be proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Commercial Seafood Consumer Protection Act. I am joined by Senator STEVENS, the Vice Chairman of the Senate Commerce, Science, and Transportation Committee. I thank him for his work on this important issue.

The average American eats approximately 16 pounds of fish and shellfish each year. Given this fact, it is essential that Americans have confidence in the safety and quality of the seafood they consume. Yet just last year, Americans faced news reports of tainted seafood imports reaching their kitchen tables. The Commercial Seafood Consumer Protection Act will help prevent such contaminated seafood from ever reaching the mouths of consumers.

The Commercial Seafood Consumer Protection Act would work to ensure that commercially distributed seafood in the United States is fit for human consumption by strengthening the National Oceanic and Atmospheric Administration's, NOAA, fee-for-service seafood inspection program, SIP. Specifically, the bill would increase the number and capacity of NOAA laboratories that are involved with the SIP under the National Marine Fisheries Service.

The bill would further direct the Secretary of Commerce and the Secretary of Health and Human Services to work together to create an infrastructure that provides a better system for importing safe seafood. This new system would provide a means to inspect foreign facilities, and examine and test imported seafood. It would also provide technical assistance and training to foreign facilities and governments. Additionally, it would also expedite seafood imports from countries that consistently maintain high standards.

The Commercial Seafood Consumer Protection Act is a strong step in protecting the safety and quality of the seafood products Americans consume.

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. 2688

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 ''Commercial Seafood Consumer Protection Act''.

SEC. 2. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. 3. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. 4. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this Act to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this Act and as provided for in appropriations Acts.

SEC. 5. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 3, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section 6; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 6. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this Act, $15,000,000.

By Mr. BOND:

S. 2691. A bill to amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to provide enhanced agricultural input into Federal rulemakings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. Mr. President, I rise today to introduce a bill that I call the Farm Red Tape Reduction Act.

This act will give farmers a voice in Federal rulemakings whenever a new Federal regulation threatens to impose severe economic pain on farmers.

As we saw with small businesses, many times the Government overlooks the plight of the little guy, who does not have the resources or know-how to weigh-in with big Government agencies in Washington. In 1976, Congress created the Office of Advocacy to ensure that small businesses have an advocate in Government and a seat at the table when new regulations affecting them are drafted. I want to share that same success now with farmers.

The idea is simple. This act would help provide a more transparent Government that listens to the people most affected by the regulations. It will hold the Government more accountable for its actions. It is a message that the Federal Government is meant to serve to its citizens, not bully them. We want to make this an easy process. Citizens should be heard while the Government is deciding on a regulation that affects them—not after the decision is made. The difference is subtle, but important. Listen to farmers and agriculture first—be inclusive.

Cutting unnecessary red tape will provide greater flexibility for agriculture businesses by removing barriers to enterprise. Encouraging enterprise is essential if the United States is to compete in a global environment.

Farms and other agricultural businesses will benefit from simplified rules.

This measure will help in cutting red tape with a view to improving the environment for agricultural business. My experience on the Small Business Committee tells me that there are currently dozens of regulatory proposals before Federal agencies—but most without a true assessment of impact on the very people they will most affect.

The question we must ask ourselves is this: Are all these initiatives necessary and what are the consequences? I want agencies to look into this question. The best way to do that is to hear from the folks most affected.

The Office of Advocacy celebrated its 30th anniversary this year. The Regulatory Flexibility Act, RFA, is 27 years old and the Small Business Regulatory Enforcement Fairness Act, SBREFA, is 11 years old.

The common theme: They have all gone a long way in making agencies aware of the unique concerns of small business. With the passage of these laws small business concerns were given a voice at the table, they have been putting that voice to use ever since—with great success.

These laws have been successful. Early intervention and improved compliance have led to less burdensome regulations. For example, in fiscal year 2001, involvement in agency rulemakings helped save small businesses an estimated $4.4 billion in new regulatory compliance costs.

