibuster.

That doesn't define a filibuster. If it does, then the Democrats, by not letting the Senate work its will, have in a sense shut off the purpose of the Senate, which is, of course, to thoroughly debate what passed the other body.

Tax bills can only start in the other body, and they go through there in 2 or 3 hours. If they are going to be thoroughly debated, they have to be debated here. I think it is a little disingenuous to talk about a filibuster on a tax bill when the definition of a filibuster is when a cloture motion is filed. It is filed by the majority party, not by the minority party.

Over the past few years, anyone who has observed the workings of Congress has probably discovered that we spend a lot of time every year wrestling over what are called tax extenders—probably tax policy that for the most part has been on the books for decades, one or two decades, and then sunsets, and then if you are going to keep that policy in place—in other words, keep the existing tax policy—they must be extended. We call them tax extenders. Popular provisions in the Internal Revenue Code, then, are set to expire every year or two unless Congress acts. Of course, if Congress doesn't act, then taxes go up.

In the past, I have compared this constant repetition to a film called "Groundhog Day," starring Bill Murray, where Bill Murray's character relives the same day over and over again. I have a chart showing a scene from that classic and very enlightening film. It almost seems ironic that it would be appropriate on so many occasions for me to talk about a movie that itself is about repetition, but the repetitive actions of the Democratic majority and its leadership make it too hard to resist bringing Bill and Phil down here again to show you and remind you what this body, the Senate, goes through periodically.

Less than a week ago, the Senate, by a vote of 50 to 44, rejected a motion to invoke cloture on a motion to proceed to the House bill, H.R. 6049, the Renewable Energy and Job Creation Act. In just a few moments we are going to repeat that exact same vote. Why? There does not seem to be a discernible reason.

Getting back to Bill and Phil driving the truck, I bet the thinking on the

other side is that it is the Senate Republicans who are represented by Bill on this chart, in that the Democrats want people like me to be put through the same actions on the same issues until we do what the other side thinks is the right thing. However, that thinking is mistaken. I am not sure how much resemblance there is, but Bill represents the Democratic leadership. Why? Because the majority sets the schedule for the Senate. When Republicans are in the majority, we set the schedule. Despite having slogged through this very same issue several times over the past few years, the Democratic leadership still insists on beating the same dead horse—or maybe in this case the same dead groundhog.

As anyone familiar with this fine film knows—the film called "Groundhog Day"—this chart depicts Bill and Phil driving a truck moments before it goes over the cliff. In a few moments, the Democratic leadership is going to drive this Chamber over the same cliff we went over last Tuesday. The vote, again, is one I predict will fail, and we will be exactly where we were before.

Going back to the "Groundhog Day" example, the Democratic leadership is stuck in the part of the film where Bill Murray relives the same day because he is doing the wrong things and refuses to change behavior.

I would rather not see this body go over the cliff. But what really concerns me is that the Democratic leadership is not alone. In the back of his truck are roughly 140 million families and individuals who file tax returns. The extenders affect millions of taxpayers. Congress should have learned from the experience we had less than 6 months ago, in December. Waiting until the end of the year to solve these problems creates problems instead for agencies like the IRS. It is a problem for taxpayers who are not getting back their refunds soon enough. If the Democratic leadership cares about those millions of taxpayers, they will slow this truck down. They will not drive over the cliff. They will stop the truck, they will work with the Senate—in the bipartisan way that is the only way to get things done in the Senate—to finally get this bill passed, a bill that will be signed into law.

Included in those roughly 140 million families and individuals in the back of the truck are around 24 million taxpayers who are now subject to the crushing alternative minimum tax. We need to extend the AMT exemption for middle-income taxpayers. Right now, around 24 million of those middle-income families are liable for the AMT because Congress has not acted to protect them for the year we are in, 2008.

The House bill that is the subject of the upcoming cloture vote does nothing to protect those taxpayers, nothing on the AMT.

Many of those families who make estimated payments are hopefully familiar with the form 1040-ES for the second quarter of 2008. That was due yes-

terday. Many taxpayers who were not subject to the AMT last year but are now caught this year should have filed this form but do not know they are supposed to. It is a tax that these 23 million, or maybe a part of that 23 million, do not pay because they never had to pay it before. Under current law those individuals are subject to penalty.

I made this point on several occasions last year when a quarterly estimated tax return was due. I hope I do not get the same reaction now as I did every time I talked about the estimated tax payments last year, because that response was silence.

I know many will say that Congress will act, but that is not good enough. The American people should no more accept an IOU from Congress than the IRS would accept an IOU from the taxpayer. The right thing to do now is to vote "no" on this cloture motion. The sooner we can get the Democratic leadership to stop driving the Bill-and-Phil truck over the cliff, the sooner we can get to work on this extenders bill.

That bill, unlike the bill before us now, will pass both Houses of Congress and will be signed by the President. This law change will protect additional families from being captured by the AMT. Right now the Democratic leadership is in the driver's seat. You see, we have the Democratic leadership in the driver's seat. As I have said of Bill and Phil in the past, I hope eventually they decide to drive responsibly. Do not do what Bill and Phil do, go over the cliff all of the time. Vote "no" on the motion to proceed, put the Senate back on a path to a real AMT fix and also pass the extenders bill so it becomes law.

We have been having a lot of discussion over whether these extensions of the expiring tax relief provisions might be offset with tax increases. We heard the distinguished Democratic leader say they should, because it might make the deficit go up otherwise.

My position is if you extend policy that has been in place for a couple decades continuing existing tax policy, you are not making the deficit bigger. You would only do that if you increased or came up with some new tax policy.

I am not going to rehash all the elements of that debate again. The difference between Republicans and Democrats on this point is important. The Democrats have their view, the Republicans have our view. That is the way democracy works. But here is why this is a different point of view. It is important because the hurdle to a bipartisan bill signed by the President on the AMT patch and extenders will not happen unless we get the differences worked out.

There is a group of so-called conservative Democrats in the House of Representatives who are called Blue Dogs. I want to say that I respect the Blue Dogs' call for fiscal discipline. It is critically important in this era of deficit spending.

Revenues are not the problem. One would think from the Democratic leadership that we do not tax people enough so we tax people more. In fact, we are on a revenue path that is above the historic average in terms of Federal revenue as a share of gross national product.

So when the Blue Dogs in the House of Representatives bark about deficit reduction, we on this side will howl with them. We have Huckleberry Hound here to illustrate what I am talking about. The Blue Dogs continue to bite only on the tax side.

When it comes to spending cuts, we do not hear much more than a whimper out of the Blue Dogs. They do not want spending cuts, they want higher taxes. We agree with them on fiscal responsibility, but higher taxes do not bring fiscal responsibility. Higher taxes bring an excuse for Congress to spend more money.

Spending cuts are the way to get taxes down. In fact, when I hear from my constituents, they do not think the American people are undertaxed, they think the American people or the Congress overspend.

On our side, that tax-hike hungry dog won't hunt. We have seen the story of this Huckleberry Hound chart play out in recent legislation. On the additional GI education benefits, the Blue Dogs held out for a tax increase to offset the new spending. But when the pressure from their political leadership got too hot, that objection is now history.

We have another popular new spending proposal, extension of unemployment benefits. The Blue Dogs said no offset was required because it is "temporary spending."

Now we have an AMT fix and we have the extenders bill before us. Because it is current law tax relief, the Blue Dogs are insisting on tax increases on other taxpayers. Such inconsistency I do not understand. As with GI benefit packages, we will meet the Blue Dogs' challenge. We will put our money where our mouth is.

The budget resolution, written by the Democratic majority and supported by the Blue Dogs, contains \$300 billion in nondiscretionary appropriations. This is brand new extra spending not subject to pay-go. The AMT patch in the extender bill is a \$110 billion package. After being challenged by the Blue Dog Democrats to stand up for spending cuts, I suggested we take one-fifth of what they are going to increase spending by, and it will pay for these new spending programs.

I would put them to a challenge of not increasing taxes every time to reduce the deficit, but reduce expenditures to be consistent. Instead of raising taxes, I said let's look at the new non-defense discretionary spending built into the budget. We could let that new undefined future spending expire by an amount necessary to make that AMT patch and extenders bill deficit neutral. Many on the other side say it is harmless to let defined current law

tax relief expire. If that is true, then it ought to be easier to let undefined future spending expire.

After meeting the dollar amount in the spending cut challenge, some in the Blue Dog coalition still complained. They said we had to define the spending to be cut. That's a bit curious because the spending is future non-defense discretionary spending. Over the next 10 years, appropriators will spend this new extra money in future appropriations laws. Those bills have not been written yet. So, I don't know how I respond with any more specificity. I've provided the amount and the source of the funds.

The last time I checked, a dollar of spending cuts is the same as a dollar of forgone revenue. If we apply that basic math to taxes and spending, then we will achieve fiscal discipline.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise today to talk about the importance of extending unemployment insurance benefits to workers whose regular benefits ran out before they could get a new job.

As we know, the labor market is weak. The unemployment rate has jumped to 5.5 percent in April from 5 percent in March. That is an extraordinary jump. This is the largest single month spike in 22 years and the highest level in 3.5 years.

In addition, the Labor Department's alternative unemployment rate, a measure that includes people who want to work but who are discouraged from actively seeking employment because they cannot find full-time jobs, reached 9.7 percent in May. This latter statistic might be more accurate with what has actually happened in neighborhoods across America.

For Rhode Islanders, the situation is among the worst in the Nation. The number of unemployed Rhode Islanders has risen to approximately 35,000, which has been trending upward and is the highest since June 1994. Indeed, 6.1 percent are jobless right now, a figure which has remained unchanged over the past 2 months.

This is the fourth highest unemployment rate in the United States, and the highest rate in Rhode Island since August 1995, more than 12 years ago. It is also critical to point out that almost half, 41 percent of Rhode Islanders unemployed in January, February and March, exhausted their benefits, which is more than any other State in New England. Unfortunately, other economic indicators are equally discouraging. Economists think inflation is here to stay, and it is likely to get worse. We have received a very poor inflation number this morning which suggests that the forecasts of economists are sadly becoming true.

Food prices are high. Consumers are able to afford fewer groceries at the supermarket and restaurants are being squeezed by food costs. Food prices across the country spiked by more than 4 percent in 2007, the biggest jump in 17 years, and they are expected to escalate another 6 percent this year, though some items, including eggs and milk, have gone up much more. So we are not talking about luxury items, we are talking about the basics to survive. They are getting more and more expensive as more and more people are not able to find adequate work.

The price of gasoline has risen 35 percent from a year ago, when it averaged approximately \$3. In Rhode Island, it now costs \$4.11, on average, for a gallon of regular unleaded, making it very difficult for working families simply to get to school, to get to their job, and to get around the State.

The gross domestic product, the Nation's total output of goods and services, the measure of the overall economic activity of the country, increased at a mere .9 percent in the first quarter of 2008, which is nearly the same as the fourth quarter of last year. This stagnant growth obviously is highly correlated with the rising unemployment.

In April, consumer credit borrowing rose \$8.9 billion for the month to \$2.56 trillion. This is significantly higher than economists forecast. This means increasingly that Americans are going to their credit cards to get by, and this is a timebomb ready to explode in our economy.

More American families are being overwhelmed by debt. More and more families are forced, because they do not have adequate jobs, adequate wages to face the rising cost of gasoline and food, to take out the plastic. That can only last a certain amount of time. This is a looming problem that we have to recognize.

Similarly, there is speculation that the impact of the foreclosure crisis will continue to spread. In my home State of Rhode Island, we have the highest foreclosure rate in New England. And the outlook is just as bleak. A recent Credit Suisse report noted that foreclosures could impact about 6.5 million loans by 2012, meaning that nearly 13 percent of residential borrowers could be put out of their homes; 13 percent of homeowners in America are facing the prospect within the next few years of losing their homes. That is a startling and unacceptable projection.

Given that the economic situation is significantly harsher now than the start of the last recession, the need to extend unemployment benefits is clear. In doing so, we can start to stimulate the economy. We have virtually no growth, we have a foreclosure crisis with escalating gasoline and food prices. If we want to get this country moving again, we have got to stimulate the economy. We tried with the rebates a few months ago; that has not proved effective. Unemployment insurance

benefits have a very high return on their investment. It generates approximately \$1.64 in gross domestic product for every dollar we put in, and that makes sense.

Individuals receiving these benefits are going to go right to the store, they are going to fuel their cars, they are going to buy food, they are going to try to take care of their children. This money is going right back in the economy. It is going to stimulate 64 cents more than we invest.

I am disappointed that the administration has released a Statement of Administration Policy stating that it strongly opposes the bipartisan measure overwhelmingly passed by the House of Representatives last week.

I am disappointed that the minority is unwilling to enact this meaningful legislation before us today. This would make a positive difference for America. I think it is reckless and irresponsible. Unfortunately, it is characteristic of this administration that they would oppose unemployment benefits for Americans while they continue to exhort us to spend billions of dollars in Iraq and Afghanistan. The contrast could not be more stark and, I think, more condemning of this administration.

I believe we have to pass this legislation. We have to face it. And for my constituents in Rhode Island, it would be extremely useful.

According to the Center for Budget Policy Priorities, we have done this, we have extended benefits seven times over the past half century. They have provided much needed relief to workers. This is not something novel and unique. This is something we have done and we should do. We cannot afford to delay extending these benefits any longer. People are struggling throughout this Nation. It is our responsibility to respond to their needs, to give them a chance, to keep them afloat in a very stormy economic sea.

I urge the immediate passage of these unemployment benefits.

I yield the floor.

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

Mr. SCHUMER. Mr. President, I too rise to support extension in unemployment benefits, and express the profound regret I and so many others, not only in this Chamber but throughout America, are having that our minority colleagues blocked the attempt to move this bill forward this morning.

There are two reasons to do this. One is the individual and the humane, to help the people who need help. Of course, that is first and foremost. But the second is to give a real shot in the arm to the economy. There is no better way when an economy is in recession, going slow, to give it a shot in the arm than unemployment benefits. They are better than tax cuts, better than any long-term spending program. The economists have shown that.

Our colleagues on the other side of the aisle continue to say no to just about everything.

The sad status quo is not very good. Look at the number of jobs this economy has lost this year: 324,000. That is probably 1 million people, given that so many of them are family members and breadwinners; 1 million people who had jobs or had loved ones who had jobs last year and don't have them today. We refuse to give them the barest of lifelines, an extension of unemployment insurance? That is disgraceful.

Let me talk about who these people are because each one is an individual. How about Vincent DiRoma, former senior engineer for Kodak? Not only does he have a wife and three children, he also supports his elderly mother who relies on Social Security to get by. Vincent is currently training for a new career. We all know Kodak has laid off thousands and thousands in the Rochester area, highly qualified people, people with tremendous work ethic who don't want to or can't leave the Rochester area. Vincent is now training for a new career. He is the kind of American we all appreciate. He is not sitting down and cursing the darkness. He is trying to make his situation better. His old job doesn't exist. An extension of his unemployment insurance will allow him time to complete the training and find a new job to support his extended family which, including himself, is six people.

Why are we telling Vincent DiRoma no? Why are we telling the other hundreds of thousands like Vincent no? That is so important. Again, we just block it.

Economists, liberal and conservative, will tell us, when an economy is teetering on the edge of a recession, or, as many of us think, in recession, the best way to get money into that economy is unemployment benefits. The people who get them spend it. A tax cut is often saved. That is not a bad thing, but it doesn't mainline money into the economy the way unemployment benefits do. The money is sent out quickly. There is an existing system so we don't have to set up a whole new program.

In the past, there have been bipartisan moves to extend unemployment insurance when the economy heads south. Only in this new Congress—this “no, no, no” Congress, where Republicans block everything almost instinctively, atavistically—do we not get this kind of extension.

Obviously, there is an attempt to put this in the supplemental bill. We will try to do that, but it should pass like that. There should not be a single opponent to Vincent DiRoma and the other 323,999 people and families who have lost their jobs.

For the sake of humanity, those who are unemployed such as Vincent and need the help, and for the sake of our economy, I urge colleagues on the other side of the aisle to reconsider. Again, there is no better way—none—to get the economy moving than an extension of unemployment benefits. It is something we should move to quickly, without partisan wrangling, without

ideological preconception. We should just move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, after 7 long years of the Bush administration, our country's economy is in the worst condition it has been in decades. In my State of Rhode Island this week, a gallon of gas cost \$4.11. Grocery bills are up. Utility bills are up. Affordable housing is scarce. Many homes are in foreclosure. Health care costs remain high. As a blistering hot summer approaches, there seems to be no end in sight. These are difficult times for many families. But for millions of Americans who are looking for a job today, the challenges seem almost insurmountable. Today, Senate Republicans showed yet again that they are more loyal to the failed economic policies of President Bush than to Americans who right now need our help. Majority Leader REID and Senate Democrats pushed for quick passage of legislation to extend unemployment benefits. But Senate Republicans said no, even though last month the national unemployment rate saw its biggest 1-month increase in over 20 years, reaching a 4-year high of 5.5 percent.

In Rhode Island, things were a bit worse. Last month the unemployment rate in our ocean State exceeded 6 percent. That is one of the highest in the country. These men and women are being forced to deal with both the deep disappointment of losing their jobs and the challenge of trying to make ends meet for their families in an economy that is in recession.

One of these people is Brian Perry. Brian lives in East Providence, RI. He wrote me earlier this month to ask about the possibility of extending unemployment benefits. Brian had been a law clerk at a firm in downtown Providence, but he has been unemployed since January 11.

Since January 11, he has applied unsuccessfully for more than 65 jobs. One of those positions had more than 300 applicants. Brian is receiving unemployment insurance, but it is not enough. Because he couldn't afford to pay both his mortgage and his monthly COBRA payments, Brian has been without health insurance since the end of January.

In the United States of America, a working man trying to find a job without health insurance.

He says it has become more and more difficult just to afford groceries, and some nights he goes to bed hungry. He could go to a food pantry, of course, but he has not yet because he thinks there are too many people who are worse off than he is. Brian's unemployment benefits expire at the end of July.

People such as Brian need our help, and they need it now. What are we here for, if not to help our fellow Americans at times such as this? The Emergency Extended Unemployment Compensation Act would help. It would temporarily extend unemployment benefits

13 weeks beyond the ordinary 26-week eligibility period. In States such as Rhode Island, where people have been hardest hit, jobless workers would receive an additional 13 weeks of unemployment compensation. This critical measure was modeled after a bill introduced in January by Senator TED KENNEDY, a true champion of working Americans. It passed the House of Representatives last week with a strong bipartisan vote.

As my colleagues know, unemployment insurance is just that—insurance. Millions of Americans go out pounding the pavement each and every day looking for work to support themselves and their families. They find work, they work hard, and they earn their paychecks. As part of an employee's compensation, employers pay into the unemployment insurance system so that workers will be covered if they lose their jobs through no fault of their own. Unemployment benefits help hard-working men and women in this terrible Bush economy cover bills and living expenses while they search for a new job. The Emergency Extended Unemployment Compensation Act could help over 3 million Americans pay the mortgage or the rent or feed their families, as they continue to navigate a perilous job market. In Rhode Island alone, there are more than 18,000 people in need of a job, and their benefits either already have or will soon run out.

I have heard the argument that people would not be motivated to find work if we extend this benefit; that they need this little spur to get off the couch and out into the workforce. In my experience, this is a ridiculous argument, a demeaning argument, one that is completely disengaged from the day-to-day experience of regular Rhode Islanders, from ordinary Americans, a true beltway special of an argument. This is a hard-working country, and it is in tough economic times. Good people are hurting. We should gather together around this legislation, support them as they try to get back into the workforce, and pass this piece of legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRODUCTION TAX CREDITS

Mr. TESTER. Mr. President, I rise to emphasize the importance of extending the production tax credits for renewable energy in the tax package we are voting on today at 2:15. These tax credits have helped create a strong and growing renewable energy industry, not only for wind power but also for

geothermal, biomass, and landfill gas. Wind power, especially in a State such as Montana and across the country, is critically important, but we have a long way to go before renewable sources of energy can have the full impact on lowering energy costs and fighting climate change. That is why these tax credits are so very important.

Last year the United States installed more than 52 hundred megawatts of wind power, enough to power a million and a half households for an entire year. Put another way, if the population—every man, woman, and child in Montana and Wyoming—each had their own house, there would be a million and a half homes.

All that wind power was about a \$9 billion investment into the economy. Wind now powers over 4.5 million homes in the United States. At this rate, the United States will overtake Germany as the world's leader in wind power next year, but only if we extend this tax credit. Unfortunately, everything grinds to a halt if the tax credits are not extended.

Congress has let these tax credits lapse before. Each time we have seen growth in the renewable energy industry flatline. This chart shows exactly what happens when we refuse to extend the tax credits. Over the last 9 or 10 years, you can see where the high bars are, where wind energy megawatts have gone on. That is with the tax credits. When we failed to extend tax credits, we see virtually no growth in wind energy.

