incents for clean coal technology, and for other purposes.

At the request of Mr. Wyden, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. 3269, a bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes.

At the request of Mr. Leahy, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the “Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use”.

At the request of Mr. Kerry, the names of the Senator from Michigan (Mr. Levin) and the Senator from Ohio (Mr. Brown) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

At the request of Mr. Wyden, the name of the Senator from Maine (Ms. Sowle) was added as a cosponsor of S. 3375, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

At the request of Mr. Durbin, his name was added as a cosponsor of S. 3398, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

At the request of Mr. Graham, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 3401, a bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes.

At the request of Mr. Harkin, the names of the Senator from North Carolina (Mrs. Dolle), the Senator from California (Mrs. Boxer), the Senator from California (Mrs. Feinstein), the Senator from Minnesota (Ms. Klobuchar), the Senator from Michigan (Ms. Stabenow), the Senator from Wisconsin (Mr. Kohl), the Senator from Arkansas (Mrs. Lincoln), the Senator from New Jersey (Mr. Menendez) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

At the request of Mr. Burr, the names of the Senator from Georgia (Mr. Isakson) and the Senator from New York (Mrs. Clinton) were added as cosponsors of S. 3407, a bill to amend title 10, United States Code, to authorize commanders of armed warfare battalions to accept charitable gifts on behalf of the wounded members of the Armed Forces assigned to such battalions.

At the request of Mr. Hagel, the names of the Senator from Wisconsin (Mr. Feingold), the Senator from South Dakota (Mr. Thune), the Senator from Montana (Mr. Baucus) and the Senator from Kansas (Mr. Roberts) were added as cosponsors of S. Res. 625, a resolution designating the week beginning September 7, 2008, as “National Historically Black Colleges and Universities Week”.

At the request of Mr. Lieberman, the names of the Senator from Georgia (Mr. Isakson), the Senator from Arizona (Mr. Kyl) and the Senator from Nevada (Mr. Ensign) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

At the request of Mr. Nelson of Florida, the names of the Senator from Maine (Ms. Collins) and the Senator from Texas (Mrs. Hutchison) were added as cosponsors of amendment No. 4979, which was to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Dodd (for himself, Mr. Reed, Mr. Kerry, Mr. Carper, Mrs. Clinton, and Mr. Biden):

S. 3425. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. Dodd. Mr. President, I rise today along with Senators Jack Reed, John Kerry, Tom Carper, Hillary Rodham Clinton, and Joe Biden to introduce the Sunscreen Labeling Protection Act of 2008, or the SUN Act. I thank them for their support of this legislation and have enjoyed working with them on the issue of sunscreen labeling. This is an issue I have been working on for more than a decade. I also want to thank the many outside organizations who support this legislation including the American Cancer Society, the Melanoma Foundation, and many others as well as the leading U.S. manufacturers of sunscreen, Banana Boat and Hawaiian Tropic.

As we head into yet another steamy, sweltering summer locally in Washington, DC, and as Americans throughout the country hit the outdoors to enjoy a relaxing time at beaches, backyard barbecues and parks, we cannot forget how important it is to protect our skin from the sun’s damaging rays. However, I am profoundly disappointed to report that yet another summer is passing us by without adequate sunscreen labeling to protect consumers from harmful ultraviolet radiation, including UVA.

Americans are being left in the lurch by the inaction of the Food and Drug Administration, which has failed to issue comprehensive and consistent standards for measuring and labeling sunscreen products. These are protective value and for guarding against false claims on sunscreen products.

Americans may be surprised to learn that the Sun Protection Factor, SPF, number on the sunscreen they buy at the local convenience or supermarket measures only the level of UVB protection provided by the sunscreen. It does not include a measure of the level of UVA protection. UVA has long been associated with sunburn while UVB has been recognized as a deeper penetrating radiation that contributes to skin cancer.

While many products claim to offer UVA protection, that claim is not backed by enforceable, FDA-recommended standards by which these claims can be substantiated.

The FDA’s standards for sunscreen testing and labeling lag 30 years behind our knowledge of the dangers of sun exposure. Research tells us that individual risk of melanoma, the most serious form of skin cancer, is associated with the intensity of sunlight that a person receives over a lifetime. In 2008, it is estimated there will be more than 1 million new cases of skin cancers and 62,480 new cases of melanoma, the deadliest form of skin cancer. Tragically, there will be as many as 8,420 deaths from melanoma this year.

Many sunscreen products carry claims that they protect against cancer-causing UV rays, but without FDA action to set standards for testing and labeling, these claims cannot be validated. Indeed, an analysis released earlier this summer found that many sunscreen products have misleading labels that make unsubstantiated claims.

Senator Jack Reed of Rhode Island and I, along with many of my colleagues on both sides of the aisle, have repeatedly urged the FDA—for over a decade now—to follow through with its
development of standards. We have written letters to the FDA dating back more than ten years, have made phone calls, have asked questions at hearings, and we even directed the FDA to issue final labeling for UVA and UVB rays. All the while, consumers have gone without the information they need to protect our skin from damaging UVA and UVB rays as an important step in preventing skin cancer. For years, we have heard their repeated cries for industry-wide standards that will help Americans protect themselves from a preventable cause of cancer. And still there is no final action by the FDA.

The public deserves better. If you take one look at the startling numbers of Americans who will be diagnosed with skin cancer this year and the fact that many of these individuals will likely die from this disease, it is clear that the public must know that what they read on the label of a sunscreen product represents a scientifically valid claim of protection from both UVA and UVB radiation.

Almost a year ago, the FDA issued a proposed rule that would set standards for testing and labeling sunscreen that includes UVA and UVB. I applaud this proposed rule. It was a long time in coming. But I must reiterate that until the proposed rule is finalized, consumers and manufacturers lack an enforceable, consistent and comprehensive standard for testing and labeling of sunscreen products.

