United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, SEPTEMBER 23, 2008 No. 151

Senate

(Legislative day of Wednesday, September 17, 2008)

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

PRAYER

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

Let us pray.

Almighty God, You alone are the sovereign of our beloved Nation. We need You. Our Nation needs You.

Bring unity to this Chamber today. Lord, we don't ask for uniformity but for true unity with its bountiful diversity. Give our Senators unity like the symphony with its variety of instruments, its different notes which produce grand harmonies. Give them the unity of the tapestry with its traces of every color woven into one masterful design. Give them a unity that honors differences but out of which comes the synthesis of truth and action that best meets the needs of our Nation and world.

We pray in the Name of Him who was incarnate love. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 23, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, when we finish leader time, we are going to proceed to a period of morning business to allow Senators to speak for up to 10 minutes each. The minority will control the first half hour, the majority the second 30 minutes. Following morning business, we will proceed to the consideration of H.R. 6049, the tax extenders legislation. There is an order that has been entered that we will finish that legislation today.

We have been in discussion with the Republicans, and it is to everyone's best interest to not have any votes before the noontime caucuses, the reason being, at 9:30 a.m., a hearing started in the Banking Committee. Secretary Paulson and Chairman Bernanke are there. The full committee will be there. They will all want to ask some questions. I believe this hearing will not finish before lunchtime. There has been word it might even go on after lunch. We will wait and see what Chairman DODD and Ranking Member SHELBY come up with in that regard.

We are going to finish this legislation. We hope we can complete most all the debate this morning and start voting this afternoon. I hope that, in fact, is the case.

The House is going to take up the continuing resolution tonight. I think they are going to file it tonight, and I think they are going to try to waive the 48-hour rule and have that vote maybe as early as tomorrow. That is on the CR. We also expect to be receiving an economic recovery package from them shortly.

THE ECONOMY

With the financial crisis facing this country today, we are all waiting to see what happens in the Banking Committee. Everyone is a Monday morning quarterback. We have former Speaker Gingrich who is stating Senator MCCAIN should not support this legislation, it would be wrong to do that. We are just going to wait and see.

I think everyone has been convinced that we have a financial crisis on our hands. The question is, What do we do about it? I cannot speak for everyone on this side of the aisle, but we think there should be something done as quickly as possible. Does that mean tomorrow? No, I don't think so. It means we should be deliberate in what we do but certain that what we are doing is the right thing to do.

There has been certain agreement. There has to be something done about executive compensations. The American people are demanding that. That is what is happening, in all the calls to my office. Certainly all of the Senators would say the same. There has to be some way of recouping some of these moneys the Government is paying to buy these bad loans so that there is some ownership in it from the Federal Government if money is made on these, and taxpayers should be compensated. There is a question that the original proposal had language in it that would

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

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have allowed foreign banks to be, in effect, taken care of. The American people are concerned about that.

We are waiting for the hearing. There may be reasons for the very short proposal the administration sent to us. Maybe that is all that should happen. But if people are getting the same message I am, there is going to have to be some changes. We believe this should be done on a bipartisan basis, that it should be done in keeping with the emergency we have before us.

In effect, I am saying let's wait until the hearings are over. Hopefully, at that time, the two banking chairs, with their ranking members, FRANK and DODD, can point us in the right direction so we can complete this legislation in a reasonable period of time.

I will also indicate to the minority that I am ready to move forward on the consent agreements regarding the Coburn matters.

What I have been told is Senator BOND is going to speak for—how long?

Mr. BOND. Maybe 15 minutes.

Mr. REID. What I will do, Mr. President, is I will wait until Senator BOND has completed his statement. I see the Republican leader is here. I ask unanimous consent that following the remarks of Senator MCCONNELL and any that I wish to make, Senator BOND be recognized for 15 minutes and then, following his statement, I be recognized to do my business with Dr. COBURN.

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

RECOGNITION OF THE MINORITY LEADER

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

TAX EXTENDERS

Mr. MCCONNELL. Mr. President, the taxpayer can claim a major accomplishment today. At a time of high economic anxiety, this tax relief extension bill we will be voting on later today encourages greater energy independence and delivers much needed relief to job creators across the country and ensures a much smaller tax bill for millions of American families.