I know a lot of my colleagues will be voting to extend these credits by year's end, but waiting until the last minute is just as bad as letting them expire. Right now wind developers are working out financing for future projects. They cannot move these projects forward without certainty. That means projects that are starting right now will stall if we don't re-up these tax credits today.

We have heard a lot for the last few months about energy costs and climate change. Renewable energy is attractive because it can help us get a handle on both problems. Wind is getting more and more affordable and more efficient each year, especially as fossil fuel costs go up. The wind power capacity added last year accounted for 30 percent of all new energy brought online. Because of the wind, we are keeping 28 million tons of carbon dioxide out of the air. That is 28 million tons. There is no more efficient way to help fight climate change than by supporting the tax credits that drive renewable energy. It is just common sense.

Last month, the Department of Energy reported that the United States can get 20 percent of its power from wind by the year 2030, but we need to quit talking about wind power and get some more turbines off the ground and into the air. Wind power means real dollars and cents and real jobs and economic development, especially for rural America.

The first commercial wind farm in Montana started operating in 2005 in Wheatland County. Wheatland County has a population of about 2,000 people and a median household income of about \$24,000 a year. In 2007, the wind farm paid over half a million dollars in property taxes to State and local governments. That included nearly a quarter of a million dollars to the local school district. It brought in jobs and royalty revenue for landowners.

Wheatland County, as you can tell by the name, is a farming, agricultural county. Folks there have spent the last century cursing the wind. Today, the local Chamber of Commerce calls Wheatland County the Wind Energy Capital of the United States. Next weekend, Wheatland County is putting on its first Festival of the Wind. Their slogan is to "honor the wind, celebrate our community, and move forward to a vital future."

With high gas and food prices, wind power is not just a mirage on the horizon. In fact, we have only skimmed the surface of our potential. To put things in perspective, Montana produces about 150 megawatts of wind-generated electricity. Montana is almost exactly the same size as Germany. Germany has about 22,000 megawatts of wind power. The entire United States has only 16,000 megawatts. Montana will double its wind production this year. Next year, we hope to have a new wind energy transmission line between Montana and Alberta, and we will double it again. But we need that production tax credit in place, not only for next year but well into the future.

Already this year, things have started to slow as developers anxiously watch Congress. One wind farm currently under construction is racing the clock to start selling power before year's end. Developers are scrambling to take advantage of the production tax credit. Their plans for several other wind farms are on hold until the production tax credit is passed here.

I cannot overstate the significance of the production tax credit to my State of Montana and throughout rural America for economic development. But our country cannot afford to let it lapse because of climate change and because of high energy costs.

High costs might be an underestimation. I just read yesterday that companies are raising power prices to the tune of 29 percent. That is 29 percent. That means ordinary folks all across this country are going to have to make some very difficult decisions as they sit around their kitchen tables. We cannot afford to sit back and just talk about it. It is time to get to work, and the work starts today by passing this extension, not by waiting until the end of the year.

That is why I appreciate the leadership of Senator BAUCUS on continuing to bring this measure forward. I believe that passing an extension now will send a good signal to business that Congress is serious about wind power.

Congress can invest in renewable energy that will help control energy costs and fight climate change. I urge my colleagues once again to support this measure and to vote yes and pass it today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, are we out of the quorum call?

The PRESIDING OFFICER. We are out of the quorum call.

Mr. TESTER. Mr. President, I ask unanimous consent that our remaining time be yielded back.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 767, H.R. 6049, an act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. shall be equally divided and controlled by the two leaders or their designees.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I have townhall meetings all around Louisiana on a very regular basis. At these meetings we discuss a number of crucial issues facing all of us. Lately, of course, it has been dominated by sky-high gasoline prices and the need for a coherent energy policy. But what I hear more than anything else as I reach out to my constituents all around the State, the biggest, most important sentiment I hear is: When are most folks in Congress going to stop playing political games and actually act? When are most folks in Washington going to stop posturing and arguing just toward the next election and take care of the people's business? Unfortunately, I believe this exercise we have going on on the Senate floor is yet another example of the posturing

and of the political gamesmanship that feeds that understandable frustration.

We are going to have a vote coming up later today on the Democratic tax extenders bill. This is a pure political exercise and a pure waste of time. Whether you are for it or against it, whether you like most provisions in it or not, one thing is perfectly clear: This Democratic partisan bill is going nowhere. It doesn't have the support in the Senate. In addition to that, there is a veto threat—a very crystal-clear veto threat—from President Bush. That is for substantive reasons. There are significant objections to the bill—I share most of them—with what is included in this package, things such as a huge earmark to build a train in New York, a new tax break for trial lawyers, expansion of the Davis-Bacon Act, and \$55 billion of taxes.

The point isn't the substance. Whether you agree with the substance or not, the point is this bill is going nowhere, and therefore to call it up again and again and to posture and to make speeches is just a political exercise and a waste of time. It is perfectly clear from the vote we took last week that this package doesn't have near the 60 votes required in the Senate to pass it through the process.

If that weren't enough, it is perfectly clear that President Bush will veto the bill. Of course, to override a veto doesn't simply take 60 votes, it takes two-thirds of the Senate—67. So it is perfectly clear that it is going nowhere, and here we are again posturing, making political speeches and political points on the floor.

I have a radical idea. Let's come together in a bipartisan way. Let's come around a consensus bill and actually pass it through the process and get it signed by the President. I believe the Grassley bill, which has been introduced in the Senate, is the basis for that sort of bipartisan discussion and real work.

This is particularly important for many of my constituents in Louisiana because many of those Louisianans, as well as folks in Mississippi and elsewhere, have been suffering from a very unfair situation. They are actually paying a tax penalty because of the enormous losses they suffered during Hurricanes Katrina and Rita. What am I talking about? It is this: In 2005, Hurricane Katrina struck the gulf coast with enormous ferocity. A few weeks later, Hurricane Rita struck southwest Louisiana and southeast Texas. Of course, as we all know, many folks suffered enormous and tragic losses. Many folks I know personally lost their entire homes and virtually all of their belongings. Of course, folks in that situation legitimately could take a big loss on their next tax return. As a result, in 2005, people did what you would expect them to do: They filed loss deductions on their tax returns for that year because of these enormous and tragic losses.

Push forward to 2007. The good news is that the American people responded

to the enormous tragedy and Congress responded, representing the American people. One of the most important things the American people funded, one of the most important things Congress passed, was help for these folks I am describing who suffered uninsured losses. In Louisiana, it became known as the Road Home Program. In Mississippi, there was a similar program called the Housing Assistance Program—grants, help from the American taxpayers to help cover uninsured losses.

So what is the problem? The problem is that under present Federal law, the IRS says that you have to add that check many of these folks got in 2007 to their income and pay taxes on it because under present Federal law that is taxable income. If it was simply a matter of counteracting, equalizing the tax benefit these same individuals gained by claiming a huge loss deduction in 2005, that would be fair, but it went far beyond that in many cases. It increased many of these individuals to a higher marginal tax rate. Because of the size of the help, it pushed them into a whole other tax bracket. It subjected many taxpayers to the AMT, which they would not have been subjected to otherwise. It phased out certain deductions for them. It even subjected some individuals' Social Security benefits to additional taxation. It made many taxpayers ineligible for Federal student loans. So it didn't simply counteract and equalize the tax benefit some folks got in 2007 by claiming a very large loss deduction; it went beyond that in thousands upon thousands of cases.

So on top of Katrina, on top of Rita, on top of unimaginable—to most of us—personal tragedy, what happened is these folks got a tax penalty. That is ridiculous. We need to fix that. There is a clear sentiment and a clear majority in Congress to fix that. That fix for the Road Home Program in Louisiana and for the Housing Assistance Program in Mississippi is included in this Grassley tax extenders bill, which can be a bipartisan product, which can garner bipartisan support, which can gain far more than 60 votes in the Senate, and which can and would be signed into law by the President.

This is enormously important for tens of thousands of Louisianans. This is enormously important for many folks in Mississippi. These aren't simply run-of-the-mill folks; these are by definition folks who suffered through some of the worst losses due to Hurricanes Katrina and Rita. In that context—as they wait year after year simply for a fix so that they aren't penalized by the tax man on top of everything they suffered through because of the hurricanes—in that context, how dare anyone play political games. How dare anyone posture and make political speeches rather than simply trying to come together and do the people's business. But again, that is what is going on here on the floor.

We have a tax extenders package which has provisions that many folks, including myself, have major objections to: A huge earmark to build a train in New York, a new tax break for trial lawyers, an expansion of the Davis-Bacon Act which would hurt our economy, and \$55 billion of tax provisions. I cannot support that Baucus package because of those clearly objectionable items. More importantly, about half of the Senate can't support it for that reason, and therefore the Senate isn't near the 60 votes required to pass that on in the process. Even if it were, as I said before, President Bush has made it crystal-clear that because of these controversial provisions, he would veto the bill. So this package is going nowhere. To revote on this package is to waste time and play political games. I don't know why the majority leader is determined to do that, but he is doing that today. He has even talked about doing it a third time.

I urge the majority leader and all of my colleagues to act for the good of the American people, to come around a consensus package that can be passed and be signed into law, not to simply try to score political points, make more speeches, and waste even more time on the Senate floor.

All of the American people deserve that. But, surely, folks who suffered enormous losses because of Hurricanes Katrina and Rita deserve that even more. Surely, those folks deserve the relief contained in both bills, but also the relief that can actually be passed and signed into law in a bipartisan consensus package.

Let's do the work of the American people. Let's put people before politics, and let's pass this important legislation by moving on to a consensus bill that can gain far more than 60 votes in the Senate and be signed into law by the President.

With that, I yield the floor.

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

Mr. BAUCUS. Mr. President, before the Senator leaves, I would like to make a simple point. He mentioned various provisions he would like to see enacted. I suppose most of them concern his State of Louisiana, as they appropriately should. Let's ask ourselves, what is the parliamentary position we are in now? It is very clear.

The vote before us, which will be taken soon today, is very simple. It is whether we move to the next step to get on legislation. It is called a motion to proceed. It is true it is a motion to proceed to a House-passed bill. If the Senate lets us proceed—including the Senator from Louisiana—to that bill, then I will offer a substitute and presumably we will be on the substitute. I thought it was not only the prerogative of the Senate, but it is an opportunity for Senators to debate amendments and for Senators to offer amendments—amendments to strike certain provisions or amendments to add cer-

tain provisions. That is called legislating. It is debate. Before we can do that, we have to get onto the bill. We cannot pass legislation until we can get on the bill.

So I am asking my good friend from Louisiana if maybe the better alternative—nobody is playing politics. We are trying to get ourselves into a procedural situation so we can debate legislation and pass legislation for the good of the country. I ask my good friend from Louisiana if he might consider voting for the motion to proceed so that we can get on the legislation and so that other Senators can offer amendments to improve the legislation and so the Senate can vote.

Mr. VITTER. If the Senator will yield, I appreciate his comments. I would be open for that path forward if there was assurance from the majority leader that there would be that full opportunity for amendments, particularly on the crucial objectionable items that I outlined. Unfortunately, to date, there has been absolutely no assurance in that regard. In fact, the majority leader, through his actions, has taken the opposite course time after time after time, as the Senator knows, by filling up the tree. So if we could take that path forward, with the assurance to have votes on amendments regarding those clearly objectionable matters, that might be productive. Unfortunately, that hasn't been the assurance the majority leader has offered to give, and it hasn't been his practice.

Mr. BAUCUS. I will ask another question. If we vote for the motion to proceed, with the assurance and understanding that there would be the full opportunity for amendments, but also, I think, in the spirit of comity and good faith—sometimes amendments are blocked because they are not good-faith amendments, such as on abortion and other issues that have nothing to do with the bill. They are political amendments. The Senate has, unfortunately, come to the point where because they offer political amendments, with nothing to do with the issue at hand, the majority leader is sometimes forced into that situation in order to set up a procedure to minimize the possibility of the occurrence of those political amendments. So it is a two-way street. It is my objective—and I would counsel the majority leader to allow amendments. That is the way the Senate should operate.

There has to be a good-faith understanding on the Senator's side of the aisle on good-faith amendments.

Mr. VITTER. I only say to the distinguished Senator, if the majority leader would come to the floor and guarantee amendments on the substance of the bill, on the train to New York and the Davis-Bacon provision and down the line in terms of all those highly objectionable issues I outlined a minute ago, which go to the substance of the bill, I will be all ears. Unfortunately, that has not been his practice on prior issues or in this situation.

Mr. BAUCUS. Maybe we are making headway because the substitute amendment I will offer would not include Davis-Bacon, or may not consider some provisions the Senator is addressing. Again, to go back, there has to be an understanding on the Senator's side of the aisle that the amendments offered would be good-faith amendments and not obstructive political amendments.

I thank the Senator for the dialog. Maybe we have made a little headway so we can get enough support to proceed to the bill.

Mr. President, Samuel Johnson called a second marriage "the triumph of hope over experience." Actually, that is where we are today. The Senate seeks a similar triumph of hope today because we are here again to consider the vote on a motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008. This time I hope for a better result. And maybe somewhat, based on the discussion I just had with the Senator from Louisiana, we can find a way so that we can proceed to the bill and pass these very important provisions.

This bill will foster clean, new energy sources. This is a bill to extend some very important tax provisions that benefit American families and businesses. This is a bill on which I hope to offer an amendment to stave off certain tax increases under the alternative minimum tax.

Last Tuesday, we tried to do this same thing—move to this bill—but we fell short of 60 votes. Many of my colleagues on the other side of the aisle were against moving to the bill. That meant we could not even get on the bill; therefore, we could not offer amendments to improve it and pass it to help many Americans and individuals in businesses. Again, that meant we could not even discuss the merits of the bill. That meant we could not consider my substitute amendment, which would have addressed several Senate priorities, including a couple on the other side of the aisle.

This bill contains a robust energy package, with more than \$17 billion in incentives for alternative energy, efficiency, and clean coal. This package is important for our environment and our energy security, and it is important to facilitate the transition to a carbon-controlled economy. If we don't get this bill, we cannot do any of that.

This bill would extend expiring individual tax provisions, including the teacher expense deduction and the qualified tuition deduction. The bill would also extend expiring business tax provisions. These include the R&D tax credit and the active finance expensing provisions.

These business provisions help to keep America competitive in a global economy. These business provisions help to maintain and create jobs. If these individual and business provisions are not extended, millions of families and businesses will face tax increases. If we don't pass this bill, many

individuals and businesses will find their taxes going up.

The bill is paid for with two revenue raisers that have very broad support. It is also sound tax policy. The arguments against this bill this week may as well be the same as last week's arguments. Last week, we heard that we should not increase taxes to pay for tax cuts.

As I said before, and will say again, these revenue raisers are not tax increases. The first revenue-raising provision in the bill is the delay of the effective date of the worldwide allocation of interest. This provision would delay application of the interest rule, which was not supposed to go into effect until next year.

Many of the companies that will benefit from this provision told me they would rather have the business extenders than early applications of the worldwide application of interest.

Why? These companies realize that because of the firm position of the House of Representatives, we need to offset extending these valuable tax benefits. To make that point more clear, this body knows the House has been insisting that offsets be utilized to pay for some of these tax reductions that will pass with this bill. That is a political reality, something we all face. That is partly why these offsets are in this bill, including delaying application of worldwide allocation of interest.

These companies have weighed the costs and benefits, and they have made the choice in favor of the tax extenders in the bill. The second revenue-raising provision addresses offshore deferred compensation. This provision would prevent hedge fund managers from deferring income.

This is not an increase in tax on hedge fund managers. Rather, it is a change in the timing of when income tax will be applied. This is a timing issue, not a tax increase. Therefore, I believe it is sound tax policy.

Last week, we heard that we should not need to offset extending current tax benefits. This is a curious argument. It is curious because the Senate paid for extending expiring tax provisions in the recent past.

We paid for extenders in the JOBS Act in 2004, we paid for extenders in the Tax Relief Act of 2005, and we paid for extenders in the military tax relief bill that Congress just passed and presented to the President on June 6. We have done that. So this week the Senate is faced with a choice that, in my opinion, is relatively easy. If we can get to H.R. 6049, if the Senate will vote to get to the bill, we could then take up my substitute amendment.

My substitute amendment contains the provisions that I have talked about, plus a 1-year AMT patch—making sure people don't have to pay the AMT in the next taxable year, and that is without any offsets. So by going to the bill and seeing it through, Congress would take care of a lot of families and a lot of businesses.

We need to decide whether we will develop new jobs and new medications. We need to decide whether we will help teachers, families, and schools. We need to decide whether we are going to make energy independence a priority, or we can continue to allow hedge fund managers to defer, without limitation, their compensation for investing other people's money.

Let's show America we can make the right choice. Let's give American families and businesses reason for hope. Let's not give them the same experience they received last Tuesday. Let's proceed to this important tax relief bill for many American families and businesses.

Mr. President, I ask unanimous consent that the quorum calls prior to the recess be charged equally to both sides, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

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

UNANIMOUS CONSENT REQUEST— COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, we have a vote that will occur momentarily. I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Responding to the Growing Need for Federal Judgeships: The Federal Judgeship Act of 2008." It is scheduled for 2:30 this afternoon in the Dirksen Building. The witness list is remarkably good. We have the chairman of the Judiciary Resources Committee, Judicial Conference of the United States; the Director of Homeland Security and Justice from the United States Government Accountability Office, William O. Jenkins. That would be an important hearing to

go forward. As of now, we have not had consent from the minority to go forward with this.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I object. I will use a few moments of leader time to explain why.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, we need to get back to first principles around here. The Democratic majority scheduled the hearing my good friend references in a way that would violate the standing rules of the Senate. Rule 26.5 provides:

Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock . . . unless consent therefor has been obtained from the majority leader and the minority leader . . .

Typically, as we all know, the minority provides consent for committees to violate rule 26.5. The minority routinely provides this consent, frankly, in the interest of comity. But comity also requires the majority to treat the minority fairly which means, at a minimum, that the majority needs to keep its commitments to the minority. If commitments in this body are not kept, then comity breaks down. If that occurs, the minority will not routinely grant consent to those matters that we usually do. In this case, we have unfulfilled commitments with respect to treating circuit court judges fairly. It is the middle of June. The Senate has only confirmed eight circuit court nominees. This is less than half the number the majority leader and I agreed to at the beginning of the Congress. It is barely half the number of circuit court nominees that a Republican Senate confirmed in President Clinton's final Congress. More troubling, the chairman has threatened to soon stop confirming circuit court nominees altogether here in June.

The Republican conference does not consider this lack of progress and thinly veiled threat to be, frankly, in good faith. Not surprisingly, it is, therefore, not inclined to freely give its consent to matters that are important to the majority. That is the way things work around here. As I have said before, the Senate works best when there is a spirit of cooperation. Absent that spirit, the minority will be compelled to protect its rights using all protections afforded it under Senate rules.

There is an easy solution to the problem. We have been talking about it both privately and publicly over the last few months. The majority needs to start confirming circuit court nominees, at least those who meet the chairman's own criteria.

And it seems to me that before the committee spends its time creating new vacancies, which is what the hearing today was about, it needs to work

on filling the vacancies that already exist. Unfortunately, the Judiciary Committee is moving at a glacial pace toward that end. It has only held two circuit court hearings this year. Before that, it hadn't held a single one since last September. We have no indication that it is going to pick up the pace. There are several outstanding nominees who have been sitting in committee who meet the chairman's criteria. Until they are treated fairly, the majority will find our cooperation increasingly hard to come by.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I understand that my distinguished counterpart has a right to do this, an absolute right. I don't question that right. We will just have to schedule the hearing at a different time, if they don't want to have the hearing. I will, though, briefly comment, quoting Majority Leader Lott from years past. When we go home to our respective States, there are a lot of issues. Every State has the same issues: housing problems, high gas prices, doing something about global warming. When is the last time anyone went home and somebody said to you: Boy, are you guys going to do something about those judges? As Senator Lott said: The question never comes up.

Senator LEAHY, chairman of this committee, and I have said before, this Judiciary Committee has wide-ranging jurisdiction over a lot of issues, most of which are extremely difficult to deal with. He does a remarkably good job. I am very proud that he is the chairman of the Judiciary Committee. But he and I said we would do our utmost by the Memorial Day break to confirm three more circuit court judges. I think it was three; I don't remember the number. We did our utmost. Senator LEAHY did his utmost. But it was slow walked by the Republicans on the Judiciary Committee. So we are at a point now where finally we had two circuit court judges reported out of the committee last week. We are going to vote on those as soon as we can. We have fulfilled our commitment, so no one needs to talk about commitments not being fulfilled.

Again, I didn't invent the Thurmond rule. It was invented by long-time Senator Strom Thurmond, at one time chairman of the Judiciary Committee. He said that after June 1, he felt it was appropriate not to rush into appointing more Federal judges. We have not said that the Thurmond rule is in place. But some said we should have it in place. It is well after June 1, and Senator LEAHY and I are still committed to taking care of more circuit court judges. We are going to do that. I am sure there will be opportunities to take a look at some trial court judges. But we are doing our very best.