That is why I am introducing the SUNscreen Labeling Protection Act of 2008, or the SUN Act. This simple, straightforward bill gives the FDA 180 days from the date of enactment to finalize the proposed rule for comprehensive labeling, including formulation, testing and labeling requirements for both UVA and UVB, after which point the proposed rule would become effective.

I cannot emphasize enough the importance of this issue. The public continues to be misled by false claims that cannot be effectively challenged because there are no enforceable FDA standards for measuring and labeling UVA protection.

If the FDA would finalize its proposed rule including UVA and UVB protection, this legislation would not be necessary. If this year and an entire summer season has nearly passed since the rule was proposed, as have decades of inaction prior to the proposed rule even being issued. All the while, consumers have gone without the information and protection they need which is what the legislation is all about.

I urge my colleagues to support this critically important bill.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

CANCER ACTION NETWORK, July 30, 2008, Hon. Christopher J. Dodd, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Network(s) (ACS CAN), the partnership for the eradication of the American Cancer Society, we want to express our thanks for your leadership in introducing the Sunscreen Protection Act of 2008 (SUN Act). The SUN Act will direct the Food and Drug Administration (FDA) to issue final regulations related to labeling for sunscreen products.

Skin cancer is the most common of all cancer types with more than one million skin cancer diagnoses each year in the United States. Ultraviolet (UV) radiation from the sun is the most important known risk factor for skin cancers, we believe this long-awaited proposal from the FDA will better inform consumers on the value and limits of sunscreen use.

We have provided extensive comments on the FDA proposed rules to ensure that the new regulations will require the most accurate and user-friendly presentation of sun protection possible on sunscreen products.

The majority of skin cancers are caused primarily by UVB rays. However, recent studies show that UV exposure from the sun increases the risk of skin cancer, premature skin aging and other skin damage. Therefore, it is important to decrease UV exposure by wearing protective clothing, seeking shade whenever possible, and using a sunscreen with a high enough Sun Protection Factor (SPF) value to protect against some level of both UVB and UVA rays. ACS CAN believes that by raising the highest labeled sun protection factor (SPF) value from 30 to 50 and including UVA protection measure, consumers will be able to better select their protection level.

ACS CAN views cancer prevention as the most important attribute of sunscreens, and there is now convincing evidence that consistent use of appropriate sunscreens will result in the prevention of squamous cell carcinoma of the skin and may lower melanoma risk. Hence it is our strong conviction that all sunscreen packages must note the importance of applying sunscreen before going into the sun and reapplying throughout the day. We hope that the new FDA regulations will help to achieve this by requiring a principle display panel on packages that is simple and easy for consumers to read. The clear directions on sun safety to make the most appropriate choice about protection levels.

Again, ACS CAN is encouraged that the SUN Act may finally lead to implementation of new regulations related to sunscreen labeling, and we look forward to working with Congress and the FDA to provide consumers with the most up-to-date and forthright information regarding sun protection and sunscreen use. If we can ever be of assistance or provide information, please contact Kelly Green Kahn, Associate Director, Federal Relations.

Sincerely,

Daniel E. Smith, President
Dick Woodruff, Senior Director, Federal Relations.

CITIZENS FOR SUN PROTECTION, Washington, DC, July 30, 2008, Hon. Christopher J. Dodd, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the Citizens for Sun Protection, an organization of parents, cancer survivors, healthcare professionals, business advocates and community leaders, joined together to advocate for stronger standards for sunscreen protection,

I am writing you to express our strong support for the Sunscreen Labeling Protection Act of 2008 (SUN Act). The SUN Act would provide for the enactment within 180 days of the sunscreen standards rule that was first proposed by the Food and Drug Administration (FDA) in August 2006. We applaud your leadership in advancing federal sunscreen standards to protect Americans against cancer-causing UVB and UVA rays.

The delay in upgrading U.S. sunscreen standards, which has dragged on for now close to 20 years, continues to leave consumers with little protection.

Several other countries, including the European Union, already have strong sunscreen standards that provide protection from both UVA and UVB rays. Your legislation will assure that the FDA issues final standards for UVA and UVB protection within 180 days of enactment and thus provide Americans with vitally important protection against skin cancer, premature aging, and skin damage.

A comprehensive FDA rule would require that sunscreen manufacturers properly label products so consumers will know the level of protection provided in the sunscreen they use for themselves and their families. Today, the average American is left with products that are commercially available in this country mistakenly believes that the product is providing equal protection for both UVA and UVB exposure. In reality, Sun Protection Factor designations only apply only to UVB rays, those that primarily cause sunburn, and do not protect against UVA rays which cause skin cancer and other skin damage.

Compelling facts drive the need for change: According to the American Cancer Society, one million new cases will be diagnosed in the United States this year and over 100,000 Americans will die from the disease. Every year the FDA proposal is delayed leaves our citizens at increased risk. It is critical to the health and welfare of the U.S. public to have access to strong, protective sunscreens they can trust. On behalf of the Citizens for Sun Protection, I wish to once again affirm our strong support for the SUN Act. We applaud your efforts to establish strong standards and an accurate labeling system for UVA and UVB protection in the United States.

Sincerely,

Robert F. Hurley, Executive Director.


Dear Mr. Chairman:

It is upon us, we are again reminded of the need to ensure that sunscreens protect consumers from the damming rays of ultraviolet A (UVA) and ultraviolet B (UVB) radiation. The Food and Drug Administration first proposed to set safety standards in 1978, yet failed to act. That is why EWG supports the Sunscreen Labeling Protection Act of 2008, the SUN Act, which would require FDA to finalize sunscreen safety standards within 6 months, ending 30 years of inaction.