The Senate had been deadlocked on the provisions contained in this bill for a number of months, but in the end, Senators on both sides of the aisle shut out the partisan rancor of the Presidential election, hammered out a compromise, and delivered. The result is a tribute to all the Senators and many staffers on both sides who worked so hard to get us to this point.

This legislation does a number of good things:

It blocks the alternative minimum tax from hitting about 20 million middle-class American families, including 137,000 in Kentucky, from an average tax hike of about $2,000, and it doesn't raise taxes to do it.

It helps American families who are struggling to cover the high cost of a college education by giving single parents and married couples a deduction of between $2,000 and $4,000 for college tuition payments through 2009.

Teachers will continue to get a valuable deduction for educational expenses.

Research and development, the heart of future growth, is also encouraged.

At a time of record-high energy prices, this bill contains a number of incentives for increasing the use of clean energy and decreasing our dependence on Middle East oil. It extends a tax credit for companies that produce renewable energy from wind, solar, and biomass. Domestic carmakers get a new tax credit for investing in plug-in electric cars and trucks. Families that build energy-efficient homes will see substantial savings on their utility bills when they buy energy-efficient freezers, dishwashers, and other energy-efficient, common household appliances. And refineries that process shale or tar sands will also see help—a critical new step in expanding domestic energy exploration and development.

From a Kentucky standpoint, I recently met with a group of business leaders from west Kentucky who are pursuing a coal-to-liquids refinery in Paducah that could lead to more than 1,100 new jobs for Kentuckians. They viewed extension of the expiring tax incentives for refinery construction as an incredible economic development tool and an important step toward energy independence by using abundant Kentucky coal. And I was happy to help.

Taken together, the tax extenders in this bill amount to more than $100 billion in tax relief for America's workers and job-creating businesses, and they provide much needed certainties for a nation that has faced enough uncertainty in recent weeks by ensuring that this relief stays in place through next year.

This bill was not easy to complete. Both sides had to make major concessions to get a good result. But this is how the Senate works. With this bill, it worked very well, and both sides can take credit. This tax relief will help the American people at a moment when they can truly use the help.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, this will be the ninth vote we have had on the tax extenders as relates to renewable energy. There have been compromises made. I say to my good friend the Republican leader, one of the provisions I don't like in the bill is the coal-to-liquids. I wish it were not in there, but it is. I have been here long enough to understand that to get legislation passed, there have to be compromises made. I hope when this matter goes to the House of Representatives that they will take the seriousness of how difficult it has been for us to get this legislation passed.

My friend talked about the importance of these tax credits for renewable energy. It is very important. But also there is another tranche that is extremely important, and that is the extenders for the business community. We have done something that has not been done in a long time. We have them for 2 years. This is a big step forward for the business community, and it is a step forward that is very important.

I say to my friends on the other side of the Capitol, in the House: Don't send us back something else. We cannot get it passed. If they try to mess with our package, it will come back here, it will die, and we will have snatched defeat from the jaws of victory. It would be a terrible shame that we would not be able to pass this legislation after having, for example, nine votes on the energy tax renewables. So I say to my friends in the House, Democrats and Republicans: Rise up and accept this because our procedures are different from the House. We can claim a victory for the American people by getting this done. And I hope we will have a resounding vote. I am confident we will on this legislation today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the first half of the time under control of the Republicans and the second half of the time under control of the majority.

The Senator from Missouri.

THE ECONOMY

Mr. BOND. Mr. President, I thank our leaders and the members of the relevant committees for coming up with the extenders package. That is good news. But I come here today to talk about some very difficult news this country is facing, and that is our country's financial crisis.

We have heard lots of people who are very much concerned about the details and why we are doing it. As the majority leader announced, this is being addressed in the Senate Banking Committee today by Secretary Paulson and others. He also noted that the former Speaker of the House has come out and said there is no rush; that we don't need to deal with this expeditiously. We do need to deal with this. We need to deal with this because the credit markets are frozen, the stock market is tanking, and the financial system is facing a stone age.