I admire and appreciate the work of Senator LEAHY.

Mr. LEAHY. Will the Senator yield for a question?

Mr. REID. Yes, I will.

Mr. LEAHY. Mr. President, I ask through the Chair, did the majority leader not hear the distinguished Republican leader say they don't want to give consent to these hearings that the majority may want? I was wondering if the distinguished majority leader was aware of this discussion on May 15 of this year about this judgeship act. First, I quote Senator SESSIONS, a noted Republican:

My comments on the judges' bill, as a member and Ranking on the Courts Subcommittee, we did have hearings several years ago but not recently.

Then we heard from Senator KYL, the distinguished deputy minority leader:

So what I would like to do, Mr. Chairman, is just recommend that you take our colleagues up on the suggestion that we have a hearing to validate the requirements.

At which point Senator COBURN, another Republican, said:

If we're going to fix it, let's fix it right. Let's have a great hearing. Let's bring the GAO in, let's bring the Conference in, and let's find out [how] to do it right.

And then Senator GRASSLEY, another noted Republican said:

That is the purpose of a hearing, and that's why it is very important that we give this adequate study. I ask the distinguished leader, was he aware of the fact that this hearing was being held after four senior members of the Republican caucus asked me to have the hearing?

Mr. REID. I say to my friend, in response to his question, yes. And the Senator from Vermont followed the advice of his colleagues and had someone from the General Accounting Office testify. I appreciate that.

I ask that we have the vote now. Members have been waiting.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED—Continued

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote against cloture on the motion to proceed to H.R. 6049, the Energy and Job Creation Act of 2008.

H.R. 6049 would revive important tax provisions that expired at the end of

2007 and extend provisions that are set to expire at the end of 2008. I support extension of the R&D tax credit, teacher expenses deduction, tuition deduction, accelerated depreciation for leasehold and restaurant improvements, the renewable energy tax incentives, and many other important provisions in this package.

In addition, the bill includes a provision that I introduced, S. 814, which would allow attorneys to deduct reimbursable court costs and expenses in the same tax period in which they are paid or incurred. I strongly support this provision and have urged Chairman BAUCUS and Ranking Member GRASSLEY to include it in this bill.

While the House bill, H.R. 6049, does not address the alternative minimum tax, AMT, it is my understanding that a Baucus substitute amendment will include a 1-year AMT "patch," without offsets, to prevent millions of additional taxpayers from being hit by the AMT as a result of bracket creep. I support the AMT "patch" so long as it is not used as an excuse to raise taxes elsewhere by adding offsets. The AMT revenues on millions of taxpayers were never intended to be collected.

Despite the positive elements of this legislation, there are still significant issues that must be addressed. The main sticking point between Democrats and Republicans is whether temporary extensions of tax relief should be offset with permanent tax increases elsewhere. Following that process year-in and year-out means that permanent tax increases must be enacted so that taxpayers can maintain the current tax structure. On April 23, 2008, I, along with 40 other Republicans, wrote to Finance Chairman BAUCUS to support "enacting a 2008 AMT patch and extending the various expiring tax provisions without offsetting tax increases." It would be my preference to see the tax extenders package passed without offsets.

As it relates to the renewable energy tax incentives, it is difficult to understand why the House bill and the anticipated Baucus substitute would require offsets when the Senate has already spoken clearly on the issue. On April 10, 2008, the Senate voted 88 to 8 for an Ensign/Cantwell amendment to the Foreclosure Prevention Act to extend the renewable energy tax incentives without offsets. Pennsylvania is among the leading producers of wind energy east of the Mississippi River. The thousands of Pennsylvanians employed in the alternative energy industry and those interested in clean, renewable sources of energy for their homes are looking to Congress to provide clarity and certainty on this issue. Without immediate action, it is widely believed that investments will decline significantly throughout the second half of 2008.

On June 10, 2008, the Senate failed to invoke cloture on the motion to proceed to H.R. 6049 by a vote of 50 to 44. That vote, and the vote which occurred

today 52 to 44, demonstrate that Senate Republicans need to be included in the process of drafting the bill. An open amendment process is important for this bill to proceed. Republican amendments must be allowed. However, an open process is threatened by the Majority Leader's standard operating procedure of "filling the tree" and filing cloture to cut off further amendments and debate.

On May 21, 2008, the White House issued a Statement of Administration Policy which states that the President's senior advisers would recommend a Presidential veto of this bill in its current form. It is my hope that in light of today's vote, leadership on both sides will work quickly to bring up this bill in a bipartisan manner that will allow the Senate to work its will and pass legislation that can be quickly signed by the President.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—52

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

NAYS—44

Alexander	Craig	Hutchison
Allard	Crapo	Inhofe
Barrasso	DeMint	Isakson
Bennett	Dole	Kyl
Bond	Domenici	Lugar
Brownback	Ensign	Martinez
Bunning	Enzi	McConnell
Burr	Graham	Murkowski
Chambliss	Grassley	Reid
Coburn	Gregg	Roberts
Cochran	Hagel	Sessions
Cornyn	Hatch	Shelby

Specter	Thune	Warner
Stevens	Vitter	Wicker
Sununu	Voinovich	

NOT VOTING—4

Clinton	McCain
Kennedy	Obama

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6049.

The PRESIDING OFFICER. The motion is entered.

VISIT TO THE SENATE BY JAPANESE PARLIAMENTARIANS

Mr. REID. Mr. President, I have spoken with the Republican leader about this. We have the opportunity to greet some Japanese parliamentarians. Senators INOUE and STEVENS have worked for many years to develop a relationship with the Japanese parliamentarians and have been extremely successful. I hope Senators in the Chamber will say hello to our colleagues from Japan.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate have a short recess subject to the call of the Chair.

There being no objection, the Senate, at 2:51 p.m., recessed, subject to the call of the Chair, until 2:59 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Minnesota is recognized.

BURMA

Ms. KLOBUCHAR. Madam President, yesterday I came to the floor, along with Senators HARKIN, GRASSLEY, and others, to talk about the devastating floods the Midwest has experienced, and no one would know more than the Presiding Officer about the tragedies these types of natural disasters can cause for everyone in those communities and for the infrastructure.

But today I am here to talk about something a little different, about how another country, the country of Burma, has dealt with this. I come to the floor today to call attention to the ongoing humanitarian crisis in Burma more than 6 weeks after the deadly storm that wreaked widespread death and destruction throughout that region.

When Cyclone Nargis struck the Irrawaddy Delta on May 2, the international community's attention was captivated by the catastrophic loss of life and the ensuing dangerous and deplorable conditions faced by 2.4 million Burmese who survived the storm.

In the days immediately following the storm, the United States, the U.N., and other nations and organizations applied strong pressure on Burma's ruling Government to allow all international aid workers to enter disaster areas and provide medical and humanitarian aid to survivors. The 16 women

Senators who are united in the Congressional Caucus for Women's Issues on Burma sent a letter to the U.N. Secretary urging him to convince the Burmese Government to allow disaster relief assessment teams into the country and lift restrictions on international humanitarian organizations. When the Burmese Government finally consented and pledged to allow international aid workers to enter the country, I believe many of us hoped the full-scale recovery process had begun and that we could turn our attention elsewhere. Sadly, this was not the case. The situation in Burma remains perilous, and the 2.4 million storm survivors need our attention now more than ever.

I recently met with representatives from the local Burmese community in my State who have been personally impacted by this deadly natural disaster, the most deadly in their country's history. Minnesota is home to thousands of people from Burma, including the largest U.N. concentration of refugees who have been victims of religious and ethnic persecution under Burma's military regime. As with so many immigrant and refugee communities in our Nation, the members of Minnesota's Burmese community maintain extensive ties to their country, and the storm and its aftermath has been a particularly painful period. Too many members of this community are still waiting after 6 weeks to hear from grandparents and cousins and sisters and brothers. They do not know if they are alive.

I met with the leaders of their community in order to listen to the information and reports they were receiving from friends and relatives caught in the middle of an ongoing disaster. The stories I heard were heartbreaking. Over 100,000 people are believed to have lost their lives during and after the storm. Tens of thousands are still missing, and millions are homeless and without adequate food or fresh water. This disaster was nearly of tsunami proportions; however, it affected one small country, which time and time again refused our help.

The local Burmese with whom I met told me how difficult it is to get basic information and stay in contact with their family members in the disaster areas. One woman told me she still has not been able to locate her sisters in Burma. Others expressed their fears that the Burmese regime would never admit the need for outside help or allow the aid that entered the country to reach the areas it was needed the most. They feared that unless the international community remained vigilant and refused to accept the Burmese Government's conditions and control over humanitarian aid, the plight of the people would grow weaker while the regime's grip would grow stronger.

Casualties from the Burma cyclone, as I mentioned, are nearly on the same scale as the Indian Ocean tsunami of 2004. But in that instance, the impacted countries accepted and even

asked for international aid. With the military regime in Burma, they have tried to shut the world out. While the outpouring of donations, relief supplies, and aid personnel from around the world has been substantial, only a fraction of available international aid is reaching the storm's 2.4 million survivors. U.N. officials have reported that aid groups are unable to provide 1.1 million survivors with sufficient food, clean water, and shelter, while trying to prevent a second wave of deaths from malnutrition and disease. Of the 1.3 million people who have received some form of help, the U.N. found they only have had access to inconsistent levels of assistance. Yet the Burmese regime continues to raise bureaucratic obstructions to the help waiting helplessly offshore.

Those international recovery workers who have been allowed to enter the country, and even Burma's own aid donors and relief organizations, are facing roadblocks in accessing the disaster regions to provide aid, leaving hundreds of thousands of survivors to fend for themselves. We have seen news reports that survivors have been forced to drink from dirty canals and to go for days without food. Many are turning to Burmese monks for help due to the Government's inaction—the same monks who faced a brutal military crackdown last fall for their peaceful prodemocracy demonstrations.

According to aid officials, in a normal recovery effort, 6 weeks after a disaster—and you think about 6 weeks after Katrina in your home State of Louisiana, Madam President—survivors should be on the road to recovery and thinking about what they need to do to restart their lives. In Burma, 6 weeks after the storm, many survivors still didn't know how they were going to find food, water, or shelter on a daily basis.

We are now receiving reports that the Government is forcibly closing aid camps and forcing homeless survivors to return to devastated villages. They are being told to rebuild their homes, but they haven't been given the assistance to do so.

The representatives of the Burmese community I met with in Minnesota understand that the cyclone, and its aftermath, is more than a natural disaster, it is a political disaster. It is a disaster made far worse, far more deadly, because of the repressive military regime that controls the country. The Burmese people have been repressed and impoverished by their own Government for years. The regime's lack of response to the cyclone disaster just highlights how bad the human rights situation is. Rather than focusing on ways to help the millions of Burmese struggling to survive, the regime instead used the chaos of the storm's aftermath to quietly extend another year the detention of Aung San Suu Kyi, the leader of Burma's democracy movement, who has been detained at home on and off for 12 of the last 18 years.

What would be an appalling and inexcusable action in any other nation facing similar circumstances comes as little surprise to anyone who has been following the events in Burma over the last few years. But it wasn't always that way. In fact, the current political conditions in Burma are ironic and tragic, especially when we consider that this country produced one of the great statesmen of the modern world—U Thant. As Secretary General of the United Nations from 1961 to 1971, he worked so hard to promote international human rights and to bring peace to troubled regions of the world. In an address to the General Assembly commemorating the adoption of the Universal Declaration of Human Rights, U Thant said that in the age of jet plane and satellites circling the globe, “the world is fast becoming a community, a community with common interests and common aspirations. Gone are the days when each nation was an island unto itself. Today, questions of human rights are a matter of international concern.”

Unfortunately, the Government in Burma wants to stay an island unto itself and doesn't think the world should concern itself with the human rights of its people. The military regime's neglect and abuse of its own people challenges our traditional notions of national sovereignty and non-interference. The indifference of Burma's military regime has generated an international debate about humanitarian aid and the need for stronger international law to deal with cases where national governments fail or refuse to provide adequate aid.

In recent years, the international community has come to recognize that a government has a fundamental responsibility to protect its own people and that we have a responsibility to take action with humanitarian intervention when a government fails in that responsibility.

Two weeks ago, U.S. Navy ships loaded with aid supplies and equipment withdrew from Burmese waters after repeated unsuccessful attempts to deliver their vital cargo that could save thousands of lives. U.S. officials have said they will return only when Burma's leaders change their minds and allow them to offload their supplies in Burma's ports. But we cannot simply turn away from the Burmese people and allow the Burmese regime to continue to sacrifice thousands of lives in order to protect its own security. We must use all available means to compel the regime to allow full aid supplies and personnel to enter the disaster areas and to stay there until survivors are ready and able to begin rebuilding their lives.

At the end of the meeting with our local Burmese, I pledged to them that I would take their stories to Washington and do what I can to bring attention to the plight of the people in their country as we use our influence to bring about immediate and long-

term constructive change. The rebuilding process in Burma will take years, and it is imperative that in the weeks and the months to come, we don't lose our focus or our commitment or our obligation to assist the Burmese people. So I will continue to work with my colleagues to draw attention to this situation and to continue to provide every available opportunity to call attention to it. This is our moral responsibility.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

UNEMPLOYMENT INSURANCE

Mr. BROWN. Madam President, in the last 16 months, I have held some 100 roundtables across my State where I invited some 65 Ohio counties of the 88. I invited a cross section of people, 15 to 20 people from a community, to sit down and talk about their hopes, dreams, and ideas for working together, the Federal Government with local government, businesses, labor organizations, schools, and others.

I have met with a number of workers and small business owners, community leaders, and teachers. I heard over and over, as the Presiding Officer has, about the economic anxiety facing families in the State. I have done these roundtables from Bryan to Steubenville, from Ashtabula to Hamilton. Nowhere is this anxiety felt more acutely than among displaced workers and Ohio families struggling to make ends meet.

Fundamentally flawed trade agreements and Bush economic policies have crippled communities in too many cases and devastated far too many families. Since January 2001, Ohio State has lost 200,000 manufacturing jobs. Since that time, the Nation has lost 3 million manufacturing jobs. When one loses a manufacturing job, especially if it is a plant shutdown in a relatively small community—this is not happening only in Cleveland and Dayton and Youngstown and Toledo; it is happening in Tiffin, Defiance, Portsmouth, and Chillicothe—if it has 300 workers, it means fewer police officers because of what happens to taxes. There aren't as many people working and businesses and individuals who are paying city income tax or county tax. It means teacher layoffs, police, and fire layoffs. It means services from the community to support families are not what they were prior to the plant closings.

Clearly, a big reason is our trade policy, the NAFTA-CAFTA model, PNTR

with China, which has caused the outsourcing of millions of jobs. It is bad tax policy and Bush economic policy. We obviously need to change direction. That is not going to happen with this President. It is not going to happen with the filibusters going on in the Senate right now. But what we can do something about immediately is to help those Ohio families and Louisiana families with unemployment insurance. It is the only economic lifeline so many families have.

Unemployment compensation is insurance. It is called unemployment insurance. It is not a giveaway. It is not welfare. It is individuals paying in while they are working to an insurance plan. The reason it is called insurance is, if they lose their jobs, it is insurance against the loss of the job. They have earned this money. Yet an awful lot of people, most of my friends on the other side of the aisle as well as the gentleman sitting in the White House, seem to think that unemployment insurance is a giveaway, a welfare program, something that people want to game the system and don't want to work. They want to stay home, watch TV, and collect unemployment insurance.

The fact is, we should reward work. People want to work. But hundreds of thousands of Ohioans and millions all over the country have seen their unemployment expire, and they are asking for an additional 13 weeks to get them through the day. Many of these are single parents. Many people, if they have lost a job, lose their health care, and they need a little bit of help.

Extending unemployment benefits is not only the right thing morally to do for these families, it is also a good economic stimulus package. The Presiding Officer knows that when we were earlier trying to figure out how we could do a stimulus package to get the economy going, the single best way is unemployment insurance extension, because that puts money right into pockets immediately. The mechanism of government is already in place so we extend to them their unemployment which had run out. We already know how to do it. It is people who will spend the money on daily living—on food, clothes, books for their kids, paying the rent, paying heating or cooling bills. That is why it is so important.

I have letters I have received in the last few weeks from people in Ohio, individuals, most of who are unemployed. Sometimes they are writing for a neighbor or family member. Usually they are writing for themselves saying: Please extend unemployment insurance.

It is clear that all of us are getting these letters. Members of Congress in the House and Senate are receiving tens of thousands of letters, so it is crucial. In my State, in the last 7 weeks, we have seen a GM plant, 2,500 workers, is going to close near Dayton. We have seen DHL, a company in southwest Ohio that delivers packages,

talking about literally shutting their operation down. That is 7,000 jobs in Wilmington, a community of 13,000 people. Imagine what it does to them. There is a company in Geauga County in the northeast part of the State that announced layoffs of hundreds of workers. Continental Airlines is laying off 3,000 workers, not only in Ohio but mostly in its hubs in Newark, Houston, and Cleveland. That is why this is so very important.

It is not a giveaway. It is unemployment insurance. It will be an effective economic stimulus to get the economy going. It is all about thousands of Ohioans, hundreds of thousands of people across the country, thousands of people in my State saying simply: I am trying to find a job. I am working to find a job. I haven't found a job yet, but I need an extension of my unemployment benefit.

Shawna from Akron wrote to me:

We are facing losing our house, our car, and much more. I beg you to work for an extension of unemployment benefits.

Patricia and David Troy, a small community north of Dayton, wrote:

My husband is one of 334,000 unemployed Ohioans.

Brent from West Chester, not far from Cincinnati, wrote:

We need our benefits to be extended or families won't be able to make it.

Nicole from Huron, a town near Lake Erie in northern Ohio, writes in the most direct terms:

Please help us.

This is something we can do. It is not going to solve our economic problems, but it will help an awful lot of families. It will, in part, be a stimulus for the economy. There is no reason we should not do it.

I ask my friends on the other side of the aisle to support the extension of unemployment benefits, and I ask the President to change his mind and sign this legislation. It will matter for the country, for States, communities, and especially for families.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, over the last 8 years, American families have watched as the price of everything from gas to groceries has gone up and up while the value of the dollar has gone down and down. Last month, they got more bad news. Employers cut jobs for the fifth straight month, bringing the total number of people looking for work to 8.5 million. It was the worst 1-month jump in unemployment in 22 years. That means that more of our workers are losing paychecks, even as they need money to pay for electricity,

fuel, and food. It comes on top of the mortgage and credit crisis in which millions of families have watched their primary source of wealth, their homes, plummet in value.

Americans are looking to us for help, and we have to take action immediately. We have a proposal before us that would offer some relief by extending unemployment insurance for an extra 3 months. That would have two benefits. It would ensure that Americans, while they are looking for work, will still be able to put food on the table and fill up their gas tanks, and it will give our economy an immediate boost because that money will be spent quickly. This same measure passed the House overwhelmingly last week, because Members on both sides of the aisle realize that we have to move quickly. I am concerned that now Republicans are more interested in blocking our progress on anything than actually taking meaningful action for the American people. Instead of working with us, Republicans have filled endless hours on the floor with speeches complaining about problems but not offering any solutions. Instead of focusing on the concerns of working families, President Bush threatened to veto this bill, and then he left on a tour of Europe.

The American people are hurting. They have had enough of political games at their expense. I truly hope the President and his Republican allies will join us in supporting this very important measure to extend unemployment insurance.

AMERICAN AEROSPACE JOBS

Mrs. MURRAY. Madam President, I turn now to another example of how the President's priorities are hurting working families, and that is the administration's decision to send 44,000 American aerospace jobs to Europe. Within the next couple days, the Government Accountability Office is going to issue a ruling on a decision regarding a defense contract. It is Boeing's first protest of a defense contract in three decades. Boeing is challenging the Air Force's choice to award a \$35 billion contract to supply the military's next generation of aerial refueling tankers to a European company, Airbus. We are all now awaiting the GAO's ruling because it was clear there were some major flaws in that contract.

Ever since the Air Force announced in February that it had awarded the contract to Airbus, the Air Force has insisted there were no mistakes and the Airbus tanker cost less. Yet we have already learned that is not true.

Last week, the Air Force admitted to making a critical error when it calculated the operating cost of the two tankers. It is now acknowledging that the Airbus plane actually cost tens of millions of dollars more.

That isn't news that surprises us, but it is further evidence that we have to get more answers from the Pentagon before we, Congress, allow this contract to become a reality. That is why

I have come to the floor this afternoon. While the GAO decision is important, it won't even come close to addressing all of the questions that have been raised about this contract. That is because the GAO's role in this process is very limited. It can examine whether the Air Force followed the letter of the law in the selection process, but it cannot look at anything beyond that. So even if it is obvious to them that the Airbus tanker costs more, that it is less safe, or it doesn't meet the Air Force's needs, the GAO can't take any action. That is our job. That is Congress's job. We have to get answers to the questions that have been raised about this deal.