Similarly, in fiscal year 2002, efforts to improve agency compliance with the RFA on behalf of small entities secured more than $21 billion in first-year cost savings, with an additional $10 billion in annually recurring cost savings. Most recently, in fiscal year 2003, they achieved more than $6.3 billion in regulatory cost savings and more than $5.7 billion in recurring annual savings on behalf of small entities.

If we can add farmers to the table and save them any portion of that kind of money—just that fact will make this bill a success.

Just as important is that these laws have not hindered the development of regulations. In fact, these laws are credited with helping regulators come up with better plans. Plans that work—because the people who will be regulated are involved in the development of the rules. This gives them some ownership and that makes successful compliance and implementation.

Our economy and the lives of farmers is constantly changing—this is due in no small part to what we are doing today—making changes to farm legislation, new technologies, new trade deals, new regulations of every kind being implemented year round. This creates new and constant challenges for analyzing regulatory impacts on farmers. If there was ever a time farmers needed a voice at the table when new regulations are made—it is now.

It is not my intention to throw out regulations simply as a matter of principle if, for example, they involve costs for businesses. I am more concerned with obtaining solid impact analyses that can serve as a basis for informed decision-making.

It is also quite clear that better regulations will be possible only if those affected also play their part, since it is they who will be responsible for implementation.

What I have heard from some who oppose this, is that they are concerned about the burden of red tape. However, they are not concerned about the burden of red tape on farmers. They are concerned about the burden of red tape on Washington regulators working to impose red tape on farmers.

Surely the Senate should be more concerned with red tape on our farmers than red tape on our Washington regulators. We should have a rulemaking advocate for farmers just as we have one at Small Business Administration for small businesses. Advocates do not have the power to change standards or stop regulations, only inform them. We should all support a more informed process so burdens are reduced and regulations are more effective and widely supported. We all know what having a USDA rulemaking advocate means in Washington; there will still be 20 officials from other agencies in the room working to regulate farmers. But now, there may be one from USDA also in the room.

This bill has received support from the American Farm Bureau Federation, the National Council of Farmer Cooperatives, the National Cotton Council, the American Soybean Association, National Milk Producers Federation, South East Dairy Farmers Association, National Association of Wheat Growers, USA Rice Federation, Western United Dairymen, and the National Pork Producers Council.

I ask my colleagues to support this bill and join me in helping farmers and agricultural business reduce unnecessary bureaucratic red tape by including them at the table.

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. 2691

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 ''Farmer Red Tape Reduction Act of 2008''.

SEC. 2. AGRICULTURAL REGULATORY FLEXIBILITY.

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.) is amended by adding at the end the following:

''TITLE IV—AGRICULTURAL REGULATORY FLEXIBILITY

''SEC. 401. DEFINITIONS.

''In this title:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) AGRICULTURAL ENTITY.—The term 'agricultural entity' means any person or entity that has income derived from—

''(A) farming, ranching, or forestry operations;

''(B) the production of crops, livestock, or unfinished raw forestry products;

''(C) the sale (including the sale of easements and development rights) of farm, ranch, or forest products, including water or hunting rights;

''(D) the sale of equipment to conduct farming, ranching, or forestry operations;

''(E) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(F) the provision of production inputs or services to farmers, ranchers, or foresters;

''(G) the processing (including packing), storing (including shedding), or transporting of farm, ranch, or forestry products; or

''(H) the sale of land used for agriculture.

''(3) CHIEF COUNSEL FOR ADVOCACY.—The term 'Chief Counsel for Advocacy' means the Chief Counsel for Advocacy of the Office of Advocacy of the Department of Agriculture appointed under section 413(b).

''(4) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The term 'collection of information' means obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.

''(B) EXCLUSION.—The term 'collection of information' does not include collection of information described in section 3518(c)(1) of title 44, United States Code.

''(5) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

''(6) RULE.—

''(A) IN GENERAL.—The term 'rule' means any rule for which an agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law.

''(B) INCLUSION.—The term 'rule' includes any rule of general applicability governing Federal grants to State and local governments for which an agency provides an opportunity for notice and public comment.