Now, this doesn't just affect some well-known companies on Wall Street and in major areas, it affects every one of us in our personal finances, in our jobs, and in our homes. It is a question of if we go to the ATM, will we get money out? If we have a home mortgage, can we get it refinanced? Could we get a new mortgage? If you are a small business, can you roll over your credits? If you are a farmer, can you get your operating loans for the next year? If you are an employee, can your business get the money it needs through the financial system to keep your job going or even to create new jobs?

We must respond to this financial crisis quickly, but we also must respond responsibly. We should not just throw money at the problem. We must also demand increased accountability, increased oversight, and increased transparency so the taxpayers and our financial system are never put in this position again.

Back in Missouri this weekend, and on the telephone since, I have heard from seniors worried about their retirement accounts, parents worried about their children's college savings, families worried about their checking accounts, and small businesses and homeowners worried about their mortgages. Folks across the Nation are worried about what this financial crisis means to their financial security. Missourians are worried about how this crisis on Wall Street is hitting hard on Main Street and throughout the State, from cities to farms to homes. They want to know the job loss hitting Wall Street traders will not cripple small-town job sites, the city workplaces, and homes across the State.

But they also wish to know that the politicians, the elected officials, are protecting their tax dollars and not just bailing out those who made bad decisions with no consequences. Folks at home face accountability every day. At home, if you screw up and lose a lot of money, you lose your job. And you certainly don't get paid to leave. At home, when people make mistakes, you don't throw a lot of money at them and not ask for anything in return or no change in their ways. We need to come together to end this crisis but also to make sure it does not happen again.

Last week, I spoke on the Senate floor and asked my colleagues to do that, to come together and work in a bipartisan way for American families during this financial crisis. There are long-term remedies and changes we must make. I don't know if we can get them done because right now the fire departments have called on us for more flame retardant, and we need to move to provide the flame retardant to stop this crisis from raging across the country.

As soon as we do that, however, we need to change the other aspects of the regulatory system that allowed this blaze to get out of control. Now, some of that was mandated by Congress; some of it was a failure to exercise oversight; some of it was judgments made a long time ago which turned out not to work in these critical times. But it is absolutely essential we come together on this measure and work with bipartisan cooperation and understanding and communicating with our constituents. It is critical that Americans see Democrats and Republicans avoid the ''blame game'' and, instead, work toward solutions.

We are seeing that happening already. Secretary Paulson is working with congressional leaders of both parties on his plan. He is testifying before the Senate Banking Committee right now. In addition to bipartisan cooperation, this crisis demands the action be bold and swift.

I believe the free market system is the best in the world, but it must have reasonable regulation. There are times when we must take temporary emergency action to get us through the rare crisis. This is one of those rare moments. This is an emergency crisis. On Friday, Treasury Secretary Paulson proposed bold action. Since his announcement, we have been getting details about the administration's plan to stabilize the financial and housing systems now in crisis and get at the root causes of the problem. The plan outlines a change from the ad hoc process we have been seeing to a comprehensive systematic approach. I agree we need a bold and comprehensive plan to get to the heart of the problem and get the economy back on its feet so it can again start growing and creating jobs for the American people as soon as possible. At the same time, a bold plan is not enough. We must also have a responsible plan. We cannot just throw money at this problem. Any plan that Congress adopts must ensure accountability, oversight, and transparency. It is our responsibility as elected officials to demand accountability so we do not reward those who made bad decisions.

It is our responsibility as elected officials to demand greater oversight so the taxpayers and the overall economy are protected. It is our responsibility as elected officials to demand transparency so people can have trust in our financial system and know their money is safe.

That is why I am preparing amendments to increase taxpayer protection. These protections should be a larger part of the Treasury Secretary's mandate. I am working on amendments that increase accountability by giving the Secretary specific powers to reduce executive compensation and eliminate golden parachutes. We did it in the Fannie Mae bailout and we can do it again.