This is one of the largest contracts in our history, and it is incredibly important. Our tankers refuel planes and aircraft from every single branch of our military. As long as we control that refueling technology, we control our skies and our security, and that is extremely important to our national security. We have to make sure we are making the best decision for our taxpayers and for our servicemembers. That is Congress's responsibility.

I am especially concerned because when you compare Boeing's 767 with Airbus's A-330, the 767 is clearly a better plane. Compared to the 767, the Airbus tanker is a lot larger, it is less efficient, and it is more expensive to operate. According to the Air Force itself, the A-330—the Airbus tanker—ranked lower than the Boeing 767 in survivability, which is our ability to make sure that our warfighters who are flying those planes are safe. The Airbus tanker ranked much lower than the Boeing plane in keeping our men and women who are flying them safe.

Yet although I have asked the Air Force to explain its decision on this tanker numerous times over the last 3 months, I have been stonewalled again and again on answers. No one has explained why the Air Force would ask for a medium-sized plane and then go out and choose a much larger design which is going to cost billions of dollars more in just fuel and maintenance.

No one has explained why we would buy a plane that is so big that we are going to have to rip out and replace hundreds of runways, ramps, and hangars around the globe in order to land that plane.

No one has explained why we would not buy the safest possible airplane for our servicemembers.

Perhaps most importantly, no one can explain why we are giving a multi-billion-dollar contract to a company that has made no secret of its desire to dismantle our U.S. aerospace industry.

For years, the foreign governments that own Airbus have flooded it with illegal subsidies in order to compete with Boeing. In fact, the A-330 is a result of that subsidized system. The U.S. Trade Representative is so concerned that our Government has accused the EU of unfair trade practices before the World Trade Organization. It

makes absolutely no sense to me that we would accuse Europe of illegally subsidizing Airbus and then turn around and award it a \$35 billion contract of U.S. taxpayer money. It is especially troubling because the consequences to our national security and our economy will be huge.

A report by the nonpartisan Economic Policy Institute shows that Boeing would create at least twice as many American jobs as Airbus. In other words, we stand to lose as many as 14,000 jobs right here in the United States by sending this contract to Airbus. With those jobs that we lose, we lose the knowledge and we lose the expertise that helped us create our global military strength and has made the United States the world leader in aerospace technology. Yet no one has explained why we would let that slip away.

Not only am I very troubled that I haven't been able to get answers to these questions, but this month the Air Force gave us new reason to be concerned. About 2 weeks ago, the Defense Secretary forced out the Air Force Secretary, Michael Wynne, and its Chief of Staff, Michael Moseley, after finding systemic problems in the service that led him to have a serious lack of confidence in their leadership and in their oversight. Mr. Wynne and General Moseley blessed this Airbus contract. Clearly, we in Congress—those who represent the taxpayers of this country—need to look at this deal more closely.

Congress is entrusted by the American people with the responsibility to look out for our taxpayers and to be a check on this administration or any administration. When it is clear that the administration has gone in the wrong direction, we—Congress—have to step in. Now is one of those times. We owe it to our taxpayers and to our service men and women to make sure we buy the right plane. This contract is too important.

So I am here this afternoon on the floor of the Senate to implore my colleagues to stand with me and continue to demand that the Air Force justify this decision.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

VERMONT STATE HOUSING AUTHORITY

Mr. LEAHY. Mr. President, I congratulate the Vermont State Housing Authority, VSHA, on 40 years of excellence. This organization, which came into existence with a creative spark as the first statewide housing authority in the country, continues to find new and innovative ways to use Federal housing programs to find affordable homes for Vermonters.

Reaching this milestone should bring great pride to the visionaries that created the system in 1968, including Governor Phil Hoff, and to the 40 years of staff, board members and leaders that have ensured that the statewide mission of VSHA has been carried out on a daily basis.

The VSHA executive director, Richard Williams, has been at the helm of the VSHA for more than half its lifespan, working since 1984 to expand the reach of the organization, develop and maintain properties and move people out of the cold and into their own homes. It takes a man of great conviction to accomplish what he has done, and it takes a great team to deliver on the mission he and the board created. Richard was recently quoted saying, "We are proud of what we've been able to accomplish for Vermonters over the past 40 years, but the challenges have never been greater. We're inspired and motivated by the knowledge that our services are needed more than ever."

One of VSHA's primary responsibilities is administering the Department of Housing and Urban Development's, HUD, Section 8 Voucher Program in Vermont. During the past 40 years, the VSHA has worked to increase the number of vouchers available to Vermonters in all corners of the State. This has been increasingly important as the Federal resources for the programs many of our Nation's most vulnerable populations depend upon have been shrinking and poorly prioritized. The number of low- to moderate-income Vermonters seeking affordable housing, including those with disabilities, the elderly and returning veterans, continues to climb. Fortunately for Vermonters, the VSHA is constantly recognized by HUD as one of the Nation's most well run and effective housing authorities—giving hope to those that might have lost hope in virtually every other government system.

Not only has the VSHA worked to assist people in finding affordable apartments, but they have also helped many Vermonters pursue their dreams of homeownership. It gives me great pride to say that VSHA's Homeownership program has given more than 80 low-income Vermont families the opportunity to become homeowners. This dynamic program works to improve self-sufficiency by converting Section 8

vouchers into Homeownership Vouchers. I am happy to say that the VSHA Homeownership program has enabled low-income Vermonters to build equity and wealth while increasing their civic involvement.

While providing housing for Vermonters, the VSHA has simultaneously preserved and revitalized town centers, historical buildings and a general sense of community across the State. They have done this with commendable collaboration with nonprofit organizations, the private sector and various government agencies. I have seen their work, and most importantly, I have seen the tremendous impact their programs have had on my home State and the people who call the Green Mountains their home.

I congratulate the VSHA on their outstanding achievements over the past 40 years. On behalf of the people of Vermont, I applaud everyone who has worked to make the Vermont State Housing Authority a great success.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT

Mrs. BOXER. Mr. President, I rise in support of H.R. 5749, Emergency Extended Unemployment Compensation Act. Earlier this month we were met with troubling news about our economy. We learned that the unemployment rate, one of the strongest indicators of our Nation's economic health, experienced the largest one month increase since 1986, from 5 percent to 5.5 percent.

In real terms, this jump in the unemployment rate means that between April and May, 49,000 more American workers lost their jobs. In 2008, our economy has lost a total of 324,000 jobs.

In my State of California, the unemployment rate is the third highest in the Nation at 6.2 percent. Some areas in California's Central Valley have unemployment rates as high as 10 to 12 percent.

Families in these communities are struggling in this economy, and with Governor Schwarzenegger's recently declared a drought emergency in the Central Valley, farmers there tell me that because of the water shortage, fewer acres will be planted this year, which will mean fewer jobs in this area of the State with already skyrocketing unemployment.

Yet in this time of economic uncertainty, when so many workers can't make ends meet because they have lost their jobs, Senate Republicans today did as they have done so many times this year on issues important to American families and said "no" to passing a stand-alone unemployment benefits extension bill.

This bill, passed with strong bipartisan support by the House, could have been sent to the President immediately so that unemployed workers who have exhausted their unemployment benefits can get additional support while they try and find a new job.

Opponents of this bill wrongly suggest that extending benefits for an additional period of time in high unemployment States creates a disincentive for unemployed workers to seek a job. This flawed logic is not only demeaning to hard-working Americans, it also ignores the reality for job seekers pounding the pavement in today's economy.

Unemployed workers are out looking for new jobs, but because of the economic downturn, there are fewer and fewer opportunities to find work. Today there are only 3.7 million existing job opportunities for 8.5 million unemployed workers.

In addition, the long-term unemployment rate is 62 percent higher than it was in January of 2001, when our country was in a recession. This means that more and more unemployed workers are running out of benefits before finding new jobs.

In California, over 50 percent of newly unemployed workers are exhausting their benefits before finding a new job.

Californians are also struggling to deal with rising fuel and food costs, making it even more difficult for the 324,000 Americans who have lost their jobs this year to provide for their families.

We learned today that the national gas price average increased yet again to \$4.08, up \$1.07 from last year.

Prices for food staples like bread and eggs are up as high as 20 percent from last year.

Food banks and soup kitchens, like the Alameda County Food Bank in California, are seeing demand for food aid grow as much as 40 percent over last year, with the increase in visits a direct result of the high unemployment rate.

Senate Democrats know that we must act now to provide additional relief to workers who have exhausted their benefits and in areas of the country with high unemployment.

This bill would immediately provide up to 13 weeks of extended unemployment benefits in every state to workers who have exhausted the 26 weeks of regular unemployment benefits.

Workers in States with higher levels of unemployment, like California, would be eligible for 26 weeks of extended benefits.

This bill will also provide an additional stimulus to the Nation's economy. Leading economists tell us that for every dollar the Federal Government spends on unemployment benefits, it adds \$1.64 to the national gross domestic product.

We know that people out of work use extended unemployment benefits to meet the essential needs of their families, to buy groceries and to pay bills. With the much-needed resources this bill provides, jobless workers will help inject money into the lagging economy.

This bill is a win for struggling families and a win for the Nation's econ-

omy, and it is unfortunate that Senate Republicans refused to work with us to consider this important legislation.

SELECT AGENT PROGRAM AND BIOSAFETY IMPROVEMENT ACT

Mr. BURR. Mr. President, I rise today in support of S. 3127, the Select Agent Program and Biosafety Improvement Act of 2008. Last week, I introduced this important legislation with my friend Senator TED KENNEDY. I thank my colleague from Massachusetts for his partnership. I enjoyed working closely with him in the 109th Congress on the Pandemic and All-Hazards Preparedness Act, which was signed into law in December 2006. He continues to be one of the great leaders in the U.S. Senate and I look forward to continuing to work with him to ensure our laws protect the American people from health threats of all kinds.

S. 3127 will enhance our Nation's biosecurity and improve the biosafety of our most secure laboratories. The bill achieves two overarching goals.

First, it reauthorizes and improves the Select Agent Program. This program was created in the 1990s to control the transfer of certain dangerous biological agents and toxins that could be used for bioterrorism. The program expanded after the anthrax attacks in 2001; however, the authorization expired at the end of September 2007.

Second, the bill evaluates and enhances the safety and oversight of high containment laboratories. These laboratories are used by scientists to study select agents and other infectious materials. Labs are categorized by their safety level. There are four levels, termed Biosafety Level, BSL, 1 through 4, with 4 being the highest level. The number of these labs has grown, both domestically and internationally, in the last several years. Recent incidents in which laboratory workers were exposed to disease agents have highlighted the need to evaluate ways to improve the safety of these labs.

The Select Agent Program is jointly administered by the U.S. Department of Health and Human Services', HHS, Centers for Disease Control and Prevention, CDC, and the U.S. Department of Agriculture's, USDA, Animal and Plant Health Inspection Service, APHIS. The program was intended to prevent terrorism, and protect public and animal health and safety, while not hampering legitimate research. This is an obvious struggle that requires careful consideration, particularly when science is rapidly advancing around the globe.

Under the USA PATRIOT Act, it is illegal to possess "select agents" for reasons other than legitimate research. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 further required laboratories and laboratory personnel to undergo background checks by the FBI prior to approval for possession of select

agents. As of April 2008, there are 72 select agents, meaning the agents pose a severe threat to public or animal health and safety. Thirteen of these agents are found naturally in the United States. There are 325 entities and 9,918 individuals registered with the CDC to work with select agents and toxins, and 75 entities and 4,336 individuals registered with APHIS.

We take four key actions in S. 3127 to strengthen the Select Agent Program.

First, our legislation reauthorizes the program through 2013 and calls for a comprehensive evaluation of the program. The review, to be conducted by the National Academy of Sciences, will look at the effects of the program on international scientific collaboration and domestic scientific advances. Historically, the United States has been an international leader in biosecurity. In fact, Canada recently proposed legislation to tighten safety and access to pathogens and toxins of concern for bioterrorism. Canada's new legislation, released in April 2008, would establish a mandatory licensing system to track human pathogens, similar to our Select Agent Program. It also ensures compliance with the country's Laboratory Biosafety Guidelines across the country.

Second, the bill ensures a comprehensive list of select agents. Currently, CDC and APHIS develop a list of agents and toxins to which the program regulations apply. However, we believe some additional factors should be considered in revising the list. For example, scientific developments now make it possible to create agents from scratch or to modify them and make them more deadly. Highly infectious viruses or bacteria that are otherwise difficult to obtain can now be created by scientists using "synthetic genomics". In addition, we now have more information from the Department of Homeland Security, DHS, about the threat posed by certain bioterrorism agents.

In 2002, U.S. researchers assembled the first synthetic virus using the genome sequence for polio. Later, in 2005 scientists reconstructed the 1918 pandemic influenza virus. Then in January 2008, a "safe" form of Ebola was created synthetically. While this "safe" Ebola can be used for legitimate research to develop drugs and vaccines to protect against it, a scientist could also change it back to its lethal form. Also, earlier this year, advancements in technology yielded the first synthetic bacterial genome.

We must consider these scientific advances, including genetically modified organisms and agents created synthetically, if we are to address all agents of concern. In addition, DHS's recent biological risk assessments provide new information for our assessment of biological threats. This information should also be considered when determining which agents and toxins should be regulated.

Next, the bill encourages sharing information with State officials to en-

able more effective emergency State planning. State health officials are currently not made aware of which agents are being studied within their State. This leaves medical responders, public health personnel, and animal health officials unprepared for a potential release, whether accidental or intentional.

Lastly, S. 3127 clarifies the statutory definition of smallpox. The Intelligence and Terrorism Prevention Act of 2004 criminalized the use of variola virus, the agent that causes smallpox. The statutory definition of the virus includes agents that are 85 percent identical to the causative strain. Researchers are worried this could be interpreted to also include the strain used to develop the smallpox vaccine, as well as less harmful naturally occurring viruses. This sort of ambiguity could be detrimental to necessary medical countermeasure research and development. Our bill requires the Attorney General to issue guidance clarifying the interpretation of this definition.

In addition, in this legislation we take three key actions to evaluate and enhance the safety and oversight of high containment laboratories.

First, our bill evaluates existing oversight of BSL 3 and 4, or high containment, labs. The bill requires an assessment of whether current guidance on infrastructure, commissioning, operation, and maintenance of these labs is adequate. As I mentioned, the number of these labs is increasing around the globe. As these new facilities age, we need to make sure they are appropriately maintained. It is essential that laboratory workers and the public know these facilities are as safe as possible. If the guidance we currently have in place is not adequate, then we need to know how to improve it.

Second, the bill improves training for laboratory workers. As the number of laboratories and personnel increases, we must ensure workers are appropriately trained and lab accidents do not increase. Accidents and injuries in the lab, such as chemical burns and flask explosions, may result from improper use of equipment. Our bill develops a set of minimum standards for training laboratory personnel in biosafety and biosecurity, and encourages HHS and USDA to disseminate these training standards for voluntary use in other countries.

Finally, the bill establishes a voluntary Biological Laboratory Incident Reporting System. This system will encourage personnel to report biosafety and biosecurity incidents of concern and thereby allow us to learn from one another. Similar to the Aviation Safety Reporting System, which gathers information on aviation accidents, this system will help identify trends in biosafety and biosecurity incidents of concern and develop new protocols for safety and security improvements. Lab exposures to pathogens not on the select agent list will also be captured

through this type of voluntary reporting system.

In closing, I encourage my Senate colleagues to join Senator KENNEDY and me as we work to improve our Nation's biosecurity and biosafety systems by passing S. 3127, the Select Agent and Biosafety Improvement Act of 2008. I thank the many researchers, scientists, and State health officials from across the country who shared with me and my staff their ideas, experiences, and recommendations. In this time of exciting scientific advances, we must ensure our laws and prevention programs are updated to reflect current conditions. In addition, we must remain vigilant in our efforts to protect the American people from bioterrorism. The Select Agent Program is an important part of ensuring the Nation's safety and security and I look forward to working with my colleagues to reauthorize and improve the program.

HEALTH CARE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 15, 2008, to Majority Leader REID, Speaker PELOSI, Minority Leader MCCONNELL and Minority Leader BOEHNER.

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

MAY 15, 2008.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER REID, SPEAKER PELOSI, MINORITY LEADER MCCONNELL AND MINORITY LEADER BOEHNER: As representatives of non-partisan organizations committed to improving health care for all children, we are writing to share our deep concern regarding the impact of the directive to states that was issued by the HHS Centers for Medicare and Medicaid Services (CMS) on August 17, 2007. In particular, we are concerned that scores of children who are currently enrolled in the State Children's Health Insurance Program (SCHIP) will lose coverage as a result of this policy change. Unfortunately, the letter CMS sent to states on May 7, 2008, which seeks to clarify the directive's requirements, does not change the policy outlined in the August 17 directive and, sadly, does nothing to mitigate its impact. States still must overcome serious hurdles before they can provide SCHIP coverage to uninsured children in working families and children—even those who lose a parent or whose parents become unemployed—will be subject to a one-year waiting period before they will be eligible for coverage under SCHIP. We urge Congress to enact legislation that would impose a moratorium on the implementation of this directive.

As organizations committed to ensuring that all of our nation's children have access to affordable health care coverage, we strongly believe that no child in America

who is currently covered under SCHIP or Medicaid should lose their health coverage or access to care as a result of this administrative directive. We share your commitment to ensuring that federal health coverage programs make our nation's lowest income children the foremost priority, however, the CMS directive runs directly contrary to our common goal of covering America's poorest children first. The August 17 directive already is jeopardizing access to health care for low-income children in at least 23 states. Moreover, recent reports by the Government Accountability Office (GAO) and the Congressional Research Service (CRS) affirm that the directive goes beyond what is permissible under current law. Unfortunately, CMS' May 7, 2008 letter to states did not address these serious concerns. In light of the directive's impact on state efforts to provide coverage for uninsured children and the recent GAO and CRS findings, we urge the House and Senate to take immediate action to halt the implementation of the August 17 directive and restore states' ability to determine how best to cover their children.

With more than nine million American children lacking any form of health insurance and nearly two-thirds of that number already eligible for Medicaid or SCHIP, we must do all we can to reduce coverage barriers, not add additional ones. This directive already is having a chilling effect on states, stalling efforts in several states that were poised to enact policy changes to improve coverage of uninsured children. Halting the implementation of this directive is essential if we are to tackle the coverage crisis facing our nation's most vulnerable children. No child in America should lose their health coverage as a result of philosophical differences in Washington, D.C. Our nation must do better for our children.

We know you agree that our children are our nation's most precious resource and that investments in health care for kids reap benefits that last a lifetime. We welcome the opportunity to discuss these issues with you and to work with you to be sure that all of our nation's children have access to the health care services and coverage they need.

Sincerely,

First Focus: American Association of School Administrators; LEANet; National Association of Community Health Centers; PICO National Network; The 2010 Cover All Kids Initiative; AARP; Action for Children North Carolina; Alliance for Excellent Education; American Academy of HIV Medicine; American Academy of Nursing; American Academy of Pediatrics; American Academy of Pediatrics, Pennsylvania Chapter; American Academy of Pediatrics Utah; and American Association of People with Disabilities.

American College of Obstetricians and Gynecologists; American Dental Education Association; American Humane Association; American Medical Women's Association; American Music Therapy Association; American Network of Community Options and Resources, ANCOR; American Nurses Association; American Psychiatric Association; American Public Health Association; Anchorage School District, AK; Anchorage's Promise, AK; Association for Community Affiliated Plans; Association of Clinicians for the Underserved, ACU; Association of Women's Health, Obstetric & Neonatal Nurses, AWHONN; and Autism Society of America.

Bayonne Jewish Community Center, NJ; Bayonne YMCA, NJ; Bazelon Center for Mental Health Law; Bedford Youth & Family Services, MA; The Black Children's Institute of Tennessee; California State Association of Counties; Catholic Charities of the Archdiocese of Newark; Catholic Charities USA; Catholic Healthcare West; Center for Public

Policy Priorities, TX; Center for Medicare Advocacy, Inc.; Child and Adolescent Health Measurement Initiative; Child and Family Policy Center, Des Moines, IA; Children and Adults with Attention Deficit/Hyperactivity Disorder; and Child Welfare League of America.

Children First for Oregon; Children Now, Sacramento/Oakland, CA; Children's Aid Society; Children's Dental Health Project; The Children's Health Fund; The Children's Partnership; Clinical Social Work Association; Colorado Children's Campaign, Denver, CO; Colorado Community Health Network; Colorado Organization on Adolescent Pregnancy, Parenting, and Prevention; Community Action Partnership; Community Health Care Association of New York State; Connecticut Association for Human Services; Connecticut Legal Services, Inc.; and Consumer Health Coalition.

Corona-Norco United Way, CA; County Commissioners' Association of Ohio; County Commissioners Association of Pennsylvania; County Welfare Directors Association of California; Cystic Fibrosis Foundation; DePelchin Children's Center, Houston, TX; Disability Rights Education and Defense Fund; Easter Seals; Educational Arts Team; Families USA; Family Voices; Family Voices-NJ; FAMIS Outreach Project, Radford, VA; FRESC: Good Jobs Strong Communities; and Greater Hartford Legal Aid, Inc., CT.