''(C) EXCLUSIONS.—The term 'rule' does not include a rule of particular applicability relating to—

''(i) rates, wages, corporate or financial structures or reorganizations of the structures, prices, facilities, appliances, services, or allowances; or

''(ii) valuations, costs, accounting, or practices relating to those rates, wages, structures, prices, facilities, appliances, services, or allowances.

''SEC. 402. AGRICULTURAL REGULATORY FLEXIBILITY AGENDA.

''(a) IN GENERAL.—During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda that shall contain—

''(1) a brief description of the subject area of any rule that the agency expects to propose or promulgate that is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of—

''(A) the nature of the rule under consideration for each subject area listed in the agenda under paragraph (1);

''(B) the objectives and legal basis for the issuance of the rule; and

''(C) an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

''(3) the name and telephone number of an agency official who is knowledgeable concerning the rule described in paragraph (1).

''(b) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—Each agency shall transmit the agricultural regulatory flexibility agenda of the agency to the Chief Counsel for Advocacy for any comment.

''(c) NOTICE AND COMMENT BY AGRICULTURAL ENTITIES.—Each agency shall, to the maximum extent practicable—

''(1) provide notice of each agricultural regulatory flexibility agenda to agricultural entities or the representatives of agricultural entities through direct notification or publication of the agenda in publications likely to be obtained by the agricultural entities; and

''(2) invite comments on each subject area on the agenda.

''(d) ADMINISTRATION.—Nothing in this section—

''(1) precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda; or

''(2) requires an agency to consider or act on any matter listed in the agenda.

''SEC. 403. INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency is required by section 553 of title 5, United States Code, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis of the proposed rule that describes the impact of the proposed rule on agricultural entities.

''(b) PUBLICATION.—The agency shall publish the initial agricultural regulatory flexibility analysis or a summary of the analysis in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule.

''(c) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy for any comment.

''(d) INTERPRETATIVE RULES.—In the case of an interpretative rule that involves the internal revenue laws of the United States, this title applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations only to the extent that the interpretative rule impose on agricultural entities a collection of information requirement.

''(e) CONTENTS.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, if feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) an identification, to the maximum extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

''(f) ALTERNATIVES.—

''(1) IN GENERAL.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule shall contain a description of any significant alternatives to the proposed rule that—

''(A) accomplish the purposes of the applicable law; and

''(B) minimize any significant economic impact of the proposed rule on agricultural entities.

''(2) TYPES OF ALTERNATIVES.—Consistent with the purposes of the applicable law, the analysis shall discuss significant alternatives such as—

''(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(B) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for agricultural entities;

''(C) the use of performance rather than design standards; and

''(D) an exemption from coverage of the rule, or any part of the rule, for agricultural entities.

''SEC. 404. FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency promulgates a final rule under section 553 of title 5, United States Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 403(a), the agency shall prepare a final agricultural regulatory flexibility analysis of the final rule that describes the impact of the final rule on agricultural entities.

''(b) CONTENTS.—Each final agricultural regulatory flexibility analysis of an agency for a final rule required under this section shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2)(A) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis;

''(B) a summary of the assessment of the agency of the issues; and

''(C) a statement of any changes made in the proposed rule as a result of the comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of agricultural entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the purposes of applicable law, including a statement of—

''(A) the factual, policy, and legal reasons for selecting the alternative adopted in the final rule; and

''(B) why each 1 of the other significant alternatives to the rule considered by the agency that affect the impact on agricultural entities was rejected.

''(c) PUBLIC AVAILABILITY.—The agency shall—

''(1) make copies of the final agricultural regulatory flexibility analysis available to members of the public; and

''(2) publish in the Federal Register the analysis or a summary of the analysis.

''SEC. 405. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

''(a) OTHER AGENDA OR ANALYSIS.—An agency may perform the analyses required by section 402, 403, or 404 in conjunction with or as a part of any other agenda or analysis required by any other law if the other analysis meets the requirements of that section.

''(b) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—

''(1) IN GENERAL.—Sections 403 and 404 shall not apply to a proposed or final rule of an agency if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities.