The need for these standards is clear. A recent EWG study found that 85 percent of sunscreens that we tested did not offer enough protection from UV rays, are made with potentially harmful ingredients, or have not been tested for safety. Many products on the market present obvious safety and effectiveness problems, including seven that does not protect from UV radiation. Overall we identified 143 products that offer...
very good sun protection with ingredients that present minimal health risks to users. Many sunscreens: lack UVA protection; break down in the sun; make questionable promises; wear away from nano-scale materials that raise questions; and absorb into the blood. These problems are aggravated by the fact that FDA has not finalized comprehensive sunscreen safety standards, called the “Sunscreen Monograph.” They began drafting 30 years ago. It took FDA 29 years to propose a Sunscreen Monograph. It has been nearly a year and it has yet to finalize the Monograph. EWG hopes it will do so quickly, but after 30 years of delay, we must ensure consumers get the protections they believe they are getting.

We commend you for your continued leadership in this area and the introduction of the SUN Act. We look forward to working with you to ensure its quick passage.

Sincerely,

Richard Wiles
Executive Director.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, and Mr. SANDERS), to introduce the Time for Learning Act, of 2008.

S. 3431. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the TIME Act, introduced by Senators KENNEDY and SANDERS, to introduce the Time for Innovation Matters in Education, or TIME Act, of 2008. This bill would improve and expand students’ instructional time, while ensuring rigorous standards, as well as close the academic achievement gap that exists for so many of our disadvantaged students.

The fundamental principle underlying this bill is that the amount of instructional time provided by the vast majority of school calendars is simply inadequate for today’s students and teachers. Teachers need more time to plan and deliver instruction, and students need more time for 21st century learning.

The demands on 21st century learners reflect the rapid increase in technological advances that we have all experienced in the last 30 or 40 years. Twenty-first-century learning demands an increase in the rigor of mathematics and science education, and the acquisition of subject area knowledge in areas that simply did not exist years ago, such as computer literacy. These increased demands should not be met at the expense of other critical areas, such as social studies, art, and physical education. Yet, these other areas are often ignored to allow for time for some of the major academic subjects.

That is the consequence of failing to match the gradual increase in educational demands with a corresponding increase in instructional time.

Instead, here we are in the 21st century, continuing to adhere to a school calendar that was established over 100 years ago, and which was designed to accommodate a predominantly agricultural society. In nearly every State, the school calendar is based on approximately 180 or fewer instructional days, or on approximately 1000 instructional hours, per school year. This means that American students are spending fewer than 20 percent of their waking hours in school.

In the recent National Research Council report, How People Learn, the authors comment on the importance of being realistic about the amount of time it takes to learn complex subject matter. Simply put, they note that “significant learning takes major investments of time.” The TIME Act is an initial investment that will provide teachers and students with the expanded opportunities they need to achieve high quality instruction and learning. We know that time needs are significant if our students are to achieve a 21st century education.

Although all students are likely to benefit from expanded learning time, we must prioritize these opportunities for students who are most at risk for academic achievement. International reports like the PISA study demonstrate that although American students, as a group, have poor academic achievement relative to students in other industrialized nations, this disparity is most pronounced for students among the most at risk in our Nation’s poor. In fact, the 2006 PISA report shows that achievement scores for White, non-Hispanic students meet or exceed average scores reported across participating nations, whereas the average scores for Hispanic students are well below that average.

Likewise, although research has demonstrated that all students are at risk for losing educational gains during the extended summer breaks that are currently the norm for most schools, children from low income households experience significantly greater achievement losses during summer breaks because they lack opportunities to attend the quality summer programs available to their less disadvantaged peers. Each year, this disparity contributes to the growing achievement gap. Researchers have shown us that these out-of-school experiences account for most of the achievement difference observed by 9th grade, which in turn influences when and whether students will graduate from high school and attend postsecondary school. Investing in more time during the school year can help to diminish these achievement gaps, improve graduation rates, and make a lasting difference in these students’ lives.

But effective expanded learning opportunities require more than just more time. The time must be well spent. Students must be appropriately engaged in their learning, and teachers must have the training and support to use the longer school time effectively. Researchers have identified that expanded learning time benefits teachers, students, and schools by providing for cooperative learning, and more time to individualize instruction. Involved students and teachers are critical to successful expanded learning time programs, and both benefit from effective programming.

States have begun to explore expanded learning programs, and have demonstrated their effectiveness. In 1986, Massachusetts started their calendars to expand the mandatory number of school days and the number of hours within a school day. Outcomes include not only increased student achievement, but greater school satisfaction among parents, teachers, and students. In my own State of New Mexico, expanded learning initiatives have been pursued, in the form of longer school days or additional school days throughout the year. Early reports demonstrate increased achievement in math and reading, beyond grade-level expectations. Unfortunately, the funds available for these initiatives are limited to voluntary participation. We must make these programs become a regular part of school day when they work, and teachers, particularly those who are greatest risk for academic failure.

Most districts and State educational agencies do not have the capacity or infrastructure to guide, support, and fund expanded learning programs, but good models for turning around low-performing schools do exist. Federal support can be used to build States’ and schools’ capacity based on evidence from such projects.

Towards this goal, the TIME Act will: provide incentives for States and local educational agencies to develop plans for research-based, sustainable, and replicable expanded learning programs, for high-priority schools, with a focus on increasing rigorous and varied instructional opportunities for students and teachers; allow local educational agencies to determine appropriate objectives of their extended learning programs, such as increasing math and science test scores for students, enhance arts or physical education, or increase academic English proficiency for English language learners; encourage States to take a leadership role and deliver technical assistance to schools that implement such programs; encourage schools to form partnerships with organizations that have successful track records in supporting or delivering effective expanded learning programs; and promote research on expanded learning program implementation, through local, State, and national data collection efforts. The results of these evaluations can inform best practices for future delivery of expanded learning models in additional schools.