Healthy York Network, York, PA; Health Care For All Massachusetts; HIV Medicine Association; Hudson Perinatal Consortium, Inc., Jersey City, NJ; Immunization Action Coalition; Indiana Primary Health Care Association; Intermountain Pediatric Society; Iowa/Nebraska Primary Care Association; Jersey City Library Literacy Program; Legal Assistance Resource Center of CT; Legislative Coalition for People with Disabilities (Utah); Maine Children's Alliance; Maryland Women's Coalition for Health Care Reform; Maternal and Child Health Access, Los Angeles, CA; and Maternity Care Coalition, Philadelphia, PA.

Mental Health America; Medicaid Health Plans of America; Mental Health/Mental Retardation Program Administrators of Pennsylvania; Methodist Healthcare Ministries, San Antonio, TX; Miami-Dade County; Michigan County Social Services Association; Michigan's Children; Montview Boulevard Presbyterian Church Health Care Task Force, Denver, CO; Mountain Youth Resources; National Association for the Education of Young Children; National Association of Children's Hospitals; National Association of Counties; National Association of County Behavioral Health and Developmental Disability Directors; National Association of County Human Services Administrators; and National Association of Pediatric Nurse Practitioners.

National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Special Education; National Council for Community Behavioral Healthcare; National Council of Jewish Women; National Council of Urban Indian Health; National Down Syndrome Congress; National Federation of Families for Children's Mental Health; National Health Law Program, NHeLP; National Hispanic Health Foundation; National Hispanic Medical Association; National Partnership for Women & Families; National Women's Law Center; New Haven Legal Assistance Association; and New Mexico Alliance for School-Based Health Care.

New Mexico Voices for Children; NH Healthy Kids Corp; Organization of Chinese Americans, OCA; Ohio Child Support Enforcement Agency Directors' Association; Ohio Job and Family Services Directors' As-

sociation; OPTIONS for Independence; Oregon Action; Pennsylvania Association of County Human Services Administrators; Pennsylvania Partnerships for Children; Prevent Blindness America; Public Children Services Association of Ohio; Public Health-Seattle & King County, WA; Rhode Island KIDS COUNT; Rural Health Association of Tennessee; and Salt Lake County Mayor.

Salt Lake Community Action Program; Sargent Shriver National Center on Poverty Law; SC Applesed Legal Justice Center, Columbia, SC; Service Employees International Union; Southeastern Network of Youth and Family Services, Bonita Springs, FL; Statewide Parent Advocacy Network of New Jersey; Tennessee Commission on Children and Youth; Tennessee Health Care Campaign; Tennessee Justice Center; Tennessee Primary Care Association; Texas Association of Public and Nonprofit Hospitals; Texas Network of Youth Services; The Arc of the United States; The Arc of Utah; and TII CANN—Title II Community AIDS National Network.

United Cerebral Palsy; United Neighborhood Health Services, Inc.; United Spinal Association; United Way of America; United Ways of California; United Way of Greater High Point; United Way of Hudson County; United Ways of Louisiana; United Way of Pennsylvania; United Ways of Texas; Utah Covering Kids & Families Coalition; Visiting Homemaker Services of Hudson County; Voices for America's Children; Voices for Children, NE; Voices for Ohio's Children; Voices for Utah Children; Washington Health Foundation; and Washington Physicians for Social Responsibility.

MACKINAC ISLAND STATE PARK

Mr. LEVIN. Mr. President, I am pleased that the Senate is acting on the House Concurrent Resolution, H. Con. Res. 325, which was introduced by Congressman STUPAK and recognizes the celebration of the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program. This anniversary, which will take place on June 15, 2008, honors the work of the Commission to protect, preserve, and communicate the rich history and natural wonders of Mackinac Island.

Located in the heart of the Great Lakes, between Michigan's Upper and Lower Peninsulas, Mackinac Island is an important part of this Nation's history. In colonial years, the island provided strategic fur-trading posts for French, British, and American settlements. During the Civil War, Britain's Fort Mackinac was established on this island and the fort was also used during the War of 1812. In 1817, the village of Mackinac was incorporated and served as the seat for the territorial county of Michilimackinac, which covered much of what is now Michigan. It also functioned as the seat of Mackinac County from 1849 through 1882. The island was considered a sacred place to Native Americans and functioned as a tribal gathering place and burial site. Today, the island is a popular tourism destination where people can relax, enjoy nature, and learn about history.

Since its inception in 1895, the Mackinac Island State Park Commission has been actively engaged in a variety of

restoration activities and has worked to interpret and communicate the multiple stories of this important island to millions of visitors. The Commission has participated in a number of initiatives, including archeological excavation, lighthouse restoration, and exhibit installation, to protect and manage the historic resources of the park.

The U.S. Congress recognized the significance of Mackinac when it established the Mackinac Island National Park in 1875, making it the Nation's second National Park after Yellowstone. In 1895, park ownership was transferred to the State of Michigan, creating Michigan's first State park. In 1958, the Mackinac Island State Park Commission established the Historical Preservation and Museum Program. This program has served as the primary caretaker and purveyor of the Island's considerable tale. I am pleased to extend my warmest congratulations to those individuals involved with this program who have painstakingly restored and preserved Mackinac Island for future generations.

TRIBUTE TO JOHN ENGBER

Mrs. MURRAY. Mr. President, I rise today to recognize John Engber for his 11 years of service to the U.S. Senate and the people of Washington State. John served as my State Director during this time, and he was a critical part of my staff. On June 1, he ended his tenure in my office. We were sad to see him go, but we wish him all the best in his next endeavor.

John was a thoughtful and dedicated public servant. As my State Director, he helped ensure that even though Washington State residents are 2,500 miles from DC, their needs are up-front and center. Overseeing my State operations, he was responsible for listening to the people in our communities and for connecting them to the Senate and the Federal Government. And thanks to his hard work, residents of towns from Forks to Clarkston have access to me and my office.

One of John's greatest accomplishments during his time with my office was his help in drafting the recently enacted Wild Sky Wilderness law. John worked closely with local leaders, the environmental community, outdoor enthusiasts, and others to create a wilderness proposal built on community consensus. We faced some tremendous obstacles over the 9 years that we worked on the bill, but John helped us all remain dedicated to the goal of preserving Wild Sky for future generations.

Finally, I would like to thank John for his years of service to me and the people of Washington State. His leadership and his dedication are truly appreciated, and I know that he will always have Washington State's interests at heart. I wish him happiness and success as he moves on to the next phase of his career.

11TH ANNUAL CONGRESSIONAL HEALTH SCREENINGS

Mr. CRAPO. Mr. President, I would like to bring to the Chamber's attention the 11th Annual Congressional Health Screenings and I would like to commend my colleague, Senator SHELBY, for his leadership at this event. The Congressional Health Screenings occur each year during National Men's Health Week the week prior to Father's Day. I encourage all of my colleagues and their staffs to participate in these screenings. As U.S. Senators, we must set an example and not only encourage healthy habits but practice them as well. This year's program offers a number of convenient screenings, including prostate specific antigen, PSA, cholesterol, glucose, blood pressure, and body fat tests, as well as health education materials. The purpose of this event is to increase our awareness of health issues and to help develop comprehensive strategies to improve our health and that of our families.

The state of men's health has become a national crisis. Because of poor health habits, lack of health insurance, failure to seek timely medical attention, and dangerous occupations, men are afflicted with more maladies and die younger than women. Today, men are living approximately 5 fewer years than that of their female counterparts and are dying at higher rates for 9 out of the Nation's top 10 causes of death. This includes death from cancer, diabetes, suicide, accidents, and diseases of the heart, kidney, and liver. When speaking about cancer, it is important to note that one in two men in his lifetime will be diagnosed with cancer and one in six will be diagnosed with prostate cancer.

The Men's Health Network, along with Women Against Prostate Cancer, use National Men's Health Week to emphasize the fact that prostate health issues and prostate cancer is not merely a "man's disease." Each year thousands of wives, daughters, sisters, and friends are impacted—often in devastating ways—by the loss and/or suffering of a man from prostate health issues. Early and regular screenings significantly increase the chance of early detection and successful treatment.

I am pleased to report that we are steadily making progress. Last year during September's Prostate Awareness Month, Men's Health Network and the Washington Redskins held a prostate screening at FedEx Field in Landover, MD. Over 300 people gathered to help their fathers, grandfathers, sons, uncles, and friends move one step closer toward a happier, healthier future. Five of the gentlemen screened had potentially dangerous PSA readings.

There is no better time than now to become more proactive with regard to men's health. Women are 100-percent more likely than men to regularly visit their doctors for annual examinations and to seek out preventative services.

Half of the Nation's elderly widows living in poverty did not face economic hardships before the deaths of their husbands. Men between the ages of 45 and 54 are three times more likely to die of heart attacks, 1.5 times more likely to die from heart disease, and 1.5 times more likely to die from cancer than women.

Half of the estimated 54,000 men diagnosed this year with colon cancer will die from it. Over 185,000 men are expected to develop prostate cancer in 2008—almost 15 percent of these cases are expected to be terminal. Preventive measures, such as prostate specific antigen exams, blood pressure and cholesterol screens, and routine self-testing exams for these and other types of cancers that target men can lead to invaluable early detection that will increase the survival rates for such cancers by almost 100 percent.

In addition, I must reiterate the need for an Office of Men's Health in the U.S. Department of Health and Human Services to tackle many of these aforementioned issues. Last year, I introduced S. 640, the Men's Health Act, which would establish such an office. The Office on Women's Health in the department does a fantastic job of saving the lives of thousands of women and improving the lives of many more. Similarly, an Office of Men's Health would provide a support network that would reach out to all men on issues related to men's health.

In closing, I thank the Men's Health Network for hosting the 11th Annual Congressional Health Screenings. I hope that my colleagues and their staffs will take this unique opportunity to not only better their own health, but to encourage the people around them to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO MONROE ROTARY CLUB

• Mr. VITTER. Mr. President, I wish to honor the Monroe Rotary Club, which is celebrating its 90th anniversary this month, and I would like to take a few moments to publicly recognize their great history.

The Rotary Club of Monroe was founded on April 29, 1918, with a membership of 31; however, they did not receive their charter until June of 1918. The stated purpose of the organization is to bring together business and professional leaders to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. In order to carry out its service programs, Rotary is structured in club, district, and international levels.

In furtherance of the goals of Rotary, the Rotary Club of Monroe has sponsored many local projects including, scholarships at the University of Louisiana at Monroe, Goodfellows, Boy Scouts, Girl Scouts, Monroe Youth

Baseball, The Food Bank of Northeast Louisiana, Camp Quality, The Salvation Army, and Girl's and Boy's State, to name a few. In addition they also sponsor Interact Clubs at Neville High School and River Oaks High School and sponsor two students each year to attend District 6190's Camp RYLA—Rotary Youth Leadership Award, a program for young people intended to develop qualities of leadership, good citizenship, and personal development.

Each year the members of the Rotary Club of Monroe also open their homes to members of the Rotary Foundation's Group Study Exchange program. They have proudly participated in this program for many years hosting teams from India, France, Norway, England, Brazil, Australia, Scotland, Belgium, Japan, Austria and several other countries. Additionally many of their members have traveled abroad as a part of the Friendship Exchange, where Rotarians seek opportunities to visit other districts throughout the world.

Today, I applaud the Rotary Club of Monroe on their 90th anniversary and thank them for their continued service to the state of Louisiana and the rest of the world.●

NOTIFICATION OF THE DESIGNATION OF SHARA L. ARANOFF AS CHAIRMAN AND DANIEL PEARSON AS VICE CHAIRMAN OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION, EFFECTIVE JUNE 17, 2008—PM 52

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

To the Congress of the United States:

Consistent with the provisions of 19 U.S.C. 1330(c)(1), this is to notify the Congress that I have designated Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, June 17, 2008.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 17, 2008, he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or

sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 17, 2008, she had presented to the President of the United States the following enrolled bills:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

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-6617. A communication from the Acting Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Clarifying Prohibitions for Failure to Maintain Control of Fires That Damage National Forest System Lands" (RIN0596-AC30) received on June 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6618. A communication from the General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Procedures" (RIN0648-AS54) received on June 16, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6619. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the final report for the Illinois River Basin Restoration Comprehensive Plan; to the Committee on Environment and Public Works.

EC-6620. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to new types of information that have been designated to be protected as "Safeguards Information"; to the Committee on Environment and Public Works.

EC-6621. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled, "Textiles and Apparel: Effects of Special Rules for Haiti on Trade Markets and Industries"; to the Committee on Finance.

EC-6622. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the U.S. Global AIDS Coordinator on the Involvement of Faith-Based Organizations in the Global Fund to Fight AIDS; to the Committee on Foreign Relations.

EC-6623. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a semi-annual report relative to the compliance of several countries with the freedom of emigration provisions of the 1974 Trade Act; to the Committee on Foreign Relations.

EC-6624. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-6625. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6626. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-403, "Omnibus Domestic Partnership Equality Amendment Act of 2008" received on June 13, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6627. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC-6628. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Kentucky Advisory Committee; to the Committee on the Judiciary.

EC-6629. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Florida Advisory Committee; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-370. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics expressing its support of the men and women of the Armed Forces; to the Committee on Armed Services.

POM-371. A resolution adopted by the Council of the Village of Elida, Ohio, expressing its opposition to H.R. 3359; to the Committee on Finance.

POM-372. A resolution adopted by the Commission of the City of Miami, Florida, urging Congress to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

POM-373. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics expressing its support for the establishment of the English language as the official language of the United States; to the Committee on the Judiciary.

POM-374. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics urging Congress to resolve the immigration issues; to the Committee on the Judiciary.

POM-375. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation limiting increases in health insurance premiums and other costs; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, H.R. 579, the Military Retirees Health Protection Act, and S. 604, the Military Health Care Protection Act, have been pending in the United States Congress since February of 2007; and

Whereas, S. 604 would bar the TRICARE Prime enrollment fee and TRICARE pharmacy copayments from being increased in any year by a percentage that exceeds the percentage increase in military retiree pay; and

Whereas, S. 604 also would bar any enrollment fee or any increase in the TRICARE Standard or any increase in the TRICARE Standard inpatient copayments and would bar TRICARE Reserve Select premiums from being increased by a percentage that exceeds the most recent basic pay increases; and

Whereas, H.R. 579 contains similar provisions to limit certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits; and

Whereas, career members in the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of twenty- to thirty-year careers in protecting freedom for all Americans; and

Whereas, the demands and sacrifices are such that few Americans are willing to bear or accept them for a multiyear career; and

Whereas, a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life for the national interest for so many years; and

Whereas, many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning to health care services from the Department of Defense and its TRICARE program for the health care benefits in retirement that they earned by their service in uniform; and

Whereas, while the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of these efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services; and

Whereas, the cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the thirty-three percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services eleven years ago; and

Whereas, proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants of the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform; and

Whereas, some of the nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs and imposes unique administrative requirements for health care services; and

Whereas, the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees; and

Whereas, the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate in the TRICARE program and should pursue any and all such options rather than seek large increases for enrollment fees, deductibles, and copayments for such retirees and their families or survivors who do participate in the program; and

Whereas, any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation limiting certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits being proposed by the Department of Defense. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-376. A resolution adopted by the House of Representatives of the State of Rhode Island expressing its opposition to federal proposals to authorize increases in the size or weight of commercial motor vehicles; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION 8296

Whereas, The State of Rhode Island is committed to protecting the safety of motorists on its highways and to protecting taxpayers' investment in our highway infrastructure; and

Whereas, The General Assembly of the State of Rhode Island and Providence Plantations resolved jointly to urge the Congress of the United States to oppose proposals to increase truck size or weight limitations in 1997 (Assembly Joint Resolution No. 8) and 2003 (Senate Joint Resolution No. 7) because of the threat that longer combination vehicles and other larger trucks present to highway safety; and

Whereas, There are proposals to include increases in the size or weight of commercial motor vehicles, including triple-trailer trucks, in legislation reauthorizing federal transportation funding, which will be considered in the United States Congress in 2009; and

Whereas, Recent events have focused public concern on the quality of our highway infrastructure, especially bridges; and

Whereas, Federal and state studies have found that increasing the size and weight of commercial motor vehicles may accelerate the deterioration of bridges and highway infrastructure; and

Whereas, The extent of damage to bridges that would be caused by operations of bigger and heavier commercial vehicles is unknown; and

Whereas, The 2007 National Bridge Inventory maintained by the Federal Highway Administration classified 53% of bridges in Rhode Island as having been rated structurally deficient or functionally obsolete; now, therefore be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby reaffirms its opposition to proposals, at all levels of government, that would authorize increases in the size and weight of commercial motor vehicles because of the impact that these increases would have on highway infrastructure, especially bridges; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and the Rhode Island Delegation to the Congress of the United States.

POM-377. A concurrent resolution adopted by the General Assembly of the State of Ohio urging Congress to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 36

Whereas, The sternwheel river steamboat Delta Queen, built in 1926, has been transporting passengers on the Western Rivers system since 1947. It is one of only two sternwheel river passenger boats operating under steam and is the sole remaining Western Rivers system overnight passenger boat; and

Whereas, The Delta Queen serves as a reminder of a time when steamboats transported people and supplies on the rivers of the United States. Life on the steamboat today is much as it was in the 1920s, a relaxing 8- to 10-mile-an-hour pace with no modern electronic distractions such as television and the Internet; and

Whereas, The Delta Queen carries 174 overnight passengers and is currently exempt from the 1966 Safety at Sea Act, which prohibits wooden boats from carrying more than 50 overnight passengers. However, this exemption is set to expire at the end of 2008, and influential members of the Congress of the United States have stated that they are planning on not renewing the exemption, an action that would eliminate this important reminder of Ohio's and America's history; now therefore be it

Resolved, That we, the members of the 127th General Assembly of the State of Ohio, urge the Congress of the United States to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act so that it can continue to carry overnight passengers on the Western Rivers system; and be it further

Resolved, That the Clerk of the House of Representatives send duly authenticated copies of this resolution to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-378. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to establish grant programs to mitigate the damages caused by the opening of the Bonnet Carre Spillway; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, on April 11, 2008, the United States Army Corps of Engineers opened the Bonnet Carre Spillway for the first time in eleven years for the purpose of preventing flooding in the New Orleans area; and

Whereas, the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes have been negatively impacted by the opening of the Bonnet Cane Spillway. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to establish a grant program to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM-379. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to oppose the authorization of

offshore aquaculture in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 36

Whereas, there is currently pending before Congress the National Offshore Aquaculture Act of 2007, which authorizes the secretary of the United States Department of Commerce to establish and implement a regulatory system for offshore aquaculture in the Exclusive Economic Zone; and

Whereas, despite the absence of statutory authority in the Magnusson-Stevens Fisheries Conservation Act to provide a framework for development of deepwater fish farms, the Gulf of Mexico Fisheries Management Council has nevertheless proposed implementation of a regulatory system for marine aquaculture in federal waters off the coast of Louisiana; and

Whereas, as drafted, the proposed plans envision the use of large containment cages located between two and three hundred miles off the coast of Louisiana; and

Whereas, the cages are proposed to be filled with numerous fish and to be located on or near oil and gas rigs in the Gulf of Mexico, without any restrictions as to the location of such cages; and

Whereas, past experiences with aquaculture operations of this nature have resulted in increased pollution of the surrounding waters due to concentrated amounts of fish food, fish waste, and chemicals and antibiotics used to treat the caged fish, and have resulted in damaged cages floating free, interfering with maritime commerce and endangering others attempting to use the surrounding waters; and

Whereas, additional concerns about the development of deepwater fish farming include potential genetic damage to both the farmed fish in the cages and the wild fish in the surrounding waters, the spread of disease among the farmed fish and the wild fish, and the stress that the farms would put on forage fish, such as menhaden; and

Whereas, Louisiana is known for its seafood and for its devotion to fishing the Gulf of Mexico for a myriad of fish, all of which may be impacted by the establishment of deepwater aquaculture facilities in the very areas where our commercial and recreational fishermen pursue their passion for fishing; and

Whereas, Louisiana is also known for its oil and gas industry, much of which is now located offshore in the very areas where these fish farms are likely to be located and where the large containment cages may break their moorings during hurricanes, adding to the damage to oil and gas rigs during times of inclement weather; and

Whereas, there has been little in-depth research conducted into the unintended consequences of deepwater fish farming, particularly in the Gulf of Mexico, and it appears that the Gulf of Mexico Fisheries Management Council is acting too quickly to enact rules allowing the establishment of deepwater fish farms in the Gulf of Mexico and, in fact, is acting in advance of congressional direction to begin development and implementation of such a program; and

Whereas, Louisiana has had little input into the development of the regulatory system that would govern deepwater fish farming, an industry that has every potential for dramatic impact on Louisiana's commercial and recreational fishing industries, the largest such industry in the continental United States; and

Whereas, the recreational and commercial fishing industries in this state combine for an annual economic impact well in excess of

a billion dollars, and the oil and gas industries have an even greater economic impact in this state, with accompanying tax revenues that fund many of the services provided by the state; and

Whereas, the development of deepwater fish farms off the coast of Louisiana could have a tremendous negative impact on both these industries which could, in turn, have a tremendous negative impact on the tax revenues received by the state from the industries and related transactions, thereby causing a reduction in the funds available for state expenditure. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to oppose the authorization of offshore aquaculture in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation, to the National Marine Fisheries Service of the National Oceanographic and Atmospheric Administration, and to the Gulf of Mexico Fisheries Management Council.