''(2) PUBLICATION OF CERTIFICATION.—If the head of the agency makes a certification under subsection (a), at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, the agency shall publish in the Federal Register the certification and a statement providing the factual basis for the certification.

''(3) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall provide the certification and statement to the Chief Counsel for Advocacy for comment.

''(c) CLOSELY RELATED RULES.—In order to avoid duplicative action, an agency may consider a series of closely related rules as 1 rule for the purposes of sections 402, 403, 404, and 410.

''SEC. 406. EFFECT ON OTHER LAW.

''The requirements of sections 403 and 404 do not alter any standards otherwise applicable by law to agency action.

''SEC. 407. PREPARATION OF ANALYSES.

''In complying with sections 403 and 404, an agency may provide—

''(1) a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule; or

''(2) more general descriptive statements, if quantification is not practicable or reliable.

''SEC. 408. WAIVER OR DELAY OF COMPLETION.

''(a) INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—An agency head may waive or delay the completion of all or part of the requirements of section 403 for a proposed rule by publishing in the Federal Register, not later than the date of publication of the proposed rule, a written finding, with a statements of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with section 403 impracticable.

''(b) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—

''(1) IN GENERAL.—Except as provided in section 405(b), an agency head may not waive the requirements of section 404 for a final rule.

''(2) DELAYED COMPLETION.—An agency head may delay the date for complying with section 404 for a final rule for a period of not more than 180 days after the date of publication in the Federal Register of the final rule by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with a statement of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes timely compliance with section 104 impracticable.

''(3) EFFECT OF NONCOMPLIANCE.—If the agency has not prepared a final agricultural regulatory analysis for a final rule pursuant to section 404 within 180 days after the date of publication of the final rule—

''(A) the rule shall lapse and have no effect; and

''(B) the rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''SEC. 409. COMMENTS.

''(a) DEFINITION OF COVERED AGENCY.—In this section, the term 'covered agency' means—

''(1) the Environmental Protection Agency; and

''(2) the Department of the Interior.

''(b) IN GENERAL.—If a rule is promulgated that will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall ensure that agricultural entities are given an opportunity to participate in the rulemaking for the rule through the use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities, including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(c) REQUIREMENTS FOR COVERED AGENCIES.—Prior to publication of an initial agricultural regulatory flexibility analysis for a proposed rule that a covered agency is required to conduct under this title—

''(1) the covered agency shall—

''(A) notify the Chief Counsel for Advocacy of the proposed rule; and

''(B) provide the Chief Counsel for Advocacy with information on the potential impact of the proposed rule on agricultural entities;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel for Advocacy shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals on the potential impact of the proposed rule;

''(3) the covered agency shall convene a review panel for the proposed rule consisting of—

''(A) full-time Federal employees of the office within the covered agency responsible for carrying out the proposed rule;

''(B) the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

''(C) the Chief Counsel for Advocacy;

''(4) the panel convened under paragraph (3) for the proposed rule of a covered agency shall—

''(A) review any material the covered agency has prepared in connection with the proposed rule, including any draft proposed rule;

''(B) collect advice and recommendations of each individual agricultural entity representative identified by the covered agency, after consultation with the Chief Counsel for Advocacy, on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(C) not later than 60 days after the date the panel is convened, submit to the covered agency a report on—

''(i) the comments of the agricultural entity representatives; and

''(ii) the findings of the panel on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(5) the covered agency shall—

''(A) make the report provided under paragraph (4)(C) public as part of the rulemaking record; and

''(B) if appropriate, modify—

''(i) the proposed rule;

''(ii) the initial agricultural flexibility analysis; or

''(iii) the decision on whether an initial flexibility analysis is required.

''(d) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—A covered agency may apply subsection (c) to rules that the covered agency—

''(1) intends to certify under subsection 405(b); but

''(2) believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(e) WAIVERS.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy, in consultation with the individuals described in subsection (c)(2) and the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, may waive the requirements of paragraphs (3), (4), and (5) of subsection (c) by including in the rulemaking record a written finding, with a statement of the reasons for the finding, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process.