I would like to thank Chairman KENNEDY for his leadership on this legislation, and for his ongoing commitment to enhancing educational opportunities for all Americans; particularly our most disadvantaged youths. Moreover, Senator Kennedy’s State, Massachusetts is a leader in school-wide expanded learning initiatives. Massachusetts has demonstrated that expanded
learning enhances students’ success, and it has done so in formerly struggling schools in some of the State’s poorest school districts.

The TIME Act expands upon these models of success by promoting similar initiatives across the country. I hope that this legislation will be incorporated into reauthorization of the Elementary and Secondary Education Act, and I urge my colleagues to support it.

Like my colleagues Senator KENNEDY and SANDERS, I believe that all students deserve the time needed for a quality education. I also believe that all schools should expand well beyond their current limited calendar, especially if America is to maintain and increase its competitive edge in the global economy. We must invest in a systematic approach to improving schools so that every child graduates prepared for success. The TIME Act is an initial investment toward this goal.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. CASEY, Mr. VOINOVICH, and Mr. WEBB):
S. 3453. A bill to ensure that any agreement containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Relations.

Mr. BIDEN. Today I join a bipartisan group of Senators introducing the Iraq Security Agreement Act of 2008. This bill, consistent with the Constitution of the United States, prohibits the Bush administration from entering into a binding security agreement with Iraq without the approval of Congress. It would also prohibit the obligation of any funds to implement such an agreement.

I regret that I am compelled to introduce this legislation. If the President had done his job on these negotiations in a more responsible manner—by being clear about the objective, by ensuring that the agreements would not tie the hands of the next administration, by actively consulting with Congress as a partner in the process—this bill would be unnecessary. But the Administration has done none of these things, and so my colleagues and I want to ensure that Congress, and thus the American people, is brought into the process.

Let me take a step back and summarize how we got to this point. From October 2003 until the present day, the American military presence in Iraq has been authorized under international law through a series of UN Security Council Resolutions. Last November, President Bush and Prime Minister Maliki signed a “Declaration of Principles,” which set out a framework for our countries to negotiate, by yesterday—July 31, 2008—agreements governing cooperation in the political, economic and security spheres. The Declaration states that the two countries would not seek to renew the United Nations mandate for American troops in Iraq past December 31, 2008.

Among other things, the Declaration contemplates “providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq” and supporting Iraq “in its efforts to combat all terrorist groups, including the Al-Qaeda, Saddamists, and other outlaw groups regardless of affiliation.” In other words, all the folks fighting in Iraq and killing each other.

The Declaration may result in two pacts. The “Status of Forces Agreement” or SOFA, governing the presence of U.S. forces in Iraq, including their entry into the country and the immunities to be granted to them under Iraqi law. The Administration claims that this agreement is mostly “routine” because we have SOFAs with over 90 countries around the globe. But conditions our soldiers face in Iraq are far from “routine.” The deployments in security. Moreover, this SOFA would be much broader than the typical SOFA, from what we know. It would provide us with access to bases from which our military would operate, provisions that are usually in a separate facilities or “hasing” agreement. This SOFA would also deal with contractor immunity, would permit U.S. forces to engage in combat operations in Iraq, and would provide authority for detaining insurgents. This is not a typical SOFA.

One of these agreements will reportedly contain a “security arrangement”—a pledge by the United States to consult on next steps if Iraq is threatened. The Administration suggests that such an agreement is unremarkable, and that it does not bind the United States. But at a time when we have over 100,000 troops on the ground, an expansive program to train and equip Iraqi forces, and multiple U.S. military facilities, the pledge is, in reality, little different from a binding security commitment. Certainly, the government of Iraq and its people will perceive that we are signing up to defend Iraq against external threats. If yesterday’s deadline has apparently not been met, the New York Times reports, however, that the Bush administration and Iraqi government are close to an agreement. But Congress still remains largely in the dark.

We have not used English. We do not definitively know which portions of the agreement will be binding, and which will not be. We are not in a position to evaluate whether the agreement will create obligations—either legal or political—that will constrain the next administration, whether Democratic or Republican. The President cannot make such a sweeping commitment on his own authority. Congress must grant approval. The legislation we introduce today requires that Congress be made part of the process.

I have often stated that no foreign policy can be sustained without the informed consent of the American people. More than 5 years ago, President Bush went to war in Iraq without gaining that consent—by overstating the intelligence and understating the difficulty, cost and duration of the mission.

In the final months of his term, President Bush is once again acting without the informed consent of the American people, putting us on a course to commit to a new phase of a long war in Iraq, and thereby bind his successors to his vision of U.S. policy in Iraq. By these agreements, the President will make it harder for this successor to come.

Let me be clear. I support the concept of a Status of Forces Agreement with Iraq. But not at the cost of limiting our operational latitude or making security commitments—legal or political—that are not approved by Congress.

Administration officials have indicated that the Iraqi government is resisting the inclusion of key provisions that U.S. forces need in order to operate in Iraq. Given the difficulty of securing Iraq’s consent to the broad authorities that the United States now has by virtue of the U.N. Security Council Resolutions, I believe the best option for the United States at this juncture is to seek an extension of the current United Nations Security Council resolution for Iraq.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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 “Iraq Security Agreement Act of 2008”.

SEC. 2. FINDINGS.
Congress makes the following findings:
(1) On November 26, 2007, President George W. Bush and Prime Minister of Iraq Nouri al-Maliki signed the Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America. This Act referred to it as the “Declaration of Principles”), with the goal of concluding a final agreement or agreements between the United States and Iraq by July 31, 2008, “with respect to the political, cultural, economic, and security spheres.”
(2) The Declaration of Principles contemplates the United States security assurances and commitments to the Republic of Iraq to deter foreign aggression.”
(2) An assessment of the need to continue, modify, or discontinue each of those commitments and arrangements in view of the changing international security situation.