POM-380. A resolution adopted by the House of Representatives of the State of Hawaii expressing its support for assistance for persons present in the United States under the Compacts of Free Association; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION

Whereas, in 1986, the United States (U.S.) entered into a Compact of Free Association (COFA or Compact) with the Federated States of Micronesia and the Republic of the Marshall Islands and, in 1994, the U.S. entered into a similar Compact with the Republic of Palau that created a unique relationship between the U.S. and the Freely Associated States; and

Whereas, the terms of the Compacts set out mutually beneficial rights and obligations in several areas, including economic development and defense, and created the right of citizens from the Freely Associated States to freely travel to, and work and reside in, the U.S. without durational limit; and

Whereas, a significant number of COFA citizens travel to and reside in the State of Hawaii; and

Whereas, many COFA migrants arrive in the state with serious medical needs, and many need financial assistance or housing assistance because of the relative lack of resources they have available; and

Whereas, when the Compacts were initially executed, Congress recognized there could be a significant effect on the resources of the places to which the COFA citizens migrated and explicitly stated that, "*it is not the intent of Congress to cause any adverse consequences for an affected jurisdiction*" P.L. 108-188, section 104(e)(1) (emphasis added); and

Whereas, in 1997, Congress passed the Personal Responsibility Work Opportunities Reconciliation Act (PRWORA), which provided that most non-citizens in the U.S., with limited exceptions, became ineligible for federally-funded welfare programs including Temporary Assistance for Needy Families, Medicaid, Food Stamps, and Supplemental Security Income; and

Whereas, COFA migrants were among the non-citizen groups excluded by PRWORA, and not included as one of the exceptions, despite the fact that they are legal residents in the U.S. and are more like citizens than im-

migrants or other legally resident non-citizens in terms of their ability to reside, work, and attend school in the U.S.; and

Whereas, despite losing access to federal funds for services to COFA migrants because of PRWORA, the State of Hawaii has continued to make the services available through equivalent state-funded services to address the social, educational, public safety, and medical needs of COFA citizens who legally reside in the state, just as it provides them to other legal residents; and

Whereas, the State has consistently reported increasing costs each year for the services provided to COFA migrants, the majority of which are not reimbursed by the federal government; and

Whereas, in 2006, the cost reported by the state agencies to provide services for COFA migrants was over \$91,000,000, while the federal assistance to the State as Compact Impact Assistance was approximately \$10,600,000; and

Whereas, the federal government created the relationship with the Freely Associated States that allows their citizens to freely reside in the U.S. with few limitations; and

Whereas, extending eligibility for federal assistance to the COFA migrants would better support the purposes underlying the COFA; and

Whereas, providing federal assistance for COFA migrants additionally would alleviate much of the burden on the State's budget while still maintaining the same level of services for the COFA migrants; and

Whereas, the Governor has repeatedly suggested in reports and letters to the U.S. Department of the Interior that COFA migrants should be made eligible for federal financial assistance, and Hawaii's Congressional Delegation has consistently supported the idea of extending federal assistance to COFA migrants; and

Whereas, in 2007, Senator Akaka and Senator Inouye introduced a bill in the United States Senate, S. 1676, which would extend eligibility for certain federal benefits to COFA migrants legally residing in the U.S.; and

Whereas, in 2007, Representative Abercrombie and Representative Hirono introduced a bill in the United States House of Representatives, H.R. 4000, which would extend eligibility for certain federal benefits to COFA migrants legally residing in the U.S.; now, therefore, be it

Resolved, By the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, that this body supports the bills currently in Congress, S. 1676 and H.R. 4000, and urges that the bills be heard and moved out of Committee, to receive the consideration of the full Senate and the full House of Representatives, and further to encourage Congress and the President to enact the bills into law, which would benefit COFA migrants in the U.S. regardless of the state or territory in which they reside and support the stated intent of Congress that the relationship created by the Compacts not cause adverse consequences to the states; and be it further

Resolved, That the Department of Labor and Industrial Relations Office of Language Access is requested to provide its services to citizens of COFA nations, and that other programs that may be available to individuals whose first language is not English be provided to citizens of COFA nations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, all members of Congress, the Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of

Agriculture, the Governor, the President of the Republic of Palau, the President of the Federated States of Micronesia, and the President of the Republic of the Marshall Islands.

POM-381. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass the Rights-of-way Recognition Act; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. 5

Whereas, in 1866, the United States Congress passed an open-ended grant of "the right-of-way for the construction of highways over public lands, not reserved for public uses";

Whereas, the statute, commonly referred to as R.S. 2477, remained in effect for 110 years, and most of the transportation routes in the West were established under its authority;

Whereas, although Congress repealed R.S. 2477 in 1976 by passing the Federal Land Policy Management Act, it purposely protected all rights-of-way established prior to October 21, 1976;

Whereas, unlike any other federal land statute the establishment of R.S. 2477 rights-of-way required no entry, application, license patent, or deed on the part of the federal government, and no formal act of public acceptance on the part of the states or localities in whom the rights were vested;

Whereas, because R.S. 2477 rights-of-way were not required by the grant to be formally recorded, they have become one of the more contentious land use issues in the West, resulting in on-the-ground conflicts and expensive litigation;

Whereas, Southern Utah Wilderness Alliance v. Bureau of Land Management (SUWA v. BLM), a 10th Circuit Court of Appeals' order filed January 6, 2006, provides a thoughtful and reasonable way to resolve road disputes between the federal government and counties;

Whereas, the United States Department of the Interior has developed and issued guidelines implementing the well-reasoned principles in SUWA v. BLM, formerly known as the "Norton Implementation";

Whereas, certain members of Congress and certain nongovernmental organizations are attempting to defeat the principles of SUWA v. BLM as adopted by the Department of the Interior, and are trying to redefine R.S. 2477 rights-of-way out of existence in order to create additional wilderness across the West, which by definition is roadless;

Whereas, Representative Steve Pearce of New Mexico has introduced in Congress the "R.S. 2477 Rights-of-Way Recognition Act," a bill that codifies the beneficial principles established in SUWA v. BLM; and

Whereas, rights-of-way, including roads established under R.S. 2477, are essential transportation routes which are critical to the economic stability and vitality of the rural West: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to support the fair and equitable resolution of R.S. 2477 rights-of-way by enacting the R.S. 2477, Rights-of-Way Recognition Act. Be it Further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-382. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to designate a new recipient of royalties from Navajo reservation lands in

Utah; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. 4

Whereas, in 1933 Congress added federal lands located in San Juan County to the Navajo reservation and directed Utah to receive 37.5% of oil and gas royalties from those lands for "the tuition of Indian children in white schools and/or the building or maintenance of roads . . . or for the benefit of Indians residing therein";

Whereas, in 1968 Congress amended the purposes for which the 37.5% of oil and gas royalties are to be expended to be "for the health, education, and general welfare of the Navajo Indians residing in San Juan County, Utah";

Whereas, Utah is unique amongst the states in having such an obligation and the San Juan Navajos are unique in having this relationship to the state;

Whereas, by treaty in 1868 the Navajo Nation was recognized as a sovereign and it is now the largest American Indian tribe in the country with significant expertise in its governance of its people;

Whereas, the Navajo Nation receives and expends the other 62.5% of the oil and gas royalties from the San Juan County portion of the Navajo reservation;

Whereas, the San Juan Navajos are valued citizens of the state of Utah whose interests include the need for critical infrastructure such as water and electricity;

Whereas, the state first received monies from the 37.5% of the oil and gas royalties in 1959 and litigation related to those royalties began almost immediately, with a first major decision occurring in 1961;

Whereas, the litigious environment surrounding the state's administration of the oil and gas royalties harms the relationship between the state and the San Juan Navajos and complicates all parties' ability to meet the needs of the San Juan Navajos;

Whereas, Navajos have expressed a desire to have greater input or control over the administration of the 37.5% of oil and gas royalties;

Whereas, there exists several Navajo related entities that are equipped to find a more effective way to administer these royalties where the state is not cast in the role as trustee;

Whereas, removal of the state as a go-between provides an opportunity for Navajos to determine the best use of these royalties;

Whereas, Congress should designate a new recipient of the 37.5% of oil and gas royalties; and

Whereas, the state will continue to assist its citizens in the San Juan County through more traditional state tools such as the Navajo Revitalization Fund: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, encourages the United States Congress to expeditiously designate a new recipient of the 37.5% of oil and gas royalties as quickly as possible. Be it further

Resolved, That the Legislature and Governor support congressional action that results in the 37.5% of oil and gas royalties continuing to flow to the benefit of San Juan Navajos. Be it further

Resolved, That the Legislature and Governor request Congress to work with interested parties to ensure the best solution possible regarding the distribution of the 37.5% of oil and gas royalties. Be it further

Resolved, That copies of this concurrent resolution be sent to:

- (1) the members of Utah's congressional delegation;
- (2) the Navajo Utah Commission;
- (3) the President of the Navajo Nation;

(4) the Speaker of the Navajo Nation Council;

(5) the board of trustees of the Navajo Trust Fund; and

(6) the Dineh Committee of the Navajo Trust Fund.

POM-383. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to agree to an economy-wide reduction in its greenhouse gas emissions; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION No. 53

Whereas, the White House is convening a Major Economies Meeting on Energy Security and Climate Change with seventeen invited countries at the Center for Cultural and Technical Interchange Between East and West, Inc. (East-West Center) on the campus of the University of Hawaii at Manoa on January 30 and 31, 2008, to discuss potential international agreements on global climate change; and

Whereas, for more than half a century, researchers have used atmospheric samples taken at the Mauna Loa Observatory on the island of Hawaii to track a steady annual increase in the concentration of carbon dioxide in the atmosphere and have concluded that concentrations are now higher than they have been in the past eight hundred thousand years; and

Whereas, scientific consensus links the anthropogenic increase in greenhouse gases to global climate change; and

Whereas, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change indicates that global emissions of greenhouse gases need to peak in the next ten to fifteen years and be reduced to levels well below half those in 2000 by the middle of this century in order to stabilize greenhouse gases concentrations in the atmosphere at the lowest levels assessed by the Intergovernmental Panel on Climate Change to date in its scenarios; and

Whereas, achieving the lowest levels assessed by the Intergovernmental Panel on Climate Change to date and its corresponding potential damage limitation would require developed countries as a group to reduce emissions in a range of twenty-five to forty percent below 1990 levels by 2020; and

Whereas, the Intergovernmental Panel on Climate Change and the signatory nations of the United Nations Framework Convention on Climate Change have recognized the special dangers of climate change to island states, territories, and nations; and

Whereas, global climate change is causing rapid melting of ice at both the north and south polar regions, which, in conjunction with thermal expansion due to warmer water temperatures, is leading to a rapid rise in sea level; and

Whereas, University of Hawaii experts have demonstrated that a one meter rise in sea level would inundate much of Hawaii's coastline, including the world renowned Waikiki resort area, the Honolulu International Airport's reef runway, the majority of Hawaii's wastewater treatment facilities, many historic sites, and many populated areas, including lands up to a mile away from the existing shoreline in parts of Honolulu; and

Whereas, global climate change also threatens Hawaii with stronger hurricanes, prolonged drought, shifting weather patterns, warmer temperatures, shifting microclimates, increased spread of invasive species, and saltwater intrusion into its aquifers; and

Whereas, increased atmospheric carbon dioxide concentrations foster greater carbon dioxide uptake by the world's oceans, leading

to ocean acidification and the resultant decreases in reef health and decreases in survival of ocean life that rely on calcium carbonate shells; and

Whereas, Hawaii is doing its part to reduce its contribution to global climate change by adopting progressive energy policies that promote the use of clean energy technologies such as wind, solar, wave, and biomass energy; and

Whereas, Act 234, Session Laws of Hawaii 2007, placed a binding statewide cap on Hawaii's greenhouse gas emissions, by requiring Hawaii to reduce its non-aviation greenhouse gas emissions to their 1990 levels before 2020; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That in recognition of Hawaii's overwhelming vulnerability to global climate change, the President of the United States is urged to use the January 30 and 31, 2008, Major Economies Meeting on Energy Security and Climate Change, which is being hosted in Hawaii, to commit to an economy-wide reduction in greenhouse gas emissions in the United States; and be it further

Resolved, That the President of the United States is urged to consent to binding and quantified commitments for the United States under the United Nations Framework Convention on Climate Change that would result in the rapid stabilization and decrease in atmospheric greenhouse gas concentrations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, and the Secretariat of the United Nations Framework Convention on Climate Change.

POM-384. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 38

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles and the United States has jurisdiction past the three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953, to allow for the recognition that Louisiana's seaward boundary extends three marine leagues into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks which serve as references for future markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the Louisiana Offshore Oil Port, the nation's major import terminal for foreign oil; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the U.S. natural gas supply and nearly twenty-nine percent of the U.S. oil supply, upon which the United States' economic growth depends; and

Whereas, Louisiana ranks first in crude oil production, and ranks second in natural gas production, both including the Outer Continental Shelf production; and

Whereas, hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastruc-

ture in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water, and destroyed more wetlands east of the Mississippi River in one month than experts estimated to be lost in over forty-five years; and

Whereas, the states of Texas and Florida have seaward boundaries in the Gulf of Mexico to three marine leagues; and

Whereas, Louisiana will receive an increase in Outer Continental Shelf oil and gas revenues, but such revenues will not be of a significant amount until 2017; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for three marine leagues will provide an immediate stream of revenue for use in the state's efforts to clean up, rebuild, and restore southern Louisiana; therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-385. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 99

Whereas, EnergySolutions, based in Salt Lake City, is seeking a license from the United States Nuclear Regulatory Commission (NRC) to import up to approximately twenty thousand tons, a total volume of up to approximately one million cubic feet, of various types of materials from decommissioned nuclear facilities in Italy; and

Whereas, EnergySolutions would process and recycle most of the contaminated material at its facilities in Tennessee, in accordance with licenses issued by the state of Tennessee; and

Whereas, the remaining waste would be sent to EnergySolutions' low-level radioactive waste disposal facility in Clive, Utah, and any waste that does not qualify for disposal at the Utah facility would be returned to Italy; and

Whereas, EnergySolutions' license application specifies that the waste is to be transported to the United States by oceangoing vessel to the ports of Charleston or New Orleans, and at the time of the application, the generators of the waste were "not fully known" nor could the waste be evaluated for classification pursuant to federal regulations; and

Whereas, although the NRC seeks the input of the states of Tennessee and Utah as the states where the waste is processed and disposed, the states of Louisiana and South Carolina were not consulted despite the fact that the waste would spend significant time in these states while the cargo is transferred from an oceangoing vessel to either barge, truck, or rail transportation; and

Whereas, the state of Louisiana continues to rebuild in the wakes of Hurricanes Katrina and Rita where substantial federal, state, and private resources are being brought to bear on the New Orleans metro area, and the fact or the perception that New

Orleans is a staging area for foreign nuclear waste is counterproductive to that rebuilding effort; and

Whereas, Europe as a whole may see an increase in the need to process and dispose of nuclear waste as many of the countries in Europe rely on an aging inventory of nuclear power plants that will be decommissioned in the coming years, as in the EnergySolutions application, and new facilities are being planned not only as replacements but also to reduce reliance on fossil fuel; and

Whereas, the current application from EnergySolutions may only be the beginning of a trend as the decrease in value of the United States dollar in relation to the Euro will make disposal of Europe's nuclear waste in the United States economically attractive and make New Orleans the gateway to that cheap disposals; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States of America; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-386. A resolution adopted by the Legislature of the State of Utah relative to trade with Taiwan; to the Committee on Finance.

SENATE RESOLUTION NO. 4

Whereas, it is our belief that it is the responsibility of the United States to promote the values of freedom and democracy, a commitment to open markets, and the free exchange of goods and ideas both at home and abroad;

Whereas, the Republic of China on Taiwan shares these values and has struggled throughout the past 50 years to create what is an open and thriving democracy;

Whereas, despite being a member of the World Trade Organization since 2002, Taiwan has no formal trade agreement with the United States;

Whereas, however, Taiwan has emerged as the United States eighth largest trading partner, the 11th largest export market, and the fifth largest farm products market;

Whereas, the United States is Taiwan's largest trading partner, and American businesses have benefitted greatly from this dynamic trade relationship;

Whereas, in terms of labor, environmental, and intellectual property protection standards, Taiwan is a model for advanced economies;

Whereas, a free trade agreement with Taiwan will enable United States firms to leverage Taiwan's role as a gateway to Asia, with Taiwan serving as a secure platform and springboard for innovation and market access;

Whereas, a free trade agreement with Taiwan would provide United States firms with a base of operations from which to export goods and services into the greater China region and Southeast Asia;

Whereas, a free trade agreement with Taiwan would extend the coverage of World Trade Organization agreements to products, sectors, and conditions of trade not adequately covered;

Whereas, over the past two decades, Taiwan has emerged as one of the United States most important allies in Asia and throughout the world;

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom

of dissent, and it is in the interest of the United States to encourage the development of both of these institutions;

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market openings, and the destruction of trade barriers as a means of raising living standards; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing these important goals: Now, therefore, be it

Resolved, That the Senate of the State of Utah urges the President of the United States and the United States Congress to support a free trade agreement between the United States and the Republic of China on Taiwan; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Republic of China on Taiwan, and the members of Utah's congressional delegation.

POM-387. A joint resolution adopted by the Legislature of the State of Utah urging support of Medicaid long-term care funding of home and community-based supports; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 5

Whereas, Utah's population is aging and Utahans with disabilities are living longer, healthier lives;

Whereas, thousands of Utahans with disabilities and older Utahans currently need or will need long-term care and support to live productive lives in their communities;

Whereas, facility-based care is a mandatory benefit and community-based supports are an optional benefit of Medicaid;

Whereas, long-term care accounts for over 25 percent of all of Utah Medicaid spending;

Whereas, nearly 60 percent of long-term care expenditures in Utah Medicaid are for facility-based care;

Whereas, facility-based care can be up to five times more expensive than community-based support;

Whereas, Utah Medicaid costs are growing at a rate of approximately 10 percent per year;

Whereas, the Utah Legislature's Medicaid Interim Committee is seeking recommendations for containing costs and increasing accountability; and

Whereas, Medicaid long-term care reform must be a cooperative effort among the Federal and State government, the private sector, and the disability and elderly communities: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges Utah's congressional delegation to support the continued shift of Medicaid long-term care funding toward home and community-based supports; be it further

Resolved, That the Legislature urges Utah's congressional delegation to support providing States with the flexibility and tools needed to manage Medicaid long-term care costs in a fiscally responsible manner; be it further

Resolved, That the Legislature urges Utah's congressional delegation to support providing Medicaid long-term care and supports in the most appropriate and cost-effective manner while maintaining individual choice; be it further

Resolved, That the Legislature urges Utah's congressional delegation to ensure the active participation of people with disabilities and older Americans in the ongoing design, implementation, and review of Medicaid's long-term care system; and be it further

Resolved, That a copy of this resolution be sent to the members of Utah's congressional

delegation, the members of the Utah Legislature's Medicaid Interim Committee, and the Disability Law Center.

POM-388. A resolution adopted by the Legislature of the State of Utah urging U.S. withdrawal from the Security and Prosperity Partnership of North America; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America with the nations of Mexico and Canada on March 23, 2005;

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the United States Constitution and the national independence of the United States and would imply an eventual end to national borders within North America;

Whereas, on March 31, 2006, a White House news release confirmed the continuing existence of the SPP and its "ongoing process of cooperation";

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new North American Free Trade Agreement (NAFTA) superhighway: "[U]nder this new 'partnership,' a massive highway is being planned to stretch from Canada into Mexico, through the state of Texas.";

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP and North American Union process, such as the "open borders" vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways: Now, therefore, be it

Resolved, That the House of Representatives of the State of Utah urges the United States Congress and Utah's congressional delegation, to use all of their efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America. Be it further

Resolved, That the House of Representatives urges Congress to withdraw the United States from any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as described in this resolution. Be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all members of Congress by electronic means.