''(2) FACTORS.—In making a determination on a proposed rule of a covered agency under this subsection, the Chief Counsel for Advocacy shall consider—

''(A) in developing the proposed rule, the extent to which the covered agency—

''(i) consulted with individuals representative of affected agricultural entities with respect to the potential impact of the proposed rule; and

''(ii) took those concerns into consideration;

''(B) special circumstances requiring prompt issuance of the rule; and

''(C) whether the requirements of subsection (c) would provide the individuals described in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''SEC. 410. PERIODIC REVIEW OF RULES.

''(a) PLAN FOR PERIODIC REVIEW OF RULES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency that have or will have a significant economic impact on a substantial number of agricultural entities.

''(2) AMENDMENTS.—The agency may amend the plan by publishing the amendment in the Federal Register.

''(3) PURPOSE OF REVIEW.—The purpose of the review shall be to determine whether the rules should be continued without change, or should be amended or rescinded, consistent with the purposes of applicable law, to minimize any significant economic impact of the rules on a substantial number of agricultural entities.

''(4) TIMETABLE.—Subject to paragraph (5), the plan shall provide for—

''(A) the review of all such agency rules existing on the date of enactment of this title not later than 10 years after that date of enactment; and

''(B) the review of each rule adopted after the date of enactment of this title not later

than 10 years after the date of the publication of the rule as the final rule.

''(5) EXTENSION.—If the head of the agency determines that completion of the review of existing rules is not feasible by the date required under paragraph (4), the head of the agency—

''(A) shall certify the determination in a statement published in the Federal Register; and

''(B) may extend the completion date by 1 year at a time for a total of not more than 5 years.

''(b) FACTORS FOR MINIMIZING IMPACT.—In reviewing rules to minimize any significant economic impact of a rule on a substantial number of agricultural entities in a manner consistent with the purposes of applicable law, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the maximum extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) PUBLICATION OF LIST OF RULES.—

''(1) IN GENERAL.—Each year, each agency shall publish in the Federal Register a list of the rules that have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding 1-year period.

''(2) CONTENT.—The list shall include a brief description of each rule and the need for and legal basis of the rule.

''(3) PUBLIC COMMENTS.—The agency shall invite public comment on the rule.

''SEC. 411. JUDICIAL REVIEW.

''(a) IN GENERAL.—In the case of any rule subject to this title, an agricultural entity that is adversely affected or aggrieved by final agency action may seek judicial review, of agency compliance with—

''(1) sections 404, 405(b), 408(b), and 410, in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(b) JURISDICTION.—Each court having jurisdiction to review a rule for compliance with section 553, United States Code, or under any other provision of law, shall have jurisdiction to review any claim of noncompliance with—

''(1) section 404, 405(b), 108(b), and 110 in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(c) TIMING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, an agricultural entity may seek review under this section during—

''(A) the 1-year period beginning on the date of final agency action; or

''(B) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of that 1-year, during the period established under the provision of law.

''(2) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—If an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 408(b), an action for judicial review under this section shall be filed not later than—

''(A) 1 year after the date the analysis is made available to the public; or

''(B) if a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in the provision of law that is after the date the analysis is made available to the public.

''(d) RELIEF.—In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including—

''(1) remanding the rule to the agency; and

''(2) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(e) EFFECTIVE DATE OF RULE.—Nothing in this subsection limits the authority of any court to stay the effective date of any rule or provision of any rule under any other provision of law or to grant any other relief in addition to the relief authorized under this section.

''(f) AGRICULTURAL FLEXIBILITY ANALYSIS.—In an action for the judicial review of a rule, the agricultural flexibility analysis for the rule (including an analysis prepared or corrected pursuant to subsection (d)) shall constitute part of the entire record of agency action in connection with the review.

''(g) SOLE MEANS OF REVIEW.—Compliance or noncompliance by an agency with this title shall be subject to judicial review only in accordance with this section.

''(h) OTHER IMPACT STATEMENTS.—Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of the statement or analysis is otherwise permitted by law.

''SEC. 412. REPORTS AND INTERVENTION RIGHTS.