SEC. 3. CONSULTATION WITH CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall consult with appropriate congressional committees about the negotiations pursuant to the Declaration of Principles. After the initial consultation, the Secretary of State and the Secretary of Defense shall keep such committees fully and currently informed regarding the status of the negotiations. Prior to finalizing any agreement that includes a security commitment or security arrangement with Iraq, the Secretary of State should provide the text of the agreement to the appropriate congressional committees.

SEC. 4. ANNUAL REPORT ON SECURITY AGREEMENTS.

(1) any agreement that sets forth a security commitment to, or security arrangement with, the Republic of Iraq, may enter into force except pursuant to Article II, section 2, clause 2 of the Constitution of the United States (relating to the making of treaties) or unless authorized by a joint resolution of the Congress; and

(2) the Committee on Armed Services of the Senate.

(c) POINT OF ORDER.—It shall not be in order for either House of Congress to consider any bill, resolution, amendment, or conference report that provides budget authority for the implementation of an agreement entered into in contravention of subsection (a).

SEC. 5. APPROXIMATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ‘approximate congressional committees’ means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Armed Services of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

By Mr. DURBIN:

S. 3431. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through legitimate retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to discuss legislation that I am introducing today, the Combating Organized Retail Crime Act of 2008. This bill addresses a persistent and growing problem that costs retailers billions of dollars and poses serious health and safety risks for consumers. Organized retail crime involves the defendants or sellers who steal items from retail stores with the intent to resell those items. Typically, crime organizations hire teams of professional shoplifters to steal over-the-counter drugs, health and beauty aids, designer clothing, razor blades, baby formula, electronic devices and other items from retail stores. Using sophisticated means for evading anti-theft measures, and often the assistance of store workers, they then resell those items to individuals or online auction sites, then move anti-theft tracking devices, and remove labels that identify the items with a particular store. In some instances, they change the expiration date, replace the label with that of a more expensive product, or dilute the product and repack the modified contents in seemingly-authentic packaging. The items are then stored in a warehouse, often under poor conditions that result in the deterioration of the contents.

Organized retail crime rings typically sell their stolen merchandise in different markets, including flea markets, swap-meets, and online auction sites. Online sales are of particular concern, since the Internet reaches a worldwide market and allows sellers to operate anonymously and maximize return. A growing number of multi-million dollar organized retail crime cases involve internet sales. For example, in Florida recently law enforcement agents arrested 20 people in an 18 million case involving the sale of stolen health and beauty aids on an online auction site and at flea markets.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that it costs retailers billions of dollars in revenues and costs states hundreds of millions of dollars in sales tax revenues. With respect to certain products, such as baby formula and diabetic test strips, improper storage and handling creates a serious public safety risk when the products are resold. The proceeds of organized retail crime are often used to finance other forms of criminal behavior, including gang activity and drug trafficking.

The Combating Organized Retail Crime Act would address this problem in several ways. First, it would toughen the criminal code’s treatment of organized retail crime by refining certain aspects of the law currently being committed by individuals engaged in organized retail crime, and by requiring the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would require physical retail marketplaces, such as flea markets, and online retail marketplaces, such as auction websites, to review the account of a seller and file a suspicious activity report with the Justice Department when presented with documentation or other evidence showing that the seller is selling items that were illegally obtained. If the physical or online retail marketplace is presented
with clear and convincing evidence that the seller is engaged in such illeg- ical activity, it must terminate the ac- tivities of the seller. This requirement will lead to greater cooperation be- tween retail marketplaces, retailers and law enforcement, and will result in an increased number of organized retail crime prosecutions.

Third, the bill would require high- 
volume sellers on online auction sites (meaning sellers that have obtained at least $10,000 in annual gross revenues on the site) to display a physical ad- dress, post office box, or private mail box registered with a commercial mail receiving agency. This requirement will help online buyers get in touch with sellers, and assist law enforce- ment agents who wish to identify peo- ple who may be selling stolen goods on- line. It is analogous to a provision in the federal CAN-SPAM Act, which also requires persons who send mass emails to disclose their physical addresses.

This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Asso- ciation, the National Retail Federa- tion, the Retail Industry Leaders Asso- ciation, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Orga- nized Retail Crime, whose members in- clude such retail giants as Home Depot, Target, Wal-Mart, Safeway, Walgreens, and Macy’s.

In summary, the Combating Orga- nized Retail Crime Act addresses a se- rious problem that hurts businesses that are struggling to survive in a weak economy, and that harms consumers who unknowingly purchase stolen 
items that have been subjected to tampering. It heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement.

I urge my colleagues to support this legislation.

The need to deter and punish offen- ses involving organized retail crime to suf- 
ficiently deter and punish such offenses; and

C) maintain reasonable consistency with other relevant directives and sentencing guidelines; and

D) for any additional aggravating or mitigating circumstances that might jus- tify exceptions to the generally applicable sentencing ranges; and

E) consider whether to provide a sen-
tencing enhancement for those convicted of conduct involving organized retail crime, where such conduct involves— i) a threat to public health and safety, in- cluding alteration or forgery of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or re- moval of a product label;

(iii) second or subsequent offense; or

(iv) the use of advanced technology to ac-
quire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MAR- KETPLACES.

(a) In general.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

"§ 2321. ONLINE RETAIL MARKETPLACES.