POM-389. A resolution adopted by the Senate of the State of Pennsylvania recognizing the month of May 2008 as "Amyotrophic Lateral Sclerosis Awareness Month" to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 326

Whereas, Amyotrophic lateral sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, because ALS does not affect mental capacity, persons with ALS remain alert and aware of the loss of motor function and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55; and

Whereas, ALS affects men two to three times more often than women; and

Whereas, more than 5,000 new ALS patients are diagnosed annually; and

Whereas, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, research indicates that military veterans are at a 50% or greater risk of developing ALS than other persons; and

Whereas, ALS has no known cause, means of prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis Awareness Month" increases public awareness of ALS patients' circumstances, acknowledges the terrible impact of ALS on patients and their families and recognizes ongoing research to eradicate ALS: Now, therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2008 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-390. A concurrent resolution adopted by the House of Representatives of the State of Arizona urging Congress to enact legislation to provide adequate school facilities on tribal lands; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, to achieve true self-determination, Native American governments, including the Hopi Tribe, must have the resources necessary to provide a quality education to their children living on federally recognized tribal lands so that those children have the same opportunity for learning as nonreservation children; and

Whereas, it is vital to Indian education that the concepts of the No Child Left Behind Act be implemented in a manner consistent with the social, civic, economic, educational and cultural needs of American Indian tribes and communities; and

Whereas, the Hopi Day School and the Hotevilla-Bacavi Community School at Third Mesa, Arizona have been in existence collectively for over one hundred and twenty-five years; and

Whereas, due to the age and poor physical condition of the Hopi Day School and the Hotevilla-Bacavi Community School facilities, neither school can provide an appropriate educational environment for its students. The schools' deficiencies include classrooms that do not meet minimum space requirements and that lack a reliable means of controlling the temperature and air quality, interior walls painted with lead-based

paint, numerous cracks in the masonry walls making the structural integrity of the building questionable and a lack of the standard amenities common to most schools. Both school facilities have been described by two different Bureau of Indian Affairs inspections as having exceeded their usefulness and functional life; and

Whereas, the Hopi children living at Third Mesa who attend the Hopi Day School and the Hotevilla-Bacavi Community School are at risk and suffer from a significant educational disadvantage in comparison to their off-reservation peers, and this situation will continue until the federal government replaces the facilities at both schools; and

Whereas, in the face of the deplorable physical conditions of their school facilities, the Hopi children attending these schools have nevertheless excelled at their AIMS test (Arizona Instrument to Measure Standards) and their Adequate Yearly Progress (AYP) assessments for the last five years, despite the fact that only one-third of tribal schools nationwide are attaining the AYP, thereby demonstrating their desire to achieve educational excellence; and

Whereas, at a time when schools across the entire country are diligently engaged in educational reforms to ensure that "no child is left behind", the Hopi children living in the Third Mesa area are being left behind by the very entity responsible for the reform movement, the federal government; and

Whereas, the Hopi Tribe is the only tribe in Arizona that does not have a gaming compact and, therefore, has no other financial resources with which to improve the conditions of its schools; and

Whereas, the Hopi Tribe believes that a single school facility designed and built to serve the combined student populations served by the Hopi Day School and the Hotevilla-Bacavi Community School would be economically advantageous and would allow the addition of specialized staff and programs not available in the current separate school facilities, would reduce or eliminate duplication of staff, services and bus routes required under the two-school structure, would provide a proper learning environment for delivery of the whole educational program for each child from preschool through the eighth grade, would allow local control and would provide a school facility that is designed and constructed to last for many years and that can appropriately accommodate the growth of the local population; and

Whereas, the Bureau of Indian Education has recognized that combining these two schools on the Hopi reservation would be a more meaningful, appropriate and just solution to the problems caused by the current dilapidated buildings; and

Whereas, the governing boards for the two schools formally agreed to the concept of having a single school facility for the entire Third Mesa area providing educational programs that include early childhood education through the eighth grade; and

Whereas, the reservation-wide Hopi Board of Education adopted a resolution supporting the single school concept and took formal action to reserve a landsite for the new school; and

Whereas, the Village of Kykotsmobi Governing Board endorsed the single school concept and took formal action to reserve a landsite for the new school; and

Whereas, the Hopi Tribal Council adopted a resolution approving both the single school concept and the landsite assignment. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring,

Prays:

1. That the United States Congress recognize that failure to maintain adequate school

facilities on Indian lands is a violation of the rights of tribal governments and communities to exercise and assert equitable education in their boundaries.

2. That the United States Congress provide a sufficient set-aside of Bureau of Indian Education monies to ensure that one new school will replace the two extremely old schools on the Third Mesa of the Hopi Reservation in order to promote fair and quality education for the children of the Hopi Indian Nation.

3. That the United States Congress promote and support adequate funding of schools on American Indian Reservations.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona

POM-391. A concurrent resolution adopted by the House of Representatives of the State of Hawaii urging Congress to ratify the UN convention on the elimination of all forms of discrimination against women; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, the Convention on the Elimination of All Forms of Discrimination Against Women (Convention) was adopted by the United Nations General Assembly in 1979; and

Whereas, the Convention is the most complete international agreement that focuses specifically on basic human rights for women; and

Whereas, the Convention requires ratifying nations to improve the status of women and to work towards eliminating discrimination and violence against women by establishing equality in legal status, political participation, education, employment, healthcare, and the family structure; and

Whereas, the Convention has resulted in reforms for women around the world, including measures against sex slavery, domestic violence, and trafficking of women; increasing primary education previously denied to females; and improved health care that have saved lives during pregnancy and childbirth; and

Whereas, in 1972, Hawaii was the first state to ratify the federal Equal Rights Amendment, which would have amended the United States Constitution by establishing a guarantee of equal rights for women; and

Whereas, although the United States played an important role in drafting the Convention on the Elimination of All Forms of Discrimination Against Women, the United States is one of only eight countries that include Sudan, Somalia, Qatar, Iran, Nauru, Palau, and Tonga, that have not ratified the Convention as of March 1, 2007; and

Whereas, the United States' failure to ratify the Convention undermines the principle that human rights of women are universal and worthy of being guaranteed through international human rights standards; and

Whereas, as women in the United States are succeeding in greater leadership roles in business and government and participate in local and national elections in record numbers, it is appropriate that the United States Congress demonstrate its unequivocal support for the rights of women internationally by ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, the Senate concurring, That the Legislature urges the United States Senate to demonstrate our national commitment to human rights for all

people by ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and joining the one hundred eighty-five ratifying nations in endorsing the most comprehensive treaty ensuring fundamental human rights and equality for all women; and be it further

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM-392. A resolution adopted by the Legislature of the State of Utah reaffirming the words, "Under God," in the pledge of allegiance; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 3

Whereas, the Pledge of Allegiance is a promise or oath of allegiance to the United States as represented by its national flag;

Whereas, the Pledge of Allegiance is commonly recited in unison at public events and especially in public school classrooms;

Whereas, the Pledge of Allegiance was written in 1892 by Francis Bellamy, a Baptist minister;

Whereas, by presidential proclamation, and later at the urging of the National Flag Conference, Reverend Bellamy's original version of the Pledge was altered prior to being officially recognized as the official national pledge in 1945;

Whereas, on Flag Day, 1954, at President Dwight D. Eisenhower's urging, the United States Congress passed a resolution to add the words "under God" to the Pledge of Allegiance;

Whereas, President Eisenhower explained, "These words ['under God'] will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."; and

Whereas, it is fitting that the phrase "under God" in the Pledge of Allegiance be reaffirmed as part of the official Pledge of Allegiance of the United States; Now, therefore, be it

Resolved, That the Legislature of the state of Utah reaffirms the words "under God" as part of the official Pledge of Allegiance of the United States of America; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-393. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to enact bill S. 70 of 2007 relative to Memorial Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 321

Whereas, Memorial Day is a day of remembrance for those who have died in this nation's service; and

Whereas, the United States observes Memorial Day as a time to honor and reflect on those sacrifices; and

Whereas, Memorial Day was officially proclaimed by General John Logan, national commander of the Grand Army of the Republic, in his General Order No. 11, and it was first observed on May 30, 1868; and

Whereas, Congress established Memorial Day as the last Monday in May when it approved the National Holiday Act of 1971 (P.L. 90-363) to ensure a three-day weekend for the Federal holiday; and

Whereas, traditional observance of Memorial Day has diminished over the years as many Americans have forgotten the meaning and traditions of Memorial Day and instead use that day to celebrate the beginning of summer; and

Whereas, to help re-educate and remind Americans of the true meaning of Memorial Day, President George W. Bush signed the National Moment of Remembrance Act in 2000 (P.L. 106-579), designating 3 p.m. local time on Memorial Day as the National Moment of Remembrance to encourage citizens to pause and remember our fallen soldiers; and

Whereas, to fully return the solemn spirit to Memorial Day, this nation should also return to the traditional day of observance of May 30 each year, regardless of the day of the week on which it falls; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to enact bill S. 70 of 2007, which would designate the legal public holiday of Memorial Day as May 30, call for the flying of the flag at half-staff until noon that day and encourage Americans to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-394. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass balanced immigration reform; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 5

Whereas, the economic relationship with Mexico, which shares our border, is vital to the United States because Mexico is the United States' second most important trading partner, the United States is Mexico's most important trading partner, and the U.S. is the largest source of direct foreign investment in Mexico;

Whereas, economic, historic, and cultural ties between the U.S. and Mexico are critical to many U.S. industries, including many in Utah;

Whereas, as a result of their shared borders and proximity to Mexico, western states, including Utah, suffer a disproportionate financial burden on health care, education, the environment, and criminal justice systems because of unauthorized immigration from Mexico, affecting the economy of the entire region;

Whereas, the economic impacts may be offset by allowing more legal and readily available foreign workers to enter the U.S.;

Whereas, seasonal industries, including agriculture and hospitality, historically and currently play a pivotal role in Utah's economy, and are heavily dependent upon a stable and reliable foreign labor pool; and

Whereas, current immigration law addresses neither documented U.S. labor shortages nor marketplace dynamics, and without a lawful avenue to provide seasonal employees, encourages continued unlawful immigration to the U.S. which continues to negatively impact the state's economy; now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the development of a balanced national immigration policy with the overarching purpose of protecting and preserving the safety and interests of the United States and its citizens while recognizing the needs of Utah industries to have a stable and legal supply of workers quickly

available where there are no U.S. workers otherwise available; and be it further

Resolved, That the Legislature and the Governor urge Utah's congressional delegation to work with the United States Congress to ensure that any reform efforts focus primarily on enabling Utah's employers to hire a legal workforce sufficient to meet the needs of Utah industries to enhance the economic growth of the state's private sector; and be it further

Resolved, That the Legislature and the Governor urge Congress to reform the current systems for obtaining work visas and reduce the delay for legal immigration; and be it further

Resolved, That the Legislature and the Governor express their opposition to granting blanket amnesty to undocumented persons and urge that appropriate sanctions be a part of any solution; and be it further

Resolved, That the Legislature and the Governor recognize that addressing the status of millions of undocumented persons currently present in the U.S. is a complex issue; and be it further

Resolved, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create unnecessary hurdles and lengthy delays for those who wish to legally hire non-U.S. workers; and be it further

Resolved, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create incentives for additional illegal immigration by creating unnecessary hurdles and lengthy delays for those who wish to immigrate legally for work or citizenship; and be it further

Resolved, That the Legislature and the Governor urge Congress to reform the Foreign Worker Visa system as part of any immigration reform; and be it further

Resolved, That the Legislature and the Governor urge Congress to eliminate current visa backlogs and prevent future backlogs to help meet Utah workforce demands; and be it further

Resolved, That the Legislature and the Governor recommend that these tasks can be accomplished by:

(1) dramatically increasing the annual immigrant visa caps, including the limits on H-1B and H-2B visas, particularly in the industries requiring highly trained and educated workers and seasonal hospitality operations;

(2) streamlining the processing of H-2A visas to create a more workable system to enable agricultural employers to hire needed foreign workers for seasonal jobs;

(3) maintaining the L-1 visa program; and

(4) expediting work authorization for foreign nationals who complete University-level degrees in U.S. institutions to ensure that the benefits of the educational investment the nation has made in these individuals remains in the U.S.; and be it further

Resolved, That the Legislature and the Governor urge Congress to ensure the enforcement of current federal employer sanctions for knowingly hiring undocumented labor, which requires the federal government to adopt a secure, reliable, and fast employment verification system accessible to employers electronically 24 hours a day; and be it further

Resolved, That copies of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Homeland Security, and to the members of Utah's congressional delegation.

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 Mrs. MURRAY (for herself and Mr. DODD):

S. 3141. A bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. OBAMA):

S. 3142. A bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mrs. DOLE):

S. 3143. A bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1117

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 1120

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1232

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1774

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1774, a bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2059, *supra*.

S. 2396

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

S. 2433

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement Na-

tional Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2888

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MI-

KULSKI) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2983

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2983, a bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities.

S. 2990

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3086

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3086, a bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems.

S. 3118

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S.J. RES. 2

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. CON. RES. 88

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest.

S. RES. 584

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from

Vermont (Mr. LEAHY), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 584, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce, with my friend Senator GRASSLEY and twenty-four other Democratic and Republican Senators, the Medicare DMEPOS Competitive Acquisition Reform Act of 2008. In doing so, I would also like to recognize the efforts of Congressman PETE STARK, Congressman DAVE CAMP, and so many others in the House of Representatives who worked very hard on this bipartisan legislation.

This legislation will delay the durable medical equipment, prosthetics, orthotics, and supplies competitive acquisition program. Many Members of Congress and I have received reports about potential inaccuracies in the implementation of the CAP program. These reports range from suppliers who believe they were wrongly disqualified to questions about the clarity and consistency of information that suppliers received during the bidding process. Some providers were awarded contracts to serve areas in which they did not previously have a presence. Other suppliers were awarded contracts for service lines with which they have little or no experience.

While I support the concept of competitive bidding as a way to decrease costs, it is the obligation of Congress to make sure that these savings are not at the expense of beneficiary access to the care that they need in their own

communities. I believe that Congress should take a closer look to make sure this program lives up to its potential.

In order to ensure that we are getting the best possible price and quality for beneficiaries, it is critical that the competitive bidding process be accurate and inclusive. I am most concerned about the impact that a poorly designed program will have on Medicare beneficiaries, many of whom are confused about what this new program means for them and are concerned that they won't be able to get care from someone in their own community.

This means we must have as many bidders as possible who offer not only the best price but clearly meet high quality standards. Based upon the numbers we have seen as a result of bidding in phase one, I think we need to look more closely to make sure that we are not missing an opportunity to consider additional suppliers who have experience furnishing these services in the communities at play. Furthermore, we need to examine the bidding process outcomes to make sure that the suppliers being offered contracts to serve patients in a selected area have the team on the ground to help patients in those areas.

I have also heard concerns that some of the products included in the first phase of the competitive acquisition program may not be the best fit for this type of program because they require specialized handling or expertise. At the end of the day, the most important goal of the Medicare program is to make sure patients get the care that is appropriate for them, so we must tread carefully when we move ahead with a program covering these products.

The Centers for Medicare and Medicaid Services put forth an admirable effort to implement a complex competitive bidding program in a short time frame. I think that many of the concerns that people have raised about the program can be resolved, but we cannot afford to ignore them. The beneficiary services at stake are just too important to move hastily; no matter how much money we believe we can save.

I think that it is worth it for us to delay for just a bit and take a closer look to make sure this program lives up to its potential. With a few minor tweaks here and there, I am convinced that the competitive acquisition program will live up to its promise to provide cost effective, high-quality services and products to patients.

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

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

S. 3144

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 "Medicare DMEPOS Competitive Acquisition Reform Act of 2008".

SEC. 2. DELAY IN AND REFORM OF MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) TEMPORARY DELAY AND REFORM.—

(1) IN GENERAL.—Section 1847(a)(1) of the Social Security Act (42 U.S.C. 1395w–3(a)(1)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)(i), in the matter before subclause (I), by inserting “consistent with subparagraph (D)” after “in a manner”;

(ii) in subparagraph (B)(i)(II), by striking “80” and “in 2009” and inserting “an additional 70” and “in 2011”, respectively;

(iii) in subparagraph (B)(i)(III), by striking “after 2009” and inserting “after 2011 (or, in the case of national mail order for items and services, after 2010)”;

(iv) by adding at the end the following new subparagraphs:

“(D) CHANGES IN COMPETITIVE ACQUISITION PROGRAMS.—

“(i) ROUND 1 OF COMPETITIVE ACQUISITION PROGRAM.—Notwithstanding subparagraph (B)(i)(I) and in implementing the first round of the competitive acquisition programs under this section—

“(I) the contracts awarded under this section before the date of the enactment of this subparagraph are terminated, no payment shall be made under this title on or after the date of the enactment of this subparagraph based on such a contract, and, to the extent that any damages may be applicable as a result of the termination of such contracts, such damages shall be payable from the Federal Supplementary Medical Insurance Trust Fund under section 1841;

“(II) the Secretary shall conduct the competition for such round in a manner so that it occurs in 2009 with respect to the same items and services and the same areas, except as provided in subclauses (III) and (IV);

“(III) the Secretary shall exclude Puerto Rico so that such round of competition covers 9, instead of 10, of the largest metropolitan statistical areas; and

“(IV) there shall be excluded negative pressure wound therapy items and services. Nothing in subclause (I) shall be construed to provide an independent cause of action or right to administrative or judicial review with regard to the termination provided under such subclause.

“(ii) ROUND 2 OF COMPETITIVE ACQUISITION PROGRAM.—In implementing the second round of the competitive acquisition programs under this section described in subparagraph (B)(i)(II)—

“(I) the metropolitan statistical areas to be included shall be those metropolitan statistical areas selected by the Secretary for such round as of June 1, 2008; and

“(II) the Secretary may subdivide metropolitan statistical areas with populations (based upon the most recent data from the Census Bureau) of at least 8,000,000 into separate areas for competitive acquisition purposes.

“(iii) EXCLUSION OF CERTAIN AREAS IN SUBSEQUENT ROUNDS OF COMPETITIVE ACQUISITION PROGRAMS.—In implementing subsequent rounds of the competitive acquisition programs under this section, including under subparagraph (B)(i)(III), for competitions occurring before 2015, the Secretary shall exempt from the competitive acquisition program (other than national mail order) the following:

“(I) Rural areas.

“(II) Metropolitan statistical areas not selected under round 1 or round 2 with a population of less than 250,000.

“(III) Areas with a low population density within a metropolitan statistical area that is otherwise selected, as determined for purposes of paragraph (3)(A).

“(E) VERIFICATION BY OIG.—The Inspector General of the Department of Health and Human Services shall, through post-award audit, survey, or otherwise, assess the process used by the Centers for Medicare & Medicaid Services to conduct competitive bidding and subsequent pricing determinations under this section that are the basis for pivotal bid amounts and single payment amounts for items and services in competitive bidding areas under rounds 1 and 2 of the competitive acquisition programs under this section and may continue to verify such calculations for subsequent rounds of such programs.

“(F) SUPPLIER FEEDBACK ON MISSING FINANCIAL DOCUMENTATION.—

“(i) IN GENERAL.—In the case of a bid where one or more covered documents in connection with such bid have been submitted not later than the covered document review date specified in clause (ii), the Secretary—

“(I) shall provide, by not later than 45 days (in the case of the first round of the competitive acquisition programs as described in subparagraph (B)(i)(I)) or 90 days (in the case of a subsequent round of such programs) after the covered document review date, for notice to the bidder of all such documents that are missing as of the covered document review date; and

“(II) may not reject the bid on the basis that any covered document is missing or has not been submitted on a timely basis, if all such missing documents identified in the notice provided to the bidder under subclause (I) are submitted to the Secretary not later than 10 business days after the date of such notice.

“(ii) COVERED DOCUMENT REVIEW DATE.—The covered document review date specified in this clause with respect to a competitive acquisition program is the later of—

“(I) the date that is 30 days before the final date specified by the Secretary for submission of bids under such program; or

“(II) the date that is 30 days after the first date specified by the Secretary for submission of bids under such program.

“(iii) LIMITATIONS OF PROCESS.—The process provided under this subparagraph—

“(I) applies only to the timely submission of covered documents;

“(II) does not apply to any determination as to the accuracy or completeness of covered documents submitted or whether such documents meet applicable requirements;

“(III) shall not prevent the Secretary from rejecting a bid based on any basis not described in clause (i)(II); and

“(IV) shall not be construed as permitting a bidder to change bidding amounts or to make other changes in a bid submission.

“(iv) COVERED DOCUMENT DEFINED.—In this subparagraph, the term ‘covered document’ means a financial, tax, or other document required to be submitted by a bidder as part of an original bid submission under a competitive acquisition program in order to meet required financial standards. Such term does not include other documents, such as the bid itself or accreditation documentation.”; and

(B) in paragraph (2)(A), by inserting before the period at the end the following: “and excluding certain complex rehabilitative power wheelchairs recognized by the Secretary as classified within group 3 or higher (and related accessories when furnished in connection with such wheelchairs)”.