''(a) MONITORING AND REPORTING.—The Chief Counsel for Advocacy shall—

''(1) monitor agency compliance with this title; and

''(2) report at least annually to the President and to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate on agency compliance with this title.

''(b) INTERVENTION.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy may appear as amicus curiae in any action brought in a court of the United States to review a rule.

''(2) VIEWS.—In any action described in paragraph (1), the Chief Counsel for Advocacy may present the views of the Chief Counsel for Advocacy with respect to—

''(A) compliance with this title;

''(B) the adequacy of the rulemaking record with respect to agricultural entities; and

''(C) the effect of the rule on agricultural entities.

''(3) GRANTING OF APPLICATION.—A court of the United States shall grant the application of the Chief Counsel for Advocacy to appear in any action under this subsection for the purposes described in paragraph (2).

''SEC. 413. OFFICE OF ADVOCACY OF THE DEPARTMENT OF AGRICULTURE.

''(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Advocacy of the Department of Agriculture.

''(b) CHIEF COUNSEL FOR ADVOCACY.—The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be a private citizen appointed by the President, by and with the advice and consent of the Senate.

''(c) PRIMARY FUNCTIONS.—The primary functions of the Office of Advocacy shall be—

''(1)(A) to measure the direct costs and other effects of government regulation on agricultural entities; and

''(B) to make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2)(A) to study the ability of financial markets and institutions to meet agricultural entity credit needs; and

''(B) to determine the impact of government demands for credit on agricultural entities;

''(3)(A) to recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to the full potential of agricultural entities; and

''(B) to ascertain the common reasons, if any, for agricultural entity successes and failures; and

''(4)(A) to evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans;

''(B) to provide statistical information on the use of the programs by the agricultural entities; and

''(C) to make appropriate recommendations to the Secretary and to Congress in order to promote the establishment and growth of those agricultural entities.

''(d) ADDITIONAL DUTIES.—The Office of Advocacy shall—

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the President and any other Federal agency that affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of agricultural entities and communicate the proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating—

''(A) information about the programs and services provided by the Federal Government that are of benefit to agricultural entities; and

''(B) information on how agricultural entities can participate in or make use of the programs and services.''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2692. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $4,600,000 for the construction of an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs associated with the Air Force's decision to house F–22A Raptors at Holloman Air Force Base.

One of these is an Aerospace Ground Equipment facility to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted

for this item in its fiscal year 09 Defense budget request, and in keeping with that request my legislation authorizes $4.6 million for the construction of the Aerospace Ground Equipment facility.

Holloman Air Force Base is an important asset to our nation, and I am proud to support the base and the airmen stationed there by introducing this bill.

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

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

S. 2692

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

SECTION 1. CONSTRUCTION OF AEROSPACE GROUND EQUIPMENT FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico, in the amount of $4,600,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,600,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2693. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $3,150,000 for additions and alterations to a Flight Simulator Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F-22 Raptor base.

One of these is for additions and alterations to a Flight Simulator facility to support the F-22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $3.15 million for the additions and alterations to the Flight Simulator facility.

Our Air Force fighter wings defend our homeland and support all global combat operations. I am proud to support those airmen, and I look forward to working on this bill and taking other actions to support our military forces.

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. 2693

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

SECTION 1. MODIFICATION OF FLIGHT SIMULATOR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Flight Simulator Facility at Holloman Air Force Base, New Mexico, in the amount of $3,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2694. A bill to authorize to be appropriated to the Defense Logistics Agency for fiscal year 2009 $14,400,000 to replace fuel storage tanks at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Kirtland Air Force Base, New Mexico.

Kirtland Air Force Base serves many roles for the Department of Defense and the U.S. Air Force. The Nuclear Weapons Center, Air Force Research Laboratories, the New Mexico Air National Guard, and a Department of Energy National Nuclear Security Administration national laboratory are some of the many Federal entities doing work at Kirtland. As such, Kirtland's construction needs are many.

Therefore, I am proud to offer this bill to authorize replacement of fuel storage tanks at Kirtland Air Force Base. The President's fiscal year 2009 budget requests $14.4 million for this work, and in keeping with that request my legislation authorizes $14.4 million for the work to replace the fuel storage tanks.