"(a) Definitions.—As used in this section, the following definitions shall apply:

"(1) HIGH VOLUME SELLER.—The term ‘high volume seller’ means a user of an online re- tail marketplace who, in any continuous 12- month period during the previous 24 months, has entered into—

(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $200,000 or more in gross reve- nues; or

(B) 200 or more discrete sales or trans- actions resulting in the accumulation of an aggregate total of $10,000 or more in gross revenue.

"(2) INTERNET SITE.—The term ‘Internet site’ means a location on the Internet that is accessible at a specific Internet domain name or address under a single domain name or protocol (or any successor protocol), or that is identi- fied by a uniform resource locator.

"(3) ONLINE RETAIL MARKETPLACE.—The term ‘online retail marketplace’ means an Internet site where users other than the op- erator of the Internet site can enter into transactions with each other for the sale or exchange of goods or services, and in which—

"(A) such goods or services are promoted through inclusion in search results displayed within the Internet site;

"(B) the operator of the Internet site—

(i) has the contractual right to supervise the activities of users with respect to such goods or services; and

(ii) has a financial interest in the sale of such goods or services; and

(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collec- tively have entered into—

(i) multiple discrete transactions for the sale of goods or services aggregating a total of $500,000 or more in gross revenues; or

(ii) 1,000 or more discrete transactions for the sale of goods or services aggregating a total of $250,000 or more in gross revenues.

"(4) OPERATOR OF AN ONLINE RETAIL MAR- KETPLACE.—The term ‘operator of an online retail marketplace’ means a person or entity that—

(A) operates or controls an online retail marketplace; and

"(B) maintains a financial interest in the sale of goods or services; and

(C) has the contractual right to supervise the activities of users with respect to such goods or services; and

(D) has a financial interest in the sale of such goods or services; and

(E) collects a fee or other consideration for each transaction or type of transaction conducted by users of the marketplace.

"(5) SALES OF ILLEGALLY OBTAINED ITEMS.—A person who, in any continuous 12-month period during the previous 24 months, has sold or otherwise transferred ownership of goods or services that were obtained in violation of this section shall be punished as follows:

(i) a threat to public health and safety, in- cluding alteration or forgery of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or re- moval of a product label;

(iii) second or subsequent offense; or

(iv) the use of advanced technology to ac-
quire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.
"(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

"(5) PHYSICAL RETAIL MARKETPLACE.—The term ‘operator of a physical retail marketplace’ means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to such goods.

"(6) PHYSICAL RETAIL MARKETPLACE.—The term ‘physical retail marketplace’ may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment in which a venue or event in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for the purpose of entering into transactions for the sale of goods, or services related to such goods; and

"(A) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

"(B) does not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation, operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers of the goods, services, or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

"(7) STRUCTURING.—The term ‘structuring’ means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

"(8) TEMPORARY PLACE OF BUSINESS.—The term ‘temporary place of business’ means any place of business, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily rented by 1 or more other persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary if a person or entity conducts business at the place and stores unsold goods there when it is not open for business.

"(9) USM.—The term ‘USM’ means the person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

"(11) VALID PHYSICAL POSTAL ADDRESS.—The term ‘valid physical postal address’ means

"(A) a current street address, including the city, State, and Zip code;

"(B) a Post Office box that has been registered with the United States Postal Service;

"(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.
"(B) FAILURE TO PROVIDE.—In the event that a high volume seller has failed to display a valid physical postal address as required in this subsection, the operator shall—

(i) within 15 days notify the user of its duty to display a valid physical postal address; and

(ii) if 45 days after providing this initial notification the user still has not displayed a valid physical postal address, shall—

(I) terminate the ability of the user to conduct transactions on marketplace; and

(II) file within 15 days a suspicious activity report with the Attorney General of the United States.

(7) REPORTS OF SUSPICIOUS ACTIVITY REPORTS.—A suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (1) or (6) shall contain the following information:

(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity to which the report is directed.

(C) A copy of the documentary evidence and other information that led to the filing of the report pursuant to paragraph (1) or (6).

(D) A description of the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

(e) ENFORCEMENT BY ATTORNEY GENERAL.—

(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or conspiracies in violation of, any provision of this section, shall be subject to liability under section 1001.

(2) WRITTEN NOTICE.

(A) IN GENERAL.—The Attorney General shall serve written notice of a violation under subsection (b) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to enforce the provisions of this section, the Attorney General of the United States shall serve such notice immediately upon instituting such action.

(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right.

(i) to intervene in such action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(3) STATE ACTIONS.

(A) IN GENERAL.—For purposes of bringing any civil action under this subsection, nothing in this chapter shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(B) PENDING FEDERAL ACTION.

Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in such complaint.

(4) JURISDICTION.

(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the cause of action may be prosecuted.

(5) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.

(6) CHARTER OF THE UNITED STATES MARITIME COMMISSION.—The chapter analysis for chapter 133 of title 18, United States Code, is amended by inserting after the item for section 2322 the following:

"2323. Online retail marketplaces."

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between the provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of the enactment of this Act.
That is not the country that we want to be. Torture and disappearances do not befit the nation that I know.

It is time to restore America’s integrity. It will take time to resume our place as the world’s beacon of liberty and justice. This bill will put us on that path and start the process. I urge its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3437

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 “Restoring America’s Integrity Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTRUMENTALITY.—The term “instrumentality”, with respect to an element of the intelligence community, means a contractor or sub-contractor to an element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. LIMITATION ON INTERROGATION TECHNIQUES.

No individual in the custody or under the effective control of personnel of an element of the intelligence community or instrumentality of an element of the intelligence community, regardless of nationality or physical location of such individual or personnel, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

SEC. 4. NOTIFICATION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) REQUIREMENT.—The head of an element of the intelligence community or an instrumentality of such element who detains or has custody or effective control of an individual shall notify the International Committee of the Red Cross of the detention of the individual and provide access to such individual in accordance with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create, or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

SEC. 5. PROHIBITION ON INTERROGATIONS BY CONTRACTORS.