(2) BUDGET NEUTRAL OFFSET.—

(A) IN GENERAL.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(i) by striking “and” at the end of subparagraphs (H) and (I);

(ii) by redesignating subparagraph (J) as subparagraph (M); and

(iii) by inserting after subparagraph (I) the following new subparagraphs:

“(J) for 2009—

“(i) in the case of items and services furnished in any geographic area, if such items or services were selected for competitive acquisition in any area under the competitive acquisition program under section 1847(a)(1)(B)(i)(I) before July 1, 2008, including diabetic supplies but only if furnished through mail order, –9.5 percent; or

“(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2008;

“(K) for 2010, 2011, 2012, and 2013, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year;

“(L) for 2014—

“(i) in the case of items and services described in subparagraph (J)(i) for which a payment adjustment has not been made under subsection (a)(1)(F)(ii) in any previous year, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013, plus 2.0 percentage points; or

“(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013; and”.

(B) CONFORMING TREATMENT FOR CERTAIN ITEMS AND SERVICES.—The second sentence of section 1842(s)(1) of such Act (42 U.S.C. 1395u(s)(1)) is amended by striking “except that” and all that follows and inserting the following: “except that for items and services described in paragraph (2)(D)—

“(A) for 2009 section 1834(a)(14)(J)(i) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

“(B) for 2014, if subparagraph (A) applied to the items and services and there has not been a payment adjustment under subsection (h)(1)(H) for the items and services for any previous year, the percentage increase computed under section 1834(a)(14)(L)(i) shall apply instead of the percentage increase otherwise applicable.”.

(3) CONFORMING DELAY.—Subsections (a)(1)(F) and (h)(1)(H) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by striking “January 1, 2009” and inserting “January 1, 2011”.

(4) CONSIDERATIONS IN APPLICATION.—Section 1834 of such Act (42 U.S.C. 1395m) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (F), by inserting “subject to subparagraph (G),” before “that are included”; and

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

“(G) USE OF INFORMATION ON COMPETITIVE BID RATES.—The Secretary shall specify by regulation the methodology to be used in applying the provisions of subparagraph (F)(ii) and subsection (h)(1)(H)(ii). In promulgating such regulation, the Secretary shall consider the costs of items and services in areas in which such provisions would be applied compared to the payment rates for such items and services in competitive acquisition areas.”; and

(B) in subsection (h)(1)(H), by inserting “subject to subsection (a)(1)(G),” before “that are included”.

(b) QUALITY STANDARDS.—

(1) APPLICATION OF ACCREDITATION REQUIREMENT.—

(A) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(i) in subparagraph (E), by inserting “including subparagraph (F),” after “under this paragraph,”; and

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

“(F) APPLICATION OF ACCREDITATION REQUIREMENT.—In implementing quality standards under this paragraph—

“(i) subject to clause (ii), the Secretary shall require suppliers furnishing items and services described in subparagraph (D) on or after October 1, 2009, directly or as a subcontractor for another entity, to have submitted to the Secretary evidence of accreditation by an accreditation organization designated under subparagraph (B) as meeting applicable quality standards; and

“(ii) in applying such standards and the accreditation requirement of clause (i) with respect to eligible professionals (as defined in section 1848(k)(3)(B)), and including such other persons, such as orthotists and prosthetists, as specified by the Secretary, furnishing such items and services—

“(I) such standards and accreditation requirement shall not apply to such professionals and persons unless the Secretary determines that the standards being applied are designed specifically to be applied to such professionals and persons; and

“(II) the Secretary may exempt such professionals and persons from such standards and requirement if the Secretary determines that licensing, accreditation, or other mandatory quality requirements apply to such professionals and persons with respect to the furnishing of such items and services.”

(B) CONSTRUCTION.—Section 1834(a)(20)(F) (ii) of the Social Security Act, as added by subparagraph (A), shall not be construed as preventing the Secretary of Health and Human Services from implementing the first round of competition under section 1847 of such Act on a timely basis.

(2) DISCLOSURE OF SUBCONTRACTORS UNDER COMPETITIVE ACQUISITION PROGRAM.—Section 1847(b)(3) of such Act (42 U.S.C. 1395w-3(b)(3)) is amended by adding at the end the following new subparagraph:

“(C) DISCLOSURE OF SUBCONTRACTORS.—

“(i) INITIAL DISCLOSURE.—Not later than 10 days after the date a supplier enters into a contract with the Secretary under this section, such supplier shall disclose to the Secretary, in a form and manner specified by the Secretary, the information on—

“(I) each subcontracting relationship that such supplier has in furnishing items and services under the contract; and

“(II) whether each such subcontractor meets the requirement of section 1834(a)(20)(F)(i), if applicable to such subcontractor.

“(ii) SUBSEQUENT DISCLOSURE.—Not later than 10 days after such a supplier subsequently enters into a subcontracting relationship described in clause (i)(II), such supplier shall disclose to the Secretary, in such form and manner, the information described in subclauses (I) and (II) of clause (i).”

(3) COMPETITIVE ACQUISITION OMBUDSMAN.—Such section is further amended by adding at the end the following new subsection:

“(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The Secretary shall provide for a competitive acquisition ombudsman within the Centers for Medicare & Medicaid Services in order to respond to complaints and inquiries made by suppliers and individuals relating to the application of the competitive acquisition program under this section. The ombudsman may be within the office of the Medicare Beneficiary Ombudsman appointed under section 1808(c). The ombudsman shall submit to Congress an annual report on the activities under this subsection, which report shall be coordinated with the report provided under section 1808(c)(2)(C).”

(c) CHANGE IN REPORTS AND DEADLINES.—

(1) GAO REPORT.—Section 302(b)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(A) in subparagraph (A)—

(i) by inserting “and as amended by section 2 of the Medicare DMEPOS Competitive Acquisition Reform Act of 2008” after “as amended by paragraph (1)”; and

(ii) by inserting before the period at the end the following: “and the topics specified in subparagraph (C)”;

(B) in subparagraph (B), by striking “Not later than January 1, 2009,” and inserting “Not later than 1 year after the first date that payments are made under section 1847 of the Social Security Act.”; and

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

“(C) TOPICS.—The topics specified in this subparagraph, for the study under subparagraph (A) concerning the competitive acquisition program, are the following:

“(i) Beneficiary access to items and services under the program, including the impact on such access of awarding contracts to bidders that—

“(I) did not have a physical presence in an area where they received a contract; or

“(II) had no previous experience providing the product category they were contracted to provide.

“(ii) Beneficiary satisfaction with the program and cost savings to beneficiaries under the program.

“(iii) Costs to suppliers of participating in the program and recommendations about ways to reduce those costs without compromising quality standards or savings to the Medicare program.

“(iv) Impact of the program on small business suppliers.

“(v) Analysis of the impact on utilization of different items and services paid within the same Healthcare Common Procedure Coding System (HCPCS) code.

“(vi) Costs to the Centers for Medicare & Medicaid Services, including payments made to contractors, for administering the program compared with administration of a fee schedule, in comparison with the relative savings of the program.

“(vii) Impact on access, Medicare spending, and beneficiary spending of any difference in treatment for diabetic testing supplies depending on how such supplies are furnished.

“(viii) Such other topics as the Comptroller General determines to be appropriate.”

(2) DELAY IN OTHER DEADLINES.—

(A) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—Section 1847(c)(5) of the Social Security Act (42 U.S.C. 1395w-3(c)(5)) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(B) SECRETARIAL REPORT.—Section 1847(d) of such Act (42 U.S.C. 1395w-3(d)) is amended by striking “July 1, 2009” and inserting “July 1, 2011”.

(C) IG REPORT.—Section 302(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended by striking “July 1, 2009” and inserting “July 1, 2011”.

(3) EVALUATION OF CERTAIN CODE.—The Secretary of Health and Human Services shall evaluate the existing Healthcare Common Procedure Coding System (HCPCS) code for negative pressure wound therapy to ensure accurate reporting and billing for items and services under such code. In carrying out such evaluation, the Secretary shall use the existing process for the consideration of coding changes and consider all relevant studies and information furnished pursuant to such process.

(d) OTHER PROVISIONS.—

(1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w-3(a)) is amended by adding at the end the following new paragraph:

“(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not apply to the following:

“(A) CERTAIN OFF-THE-SHELF ORTHOTICS.—Items and services described in paragraph (2)(C) if furnished—

“(i) by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service; or

“(ii) by a hospital to the hospital's own patients during an admission or on the date of discharge.

“(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in paragraph (2)(A)—

“(i) that are furnished by a hospital to the hospital's own patients during an admission or on the date of discharge; and

“(ii) to which such programs would not apply, as specified by the Secretary, if furnished by a physician to the physician's own patients as part of the physician's professional service.”

(2) CORRECTION IN FACE-TO-FACE EXAMINATION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended by striking “1861(r)(1)” and inserting “1861(r)”.

(3) SPECIAL RULE IN CASE OF NATIONAL MAIL-ORDER COMPETITION FOR DIABETIC TESTING STRIPS.—Section 1847(b) of such Act (42 U.S.C. 1395w-3(b)) is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

“(10) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

“(A) IN GENERAL.—With respect to the competitive acquisition program for diabetic testing strips conducted after the first round of the competitive acquisition programs, if an entity does not demonstrate to the Secretary that its bid covers types of diabetic testing strip products that, in the aggregate and taking into account volume for the different products, cover 50 percent (or such higher percentage as the Secretary may specify) of all such types of products, the Secretary shall reject such bid. The volume for such types of products may be determined in accordance with such data (which may be market based data) as the Secretary recognizes.

“(B) STUDY OF TYPES OF TESTING STRIP PRODUCTS.—Before 2011, the Inspector General of the Department of Health and Human Services shall conduct a study to determine the types of diabetic testing strip products by volume that could be used to make determinations pursuant to subparagraph (A) for the first competition under the competitive acquisition program described in such subparagraph and submit to the Secretary a report on the results of the study. The Inspector General shall also conduct such a study and submit such a report before the Secretary conducts a subsequent competitive acquisition program described in subparagraph (A).”

(4) OTHER CONFORMING AMENDMENTS.—Section 1847(b)(11) of such Act, as redesignated by paragraph (3), is amended—

(A) in subparagraph (C), by inserting “and the identification of areas under subsection (a)(1)(D)(iii)” after “(a)(1)(A)”;

(B) in subparagraph (D), by inserting “and implementation of subsection (a)(1)(D)” after “(a)(1)(B)”;

(C) in subparagraph (E), by striking “or” at the end;

(D) in subparagraph (F), by striking the period at the end and inserting “; or”; and

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

“(G) the implementation of the special rule described in paragraph (10).”

(5) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of, and amendments made by, this section, other than the amendment made by subsection (c)(1) and other than section 1847(a)(1)(E) of the Social Security Act, the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of \$20,000,000 for fiscal year 2008, and \$25,000,000 for each of fiscal years 2009 through 2012. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of June 30, 2008.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Medicare DMEPOS Competitive Acquisition Reform Act of 2008 with my colleague, Senator BAUCUS, to delay and reform the competitive bidding program for Medicare durable medical equipment, prosthetics, orthotics, and supplies. We are introducing this legislation to address serious concerns that have arisen over implementation of the competitive bidding program which is set to take effect in certain areas of the country on July 1, 2008. The bill will delay the start of the competitive bidding program for 18 months and require the Centers for Medicare and Medicaid Services to review the program and address significant issues that have been raised regarding implementation of the program.

We must act now before the competitive bidding program takes effect. We must ensure that the frail elderly who depend on diabetic supplies, oxygen, and other medical equipment for life-threatening conditions will continue to have access to essential medical products and supplies which are vital to their daily lives. The continued viability of much of the home medical supply industry is in serious jeopardy as a result of flaws that surfaced in the program during the first round of competitive bidding. Many small home medical equipment suppliers are in danger of going out of business through no fault of their own if the competitive bidding program is implemented as planned. Losing a significant number of small suppliers from the home medical equipment industry would have severe, unintended adverse consequences on thousands of beneficiaries who need home medical equipment and supplies. If that were to occur, it would severely hamper access to essential medical equipment for an untold number of beneficiaries. It was due to these very concerns that I opposed competitive bidding for DME when it was under consideration in 2003. Now, my original

concerns, unfortunately, have become a reality, and urgent action by Congress is required.

These concerns are especially problematic right now in states such as Iowa in the Midwest which are already reeling from the disastrous floods and tornadoes we have experienced this past month. The loss of many more small businesses would be disastrous to beneficiaries whose access to needed medical supplies has already been severely limited, let alone the ripple effect this would inflict on local economies which have already been severely impacted by record floods which have harmed scores of businesses and cost hundreds of millions of dollars in damages.

We heard from many medical equipment suppliers that the rules of the competitive bidding program were unclear or were changed at the last minute, and that their bids were not considered. CMS has told us that roughly two-thirds of the bids submitted by suppliers were ultimately rejected for lack of proper documentation or other issues apart from price. This was done even though CMS had assured suppliers when the program began that they would be notified if their bids lacked the required documentation. Two weeks before the bidding closed, CMS abruptly decided they would not provide such notification. Appropriately, this bill terminates the contracts that were awarded under Round One and pays any applicable damages incurred as a result of the terminations, if any. In the future, the bill requires a more transparent process on the part of CMS. When Round One is re-bid, the bill requires CMS to provide feedback to suppliers with documentation issues or other problems and give them an opportunity to remedy the situation before their bids are thrown out and excluded from consideration.

As Ranking Member of the Senate Finance Committee, I am committed to ensuring that Medicare dollars are spent wisely and provide high quality products to seniors at the lowest possible cost. The program improvements required by this legislation will ensure more protections for beneficiaries and lead to lower prices and higher quality medical products while ensuring that beneficiaries will still have access to the medical equipment and supplies that they need. These improvements will also help prevent many small home medical equipment suppliers from going out of business due to a flawed bidding process which unfairly eliminated them from the Medicare program for three years.

In our bill, the cost of delaying the competitive bidding program and adding additional safeguards to the program would be fully paid for by the durable medical equipment industry. According to the Congressional Budget Office, the delay in implementing competitive bidding and the reforms to the program included in this bill will in-

crease Medicare spending by \$3.1 billion over 5 years. To offset the cost of the legislation, in 2009 those DME items subject to Round One of the program will not receive a CPI update, and payments for those items will be reduced by 9.5 percent. Items not subject to Round One will receive a CPI update in 2009, and all DME items will receive CPI updates in years 2010 through 2013. In 2014, those DME items which were subject to the 9.5 percent payment reduction in 2009 will receive an additional payment increase of two percent over the CPI unless they are covered by competitive bidding contracts then.

As is true in many sectors, the DME industry is given a bad name by a few bad apples that spoil the barrel. Unfortunately, we hear on a regular basis from the Office of Inspector General and the Justice Department that the DME industry continues to have far too many incidents of waste, fraud and abuse. The multi-agency Medicare Fraud Task Force formed last year has uncovered numerous examples of criminal behavior and successfully prosecuted dozens of fraudulent or non-existent DME suppliers in South Florida and elsewhere. In just over a year, the task force has brought more than 120 cases against nearly 200 defendants in South Florida alone who have been charged with a total of \$638 million in fraud. We must have stronger safeguards to ensure that companies who participate in competitive bidding are actual, legitimate companies that can provide the equipment and services they bid to provide. In addition, the Inspector General of the Department of Health and Human Services is required to assess the process used by CMS to conduct competitive bidding and verify the calculations of the pricing determinations used to determine the payment amounts for competitively bid items in Rounds One and Two.

This bill also includes standards which will lead to an improved competitive bidding program. Under the bill, all DME suppliers must be accredited and meet quality standards by October 2009. We also close a loophole that currently allows subcontractors to remain unaccredited. We heard many complaints about companies awarded contracts who had no presence in the competitively bid area and who then began to solicit subcontractors to assist in carrying out the terms of the contract they had been awarded. Under the current program, subcontractors do not need to meet accreditation standards. Our bill requires that every company that supplies DME in the Medicare program must meet accreditation standards, whether they are primary suppliers or subcontractors.

I urge my colleagues to support this legislation to delay the competitive bidding program in order to ensure seniors continued access to needed home medical equipment and supplies and to remedy flaws in the bidding process and make other necessary improvements in the competitive bidding program.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 19, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a business meeting to consider pending legislative issues, to be followed immediately by a hearing to receive comments on a discussion draft bill to address law and order in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 9:30 a.m.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition and Forestry and the Senate Appropriations Subcommittee on Financial Services and General Government, be authorized to meet during the session of the Senate on Tuesday, June 17, 2008 at 10:30 a.m. in room 192 of the Dirksen Senate office building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, June 17, 2008, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, June 17, 2008, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 2:15 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 4:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that three law clerks from my Judiciary Committee staff, Erin Mallard, Matt Welling, and Arif Panju, be granted the privilege of the floor for the remainder of this session.

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

JUNETEENTH INDEPENDENCE DAY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 584 and that the Senate then proceed to its immediate 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. 584) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

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

Mr. LEAHY. Mr. President, this week we commemorate the 143rd anniversary of Juneteenth, the day our Nation's moral pendulum swung from slavery to freedom.

On June 19, 1865, our Nation turned a significant corner. We ushered in what President Lincoln called in his Gettysburg address a "new birth of freedom." We ended an oppression endured by generations of Americans and threw off the chains that shackled our common bond of freedom. We laid the roots for a constitutional revolution that, through the Civil War Amendments, transformed our founding charter from one that defended oppression, to one that embraced equal rights and human dignity.

Over a century later we have made significant progress, but the struggle to secure basic rights for all remains unfulfilled. Just a few months ago, the United Nations Convention on the Elimination of All Forms of Discrimination found that racial disparities continue to challenge our commitment to equality. I was not surprised to see that the U.N. report rebuked this administration's poor civil rights record.

After 9/11, the Bush administration eroded many of the most precious rights and liberties held by all Americans. Just last week, the Supreme Court in the *Boumediene* opinion, beat back one of these most egregious attempts, restoring the Great Writ of *habeas corpus* to its rightful place as a mechanism to guarantee liberty from arbitrary confinement. But this administration has also played politics with critical voting laws, and failed to protect our most vulnerable citizens. The Bush administration's poor civil rights record has damaged America's prestige around the world, and undermined our tradition of progress on civil rights.

Vermont is a State that holds a unique place in America's march toward equal justice. It was the first to outlaw slavery. Vermonters offered shelter to runaway slaves seeking refuge while in transit to Canada. Indeed, in just the tiny town of Brandon, 17 homes were stations on the Underground Railroad. I am proud that this month Vermont joined the States recognizing Juneteenth as a State holiday. It is important for our children and grandchildren to know our history, and to know that ordinary people can make a difference.

As we reflect on the sacrifices of past generations, their example should inspire us all in our present day struggle to secure human and civil rights. We must reaffirm our faith in our cherished freedoms and restore our commitment to protect basic rights. I hope all Americans will celebrate Juneteenth by working towards building the more perfect union we want for generations to come.

Mr. LEAHY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 584

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. LEAHY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 585.

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. 585) supporting National Men's Health Week.

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

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

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

The resolution (S. Res. 585) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 585

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34,

and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 54,000 in 2008, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 186,320 in 2008, and an estimated 28,660 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe Na-

tional Men's Health Week with appropriate ceremonies and activities.

AUTHORIZING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO ACCEPT SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Mr. LEAHY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2146.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2146

Resolved, That the bill from the Senate (S. 2146) entitled "An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.

The Administrator of the Environmental Protection Agency (hereinafter, the "Agency") may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

(1) protect human health or the environment;

(2) are related to the underlying alleged violations;

(3) do not constitute activities that the defendant would otherwise be legally required to perform; and

(4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

SEC. 2. SETTLEMENT AGREEMENT PROVISIONS.

In any settlement agreement regarding alleged violations of environmental law in which a defendant agrees to perform a diesel emissions reduction Supplemental Environmental Project, the Administrator of the Environmental Protection Agency shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project if the Administrator were precluded by law from accepting a diesel emission reduction Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

SEC. 3. INCLUSION OF THE DISTRICT OF COLUMBIA IN CERTAIN STATE AND LOCAL GRANT PROGRAMS FOR DIESEL EMISSION REDUCTIONS.

(a) IN GENERAL.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended by adding at the end thereof the following:

"(9) DEFINITION OF STATE.—The term 'State' includes the District of Columbia."

(b) CONFORMING AMENDMENTS.—(1) Section 793(d)(2) of such Act (42 U.S.C. 16133(d)(2)) is amended by striking "Governor" and inserting "chief executive".

(2) Subparagraphs (A) and (B) of section 793(c)(2) of such Act are each amended by striking "50" and inserting "51" and by striking "2

percent" and inserting "1.96 percent" in each place such terms appear.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

ORDERS FOR WEDNESDAY,
JUNE 18, 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Wednesday, June 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed

to H.R. 6049, the Renewable Energy and Job Creation Act, with Senators permitted to speak therein for up to 10 minutes each. I further ask that at 2:30 p.m., there be 2 hours for morning business, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first hour and the Republicans controlling the next hour.

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

PROGRAM

Mr. LEAHY. Mr. President, tomorrow, we expect to be in a position to turn to consideration of the House message to accompany H.R. 3221, the Housing and Economic Recovery Act. We will continue working with colleagues on a way to move forward on this important legislation.

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

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. LEAHY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Wednesday, June 18, 2008, at 10 a.m.