We need to give the Secretary the power to take some equity in the bailed-out firms. We not only need to take the toxic paper off their hands—in what I trust will be below-market value for which we can sell the paper—but we need to take some equity so, if our infusion works, as I believe it must, and the company grows, we as taxpayers will get a return on that equity. American families should not have to pay fat bonus checks for failed CEOs and golden parachutes, and it should not expect bailed-out firms to be giving obscene executive compensation.

I also am preparing an amendment to increase transparency. We need to increase disclosure requirements for mortgage-backed securities and related derivatives so we are not again caught by surprise. As I said last week, we need to make sure all mortgage originators are appropriately regulated. Right now, we regulate the banks and the savings and loans but not the people who offer loans outside those institutions. They need to be regulated. If firms refuse to participate voluntarily in the program we pass in the Congress, then we need to consider giving the Secretary the power to resolve those bad situations and not let them linger for another round of crisis.

Now, there has been talk—and there will be plenty more—about the need to pass a clean rescue package. But once again I say we need to act quickly, and we shall act quickly, but there is plenty of time to take a day and consider these types of amendments. We cannot write a $700 billion blank check, hand it over to unelected officials and not ask for any accountability. I believe if we do this properly, the cost will be far less.

I heard a commentator on CNBC saying yesterday that if they do it right, the taxpayer may even gain a little bit of money for it. Don't count on that. But if we do it properly, if the Treasury sets up a system where they have the appropriate people contracted out under strict oversight, with accountability and incentives to take these failed mortgages at below the value of the underlying homes—not the market value, which may be zero—and then resell them and also take a slice of the equity of the firm from which they acquire those loans, then the price should be many times less than $700 billion. We have to do that, but we must act now.

We must act boldly to protect the economy, to protect our homes, our jobs, and our communities throughout the Nation. We must protect Americans' bank accounts, savings accounts, and retirement plans. We also must protect the taxpayer. I urge my colleagues to work in a bipartisan way, to come together on a sound plan, and to do it as quickly as we can. Don't rush it so much that we don't include the oversight, the accountability, and transparency. Include those elements and get it done now.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

LEARNING ECONOMIC LESSONS

Mr. COBURN. Mr. President, I spent 8½ hours yesterday trying to get back here, and I understand during a period of that time my name was mentioned rather prominently several times on the floor, which is fine. I know Senator REID is going to come out in a little bit and offer some unanimous consent requests, which I am certainly open to considering, but we just got the language on those and so we will be looking at that. I will be objecting until I get a chance to see what changes have been made, and I look forward to working with Senator REID.

But I think this whole debate about 35 bills and $10 billion is a great lesson for us. We stand right now as a nation on a fault line that has created a lack of confidence in the financial system in this country—and not just in this country but in the world as well. While we are facing what is being requested by the head of the Federal Reserve, the Treasury, and the administration—a task of trying to reestablish confidence and liquidity in our markets—we have failed to learn the lesson. The lesson is this: We cannot continue to indiscriminately create more Government without making the Government we have efficient.

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

Mr. REID. Mr. President, regular order. The regular order was I was to have the floor when Senator BOND finished.

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

ADVANCING AMERICA'S PRIORITIES ACT

Mr. REID. Mr. President, yesterday we started a process of trying to clear bills and passing matters. Prior to that, to remind everyone, 34 bills have been held up by Senator COBURN, held up for months. We have tried to work with him and it has borne no fruit. I want everyone here to understand that Senator COBURN may have been the person objecting to these pieces of legislation passing, but the Republicans are complicit in this because they have joined with him in blocking these bills. He could not do this alone. They have joined with him in doing this. So people who go back to their constituency and say they are in favor of all these pieces of legislation are not leveling with their constituents. I repeat, Senator COBURN may have been the person who made the objection, but we have attempted to move forward. He has been joined by his Republican colleagues. Every Democrat, of course, is in favor of moving these pieces of legislation, even though they are Republican bills. We believe, for the good of the people, you don't identify a good piece of legislation by whether it is a Democrat or Republican sponsoring it; you identify it as to the merits of that piece of legislation.