Our armed forces deserve our full support, I am proud to offer my support for the personnel at Kirtland Air Force Base by introducing this bill.

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

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

S. 2694

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

SECTION 1. REPLACEMENT OF FUEL STORAGE TANKS AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may replace fuel storage tanks at Kirtland Air Force Base, New Mexico, in the amount of $14,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,400,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2695. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $1,050,000 for additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F–22 Raptor base.

One of these is for additions and alterations to Aircraft Maintenance Units to support the F–22 transition and stationing, at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $1.05 million for additions and alterations to Aircraft Maintenance Units.

The F–22A is a unique capability, and we must ensure that our airmen have the facilities they need to utilize and care for that capability. I am proud to offer this legislation to fulfill those purposes.

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. 2695

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

SECTION 1. MODIFICATION OF AIRCRAFT MAINTENANCE UNITS, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico, in the amount of $1,050,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,050,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2696. A bill authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $14,500,000 for the alteration of a hangar at Holloman Air Force Base, New Mexico, for the construction of a Low Observable Composite Repair Facility; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Forc Base, New Mexico.

I am proud to offer this bill because with F–22s scheduled to arrive at Holloman in 2009, military construction is needed at the base.

One of those needs is alteration of an existing hangar for construction of a Low Observable Composite Repair Facility to support the F–22 transition

and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $14.5 million for the construction of the Low Observable Composite Repair Facility.

Our Air Force fighter wings are an important part of our global combat operations. I am proud to support our airmen, and I look forward to working on this bill to address some of their construction needs.

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. 2696

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

SECTION 1. CONSTRUCTION OF LOW OBSERVABLE COMPOSITE REPAIR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may alter a hangar at Holloman Air Force Base, New Mexico, to construct a Low Observable Composite Repair Facility, in the amount of $14,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,500,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN).

S. 2697. A bill to authorize to be appropriated to the Special Operations Command for fiscal year 2009 $18,100,000 for the construction of a Special Operations Force Maintenance Hangar at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Cannon Air Force Base, New Mexico.

I am proud to offer this bill because Cannon has a variety of military construction needs because of a June 2006 decision by the Secretary of Defense to use Cannon Air Force Base as an Air Force Special Operations base.

One of these needs is the construction of a Special Operations Forces Maintenance Hangar. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorized $18.1 million for the construction of a Special Operations Forces Maintenance Hangar.

Our special operations forces are a part of some of the most important missions in the Global War on Terror, and we have more special operations warfighters deployed now than ever before. I am proud to support those soldiers, and I look forward to working on this bill taking other actions to support our special operations forces.

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. 2697

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

SECTION 1. CONSTRUCTION OF SPECIAL OPERATIONS FORCES MAINTENANCE HANGAR AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may construct a Special Operations Forces Maintenance Hangar at Cannon Air Force Base, New Mexico, in the amount of $18,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $18,100,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2698. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $2,150,000 for additions and alterations to a Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because there are a number of military construction needs at Holloman as a result of a decision by the Secretary of the Air Force to use Holloman Air Force Base as an F–22 Raptor base.

One of these is a Jet Engine Maintenance Shop to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $2.15 million for the construction of the Jet Engine Maintenance Shop.

Mr. President, our airmen are one of the most important assets we have in the Global War on Terror, and they need adequate facilities to do their work. I am proud to offer this legislation to support them in one of their newest missions, flying the F–22A Raptor.

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. 2698

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

SECTION 1. MODIFICATION OF JET ENGINE MAINTENANCE SHOP, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico, in the amount of $2,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—PROVIDING FOR A PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 469

Whereas judicial nominations have long been the subject of controversy and delay in the United States Senate, particularly over the last twenty years;

Whereas, in the past, the controversy over judicial nominees has occurred regardless of which political parties controlled the White House and the Senate;

Whereas, in the current Congress the controversy over judicial nominees continues;

Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The majority leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The majority leader, with notice to the minority leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).