The Director of the Central Intelligence Agency may not permit a contractor or subcontract to the Central Intelligence Agency to carry out an interrogation of an individual. Any interrogation carried out on behalf of the Central Intelligence Agency shall be conducted by an employee of such Agency.

By Ms. LANDRIEU:

S. 3438. A bill to prohibit the use of funds for the establishment of National Marine Monuments unless certain requirements are met; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I introduce this bill today to prevent misuse of the Antiquities Act of 1906 to create very large marine monuments. The Antiquities Act was intended to protect landmarks, not create the largest protected areas in the United States unilaterally without congressional consent.

The Bush administration acted covertly to convey protected status to 139,000 square miles of the northwestern Hawaiian Islands. In so doing, the administration short-circuited the extensive Marine Sanctuaries process that was already underway and notified the delegation only after the press conference. Now they have turned their attention to the Gulf of Mexico.

I noted that the Bush administration, with mixed support from his top advisors, is considering using his authorities under the Antiquities Act to unilaterally and permanently declare “marine monuments” in various locations of the U.S. Exclusive Economic Zone. Some of these areas are in my backyard—in the Gulf of Mexico—but other areas of the Atlantic and Pacific are also under consideration.

I certainly understand the need to conserve and appropriately manage our most sensitive and vulnerable marine areas, which can serve as nurseries for fish stocks and provide critical habitat for other important species. That is why I support the process established in the National Marine Sanctuaries Act. But any declarations of new or additional protected status to marine areas should continue to follow the scientific and public processes outlined in the Sanctuaries Act. This is a good process that allows all affected parties—from the environmental community to recreational fishermen to the oil and gas industries—to have a say.

By Ms. LANDRIEU:

S. 3447. A bill to reprogram $15,000,000 in savings in the Jackson Barracks military construction to the Department of the Interior for the Historic Preservation Fund of the National Park Service for the purpose of restoring Jackson Barracks to its pre-Hurricane Katrina status as a national historic treasure; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I introduce this bill today to restore historic Jackson Barracks in New Orleans to its pre-Hurricane Katrina status as a national historic treasure. Jackson Barracks represents the rich military history of New Orleans, and indeed our great State. However, the rebuilding of the structures on this significant garrison has been hindered by bureaucratic roadblocks and gaps in funding. This bill directly addresses those challenges.

As you know, Hurricane Katrina brought torrential floods and driving
winds to New Orleans and the sur-
rounding region. The devastation from the storm touched every structure at
Jackson Barracks. The original Jackson
Barracks consists of 14 Antebellum
Garrison Structures built between 1834
and 1835. These historic buildings were
not spared and suffered tremendous
damage.

There is a pressing need to complete
the restoration and renovation of the
barracks. Jackson Barracks requires
additional renovations and restora-
tions that are not within the scope of
the Federal Emergency Management
Agency hurricane restoration funding.
With the agreement of the Chief, Na-
tional Guard Bureau and the Secretary
of the Interior, this bill would repro-
tate of historic preservation at the
end of title III and this title;” and

(C) in paragraph (8) and inserting the
following:

(8) develop, or assist others in developing,

purposes of title III and this title;”;

and

(4) in the third sentence of subsection (g),
by inserting “”, except that if any of the
activities specified in section (b) ceases to
exist, the vacancy shall be filled with an at-
large member” after “made.

3. CANE RIVER NATIONAL HERITAGE AREA.
SEC. 2. CANE RIVER NATIONAL HERITAGE AREA
(a) BOUNDARIES.—Section 401 of the Cane
River Creole National Historical Park and National
Heritage Area Act (16 U.S.C. 410ccc–21) is amended:

(1) in subsection (b)—
(A) in paragraph (3), by striking “and” at
the end; (B) by redesignating paragraph (4) as para-
graph (6); and

(C) by inserting after paragraph (3) the fol-
lowing:

“(4) fostering compatible economic develop-
ment;

“(5) enhancing the quality of life for local
residents; and

“(2) in subsection (c), by striking para-
graphs (1) through (6) and inserting the fol-
lowing:

“(1) the area generally depicted on the map
entitled ‘Revised Boundary of Cane River
National Heritage Area Louisiana’, number 494/
80021, and dated May 2008;

“(2) the Fort Jesup State Historic Site; and

“(3) as satellite site, any properties con-
ected with the prehistory, history, or cul-
ture of the Cane River region that may
be the subject of agreements with
the Cane River National Heritage Area
Commission or any successor to the Commis-
ion,”;

(b) CANE RIVER NATIONAL HERITAGE AREA
COMMISSION.—Section 402 of the Cane River Creole
National Historical Park and National
Heritage Area Act (16 U.S.C. 410ccc–22) is amended:

(1) in subsection (b)—
(A) by striking “19” and inserting “23”;

(B) in paragraph (4), by inserting “the
Natchitoches Parish Tourism Commission
and other” before “local”;

(C) in paragraph (7), by striking “Concern
Citizens of Cloutierville” and inserting “Vil-
geage of Cloutierville”; and

(D) in paragraph (13), by striking “are
landowners in and residents of” and insert-
ing “own land within the heritage area”;

(2) in paragraph (16)—

(i) by striking “one member” and inserting “2
members”; and

(ii) by striking “and” at the end; and

(3) by redesigning paragraph (17) as par-
agraph (19); and

(4) by inserting after paragraph (16) the fol-
lowing:

“(17) 2 members, 1 of whom represents Afri-
can American culture and 1 of whom rep-
resents Cane River Creole culture, after con-
sideration of recommendations submitted by
the Governor of Louisiana;