Again, to recap, the legislation contains 34 bills with broad bipartisan support that have been held up by Senator COBURN, who obviously thinks he knows better than the House of Representatives—by the way, these bills were passed overwhelmingly; the average vote is 370—that he knows more than the committees that reported these bills out, both in the House and the Senate, and he knows better than the whole Senate, since he will not give us simple votes on these bills. I repeat, he has been joined by his Republican colleagues in the obstructionism.

I tried to get the whole block passed yesterday. I tried to move to different sections—there are seven different sections—and there was an objection made on behalf of Senator COBURN to each of those. With a few things on our plate; that is, the financial crisis facing this country, trying to complete a funding resolution to get us through this beginning of the next fiscal year, an economic recovery package—we have a lot to do. Because of that, I did not have the ability, again, to file cloture. It takes 2 days to vote on a motion to proceed, 30 hours; get on the bill, file cloture, 2 more days, 30 hours. We didn't have time to do that. But we are going to continue working on these next Congress. If we come back after this weekend—which is looking more every day as though we are going to have to—we can consider moving forward on these pieces of legislation at that time.

We are going to do what we can to get these extremely important pieces of legislation passed. I again say, each one of these bills overwhelmingly passed the House of Representatives. Each one of these bills has been reported out of the Senate committee. We are going to see if any of these will get the approval of the Republicans today.

We were told yesterday by Republican Senate staff that maybe there are other Republican Senators who are using Senator COBURN as a foil, using him as somebody to do the blocking, so we will see. Yesterday it was interesting, the junior Senator from Arizona said there are 8 bills we could clear—8 out of 34, not very good, but 8 is a lot better than nothing. Within a few seconds after I agreed to that, well, he said, maybe three. I tried to pin him down to three. He said you will have to wait until Dr. COBURN shows up.

I hope everyone is beginning to see a clearer picture of this obstructionism.

Also understand this: Not a single piece of legislation will cost the American people 10 cents—nothing, not a penny, because they are all authorizations. They allow the appropriations committees to take a look at these pieces of legislation. There are a lot of pieces of legislation that pass that give authorization and then there have to be priorities set by the Budget Committee, sometimes the Finance Committee, and the Appropriations Committee, to find out which priorities should exist.

The authorizations do not cost the American taxpayers anything; nothing; zero. That is why I was stunned when I got a letter from the Senator from Oklahoma saying you strike $10 billion in authorizations from these bills and then when the bills come forward you make an amendment to put it back in.

I haven't gone to medical school, but I know that is illogical. We are not going to offer consent requests on each bill in this package because we have been told in no uncertain terms by Senator COBURN that he will not accept that. Right now we have to deal with him. So I am going to start on a couple of titles and see what progress, if any, we make today. As I have said, we are not going to give up on the rest of the important pieces of legislation. But because the Republicans have supported Senator COBURN, that is where we are. I repeat, even though he is the person out front, the Republicans, the Republican caucus is responsible for this.

I disagree with Dr. COBURN on his concerns about authorizations. I think he is wrong, but he has a right to his opinion and I accept that. But my disappointment is his Republican colleagues are supporting him. I do not think that is going to continue.

We do not know what is going to be the status next year, but I hope there will be fewer of them and more of us and maybe that will lessen some of the intransigence we have seen on the other side. I am happy to continue discussion with Senator COBURN's office which, frankly, we found basically has been a big waste of time, but we will continue to do that. I have tried to be patient and I will continue to do that so I hope we can get something done.

The first title of this package deals with health care. This title consists of very important bills covering a range of diseases and conditions. I venture to say that every American and every family in America has been touched by some portion of the health care provisions in this package. The health care provisions in this package include the ALS Registry Act and the Christopher and Dana Reeve Paralysis Act. That piece of legislation is interesting. Christopher Reeve, Superman, who was badly injured in a horse accident, and his wonderful wife Dana, who was so supportive through his very difficult life, are both dead. As young people they are both dead, even though there is legislation that has been introduced and we tried to pass in their honor. They are both dead.

The STOP Stroke Act—I don't think there is a family in America who has not been affected by stroke in some way.

The Legislation also contains the Melanie Blocker Stokes MOTHERS

Act, which focuses on postpartum depression, which now is more easily diagnosed, and they are looking for ways to lessen the burden that people who have postpartum depression have and the Vision Care for Kids Act and the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

Three of the six bills in the health care package were introduced by Republicans. All these bills passed the House with extremely strong bipartisan support. Eighty-five percent of the people in the House of Representatives voted for these pieces of legislation. That is the average. Of course, the same over here. We have bipartisan support. But procedurally Republicans have supported Senator COBURN.

UNANIMOUS-CONSENT REQUEST—H.R. 1727

Mr. REID. First, let's take a look at the Christopher and Dana Reeve Paralysis Act, one key provision that has been obstructed. It is an important piece of legislation dealing with paralysis. This legislation would support and enhance cooperation in paralysis research, rehabilitation, and quality of life programs for people with paralysis. It authorizes grants and research funding for clinical rehabilitation of paralysis. The bill has been languishing on the Senate calendar for well more than a year and, I repeat, passed the House with extremely broad bipartisan support.

Dr. COBURN's office has indicated on several occasions that, OK, let's pass this. But we have heard that before.

I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 1727, the Christopher and Dana Reeve Paralysis Act, and the Senate proceed to its consideration, that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, will the Senate majority leader yield for a question?

Mr. REID. Of course.

Mr. COBURN. You sent over some 20 or 30 bills to our side. Is this one of those bills and has there been any change in what we have since our discussions?

Mr. REID. This is the exact language from the House of Representatives.

Mr. COBURN. Pending the time we get to review all of that, I will gladly accept a unanimous consent but, reserving the right to object, I will object at this time until I have a chance to look at the bills. They were given to us less than 20 minutes ago and we wish an opportunity to look at that. The majority leader has my word I will not object if that is the case.

Mr. REID. Mr. President, I say to my friend, he has had more than a year to look at this. It is the exact bill from the House. Fine. Take a look at it. We will come back again.

UNANIMOUS-CONSENT REQUEST—S. 1810

Mr. REID. Another bill in this package is extremely important. This bill will help ensure pregnant women and new mothers of babies with prenatal conditions will get information and support services to help prepare them for the challenges and rewards of their children.

I ask unanimous consent the Senate proceed to Calendar No. 457, S. 1810, that all after the enacting clause be stricken, that an amendment at the desk consisting of subtitle (f) of title I of S. 3297 be inserted in lieu thereof, the amendment be considered and agreed to, the bill as amended be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate. The two sponsors of this legislation, Senators BROWNBACK and KENNEDY, are in favor of what we have done with the amendment that is at the desk.

I have made this amendment available to everybody for some time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, after looking at what was sent over this morning, if there was no change to it, I will not object. Pending that, I object at this time.

UNANIMOUS-CONSENT REQUEST—S. 1382

Mr. REID. Mr. President, now we turn to another important piece of legislation. This is what we mentioned earlier, the Lou Gehrig's disease legislation. The bill would build upon, expand, and coordinate among pre-existing ALS registries, helping to collect data essential to the study of this dread disease.

The reason this is important is the average time from discovering a person has Lou Gehrig's disease until they die is 16 months. Time is of the essence.

The bill would create a Federal advisory committee on the national ALS Registry and promote research access to ALS data. The bill passed the House 411 to 3 a year ago. Both House and Senate committees marked the bill up with bipartisan support. Senator COBURN said he wanted some changes made so we have made those changes. Each change he told us he wanted we have made. Then he asked for an additional change and we made that. Now we have made extensive changes to the bill to accommodate the concerns Senator COBURN said he had with the bill, so I hope we can get it passed.

I ask unanimous consent that the Senate proceed to Calendar No. 518, the ALS Registry Act, that all after the enacting clause be stricken, the amendment at the desk consisting of the compromise amendment based on the language of subtitle (a) of title I of S. 3297 be inserted, that the amendment be considered and agreed to and the bill, as amended, be read a third time, passed, and the motions to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, again, after looking at this, if what the majority leader said is accurate, I plan on supporting this. But until I have had a chance to read what was sent over this morning—I will object until that time.