“(18) I member with knowledge of tourism,
and consideration of recommendations by
the Secretary of the Louisiana Department
of Culture, Recreation and Tourism; and
nations that are not within the scope of
the Federal Emergency Management
Agency hurricane restoration funding.
With the agreement of the Chief, Na-
tional Guard Bureau and the Secretary
of the Interior, this bill would repro-
tate of historic preservation at the
end of title III and this title;” and

(C) in paragraph (8) and inserting the fol-
lowing:

(8) develop, or assist others in developing,

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agraph (19); and

(4) by inserting after paragraph (16) the fol-
lowing:

“(17) 2 members, 1 of whom represents Afri-
can American culture and 1 of whom rep-
I am proud to come to the floor today to introduce this bill. Anyone who has visited Plaquemines Parish knows that it is one of the nation’s unique treasures. The natural beauty there at the mouth of the Mississippi is impossible to describe, but impossible not to love. The area rich in history, and it is a preserve for one of the nation’s most unique cultural mélange.

That mix began after the Native Americans in the region began to intermingle with the Spanish explorers who traveled along the banks of the Lower Mississippi in the 1500s. In 1699, the area became the site of the first fortification on the Lower Mississippi River, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, originally built in 1749, proved to be instrumental during the Battle of New Orleans General P.G.T. Beauregard. This fort was the site of the famous Civil War battle known as the “Battle of Forts” which is also referred to as the “night the war was lost.”

As this glimpse of the region’s military history shows, the Lower Plaquemines region is of national cultural and historical significance.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the U.S. It is also home to the ancient Head of Passes site, Plaquemines Bend, geological features and two national wildlife refuges.

Finally, the area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and many more. These cultures have worked together to create the infrastructure for transportation of our nation’s energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana’s economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. I hope that my colleagues will join me in supporting this bill which simply allows the National Park Service to study the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

SEC. 1. SHORT TITLE.
The Act may be cited as the “Lower Mississippi River National Historic Site Study Act of 2008.”

SEC. 2. FINDINGS.
Congress finds that—
(1) the Lower Mississippi area located south of New Orleans, Louisiana, which is known as “Plaquemines Parish”, has great historical significance;
(2) from the earliest Spanish explorers traveling along the banks of the Lower Mississippi River in the 1500’s, to Robert de La Salle claiming all of the land drained by the Lower Mississippi River in 1682, to the petroleum, fisheries, and transportation industries of today, the area is one of the most unique areas in the continental United States;
(3) while, in 1699, the area became the site of the first fortification on the Lower Mississippi River, known as “Fort Mississippi”, it has since been home to 10 different fortifications, more than a dozen light houses, and several wildlife refuges, quarantine stations, and port stations;
(4) of particular interest to the area are—
(A) Fort St. Philip, originally built in 1749, at which, during the Battle of New Orleans, the British navy was blocked from going up river and a victory for the Colonial Army was ensured; and
(B) Fort Jackson, built across from Fort St. Philip at the request of General Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard, which was the site of the famous Civil War battle known as the “Battle of the Forts”, which is also referred to as the “night the war was lost”;
(5) the area is—
(A) at the end of the longest continuous river road and levee system in the United States; and
(B) a part of the River Road highway system;
(6) lower Plaquemines Parish is split down the middle by the Mississippi River, surrounded on 3 sides by the Gulf of Mexico, and crossed by numerous bayous, canals, and ditches;
(7) Fort Jackson and Fort St. Philip are located on—
(A) an ancient Head of Passes site; and
(B) 1 of the most historic areas on the Lower Mississippi River known as “Plaquemines Bend”;
(8) the modern Head of Passes is only 21 miles south of Fort Jackson and Fort St. Philip where the Mississippi River splits into a bird foot delta to travel the last 20 miles to the Gulf of Mexico;
(9) there are numerous geological features that are unique to a large river mouth or delta that could make a national park in the area a particularly intriguing attraction;
(10) the coastal erosion, subsidence, river hydraulics, delta features, fresh, salt, and brackish water marshes, and other unique features of the area could be an effective classroom for the public on the challenges of protecting our river and coastal zones;
(11) the area includes the Gulf coast of the Mississippi River flyway, which is—
(A) 1 of the most pristine eco-sites in the United States; and
(B) the site of 2 national wildlife refuges and 1 state wildlife refuge;
(12) the area is culturally diverse in history, population, industry, and politics;
(13) many well-known characters lived or performed deeds of great notoriety in the area;
(14) in the area, Creoles, Europeans, Indians, Yugoslavs, African-Americans, and Vietnamese all worked together to weave an interesting history of survival and success in a very treacherous environment;
(15) the area has tremendous tourism potential, particularly for historical tourism and eco-tourism, because of the location, pristine ecosystems, and past indifference of the local government to promote tourism in the area; and
(16) since Hurricane Katrina, the local government in the area has—
(A) passed a resolution strongly supporting a national park study; and
(B) shown an interest in developing tourism in the area.

SEC. 3. DEFINITIONS.
In this Act:
(1) STUDY AREA.—The term “Study Area” means the Lower Mississippi River area in the State of Louisiana;
(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.
(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the State of Louisiana and interested groups and organizations, shall complete a special resource study that—
(1) evaluates—
(A) the national significance of the Study Area; and
(B) the suitability and feasibility of designating the Study Area as a unit of the National Park System, to be known as the “Lower Mississippi River National Park”;
(2) includes cost estimates for the acquisition, development, operation, and maintenance of the Study Area;
(3) identifies alternatives for management, administration, and protection of the Study Area.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

SEC. 5. REPORT.
On completion of the study under section 4, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—
(1) the findings and conclusions of the study; and
(2) any recommendations of the Secretary.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as are necessary to carry out this Act.