UNANIMOUS-CONSENT REQUEST—H.R. 507

Mr. REID. Mr. President, this is the Vision Care for Kids Act. What this would do is ensure that children get the vision care they need to succeed in school.

I think most everybody knows I was born in a little town and raised in a little town—no doctors, no hospital. I was born in a house, not in a hospital.

When I went away to high school, which is also a fairly small high school, I was a baseball catcher on the baseball team. When we would move inside to the gym when the weather was very bad, which was not very often in Nevada, and I would be catching, I had trouble picking up the ball. But I thought it was that way for everybody. I thought other people had trouble seeing the ball. It was not until I was a freshman in college that somebody said: You must not be able to see very well. And so as a freshman in college I got a pair of glasses. I will never forget it. I came back to my dormitory; I had never seen green on the hills. I did not know things looked that way. But with my glasses, I could see it was green now. Now I know why I could not see the ball.

That is what this is all about, so kids like me have an opportunity maybe to be able to see with glasses or whatever it takes to improve their eyesight. Is this bill going to solve all of those problems? No, but it certainly would help. It would establish a program through the Centers for Disease Control to complement and encourage existing State efforts to improve children's vision care.

I am not suggesting to anyone that I was blind. I just didn't see very well, and I didn't know that. I thought everybody was like me. But can you imagine how—I can imagine. I was there. I know. I came home, and I could not believe it. I called my friends: Look, it is green over there.

I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 507 and the Senate proceed to its immediate consideration; that the bill be read a third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. This bill has never been before the HELP Committee. It

has never had a hearing in the Senate. There has been no discharge of this from the committee. We have never even voted on this bill. With that, I plan on objecting until I see exactly what has been offered by the majority leader later today.

Mr. REID. Mr. President, this exact language passed the House. This is a Republican bill, Senator BOND. My friend is right, it did not go through the committee. I think Senator BOND is right by being the chief advocate over here. Maybe he can help us with Senator COBURN. But the same thing we had before, it passed overwhelmingly. Maybe after he looks at it, he will allow it to pass later on.

UNANIMOUS-CONSENT REQUEST—S. 1375

Mr. REID. I want to make a couple of other efforts here. The Melanie Blocker Stokes MOTHERS Act will help provide support services to women suffering from postpartum depression and psychosis and will also help educate mothers and their families about these conditions. It will support research into the causes, diagnosis, and treatments for postpartum depression. This is something Senator MENENDEZ and others feel extremely strongly about. This matter passed the House of Representatives 382 to 3. Senator COBURN repeatedly blocked the Senate HELP Committee action on the Senate companion bill.

I ask unanimous consent that the HELP Committee be discharged of S. 1375; that the Senate immediately proceed to S. 1375; that all after the enacting clause be stricken and that an amendment at the desk consisting of the text of subtitle (d) of title I of S. 3297 be inserted in lieu thereof; that the amendment be considered, agreed to; the bill, as amended, be read a third time and passed; and a motion to reconsider be laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

UNANIMOUS-CONSENT REQUEST—H.R. 477

Mr. REID. The next bill I wish to seek unanimous consent on is the STOP Stroke Act. The Cochran-Kennedy STOP Stroke Act will help establish comprehensive systems of stroke care in health care settings and improve the education of first responders to ensure that patients presenting with signs or symptoms of a stroke will receive the highest quality care. The legislation was approved unanimously by the House in 2002. In the last year, it has been approved by voice votes in the Senate and House committees and on the House floor.

I ask unanimous consent that the Senate HELP Committee be discharged of H.R. 477; the Senate immediately proceed to the bill; that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, five different Government agencies already have significant programs in that. This bill does not eliminate any of those, make improvements in those, just lays a layer of bureaucracy on top of that. With that, I object.

UNANIMOUS-CONSENT REQUEST—H.R. 4120

Mr. REID. Mr. President, we are now moving to title II in the Advancing America's Priorities Act, which was a set of Judiciary Committee bills blocked by Senator COBURN and supported by the Republicans. The bills Senator COBURN blocked included the Emmett Till Unsolved Civil Rights Crime Act, to help solve unsolved civil rights-era crimes; the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act; the reauthorization of the successful Drug Endangered Children Program, to help kids who are victims of the drug trade; the PROTECT Our Children Act, to stop dangerous Internet child predators, molesters, and pornographers.

Each of these bills passed the House with broad bipartisan support. Of course they have broad bipartisan support here. Procedurally, we have been blocked because of Senator COBURN, and being procedurally supported by his Republican colleagues. I hope we can pass some of these.

Let's talk about the child pornography prosecution bills. These bills will increase the penalties for child pornography and change the criminal law to make it easier to convict these people. It is amazing that they have been blocked for so long. Hopefully we can get them completed. We have combined them into a single bill to speed enactment. I hope we are clear on these.

I ask unanimous consent that H.R. 4120 be discharged from the Judiciary Committee; that the Senate immediately proceed to the bill; that all after the enacting clause be stricken and an amendment at the desk consisting of text of subtitles (d) and (e) of title II of S. 3297 be inserted in lieu thereof; that the amendment be considered and agreed to, the bill as amended be read a third time and passed, and the motions to reconsider be laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object, a question for the majority leader: Is this bill similar to what we had discussed in our negotiations and does it, in fact, include the SAFE Act or not?

Mr. REID. This is not the PROTECT Act. These are on child pornography. This is not the PROTECT Act.

Mr. CORNYN. Pending looking at what the majority leader sent over, on our side we look forward to supporting that, should it be as represented by the majority leader. Reserving the right to object, I will object at this time until we have a chance to look at that.

UNANIMOUS-CONSENT REQUEST—H.R. 1199

Mr. REID. Another bill in the Judiciary Committee title package was a bill that reauthorized the Drug Endangered Children Program. There may be families who have not been affected by drugs in some way. It may not be their immediate family. It may be some distant family members, it could be neighbors. But my nephew died of a drug overdose. He had a problem from his time as a teenager until he died at the age of 38 or so. There is a terrible problem with illegal drugs; it leaves many victims. Many are innocent children who are found in homes, hotels, automobiles. My nephew died in a sleazy motel. Among those are innocent children who are found, as I have indicated, in homes, hotels, automobiles, and apartments where all kinds of illegal substances are produced.

The product that is causing so much problem now is meth, methamphetamine. This bipartisan bill would authorize the Department of Justice to award $20 million per year—remember, this authorizes it—in grants designated to improve coordination among law enforcement, prosecutors, child protection services, social service agencies, and health care providers to help transition these drug-endangered children into safe residential environments.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1199 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be laid on the table; that there be no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I would object pending our review of the legislation.

UNANIMOUS-CONSENT REQUEST—H.R. 293

Mr. REID. One of the bills in this package that has been languishing for well over a year—and I think it is shameful that is, in fact, the case—is the Emmett Till Unsolved Civil Rights Crime Act.

Emmett Till was a 14-year-old boy from Chicago visiting his relatives in Money, MS, way back in 1955 when he was brutally mutilated and killed for whistling at a white woman. Remember, his courageous mother, wanting everyone to see the brutality of how her boy was killed, had an open casket. That open casket said it all.

The killers in this case, like so many others during that time, were never

punished for their violent, treacherous acts. However, by passing this Emmett Till Unsolved Civil Rights Crimes Act, the Justice Department will have the tools necessary to investigate and prosecute violations of the civil rights statutes in which the alleged violation occurred before January 1 of 1970 and resulted in death.

The bill has broad bipartisan support. I hope we can pass the House-passed bill. That way, the bill will be signed by the President immediately.

I ask unanimous consent that the Senate proceed to Calendar No. 237, H.R. 293, that the bill be read a third time and passed, and the motion to reconsider be laid on the table with no intervening action or debate.

The PRESIDING OFFICER (Mrs. MCCASKILL.) Is there objection?

Mr. COBURN. Reserving the right to object, I have a question for the majority leader. I understood from your statement that this does not have any of the changes we talked about, this is strictly the House-passed bill.

Mr. REID. That is right.

Mr. COBURN. Reserving the right to object further, we will relook at what that is. I will object at this time and hope we can work out with the majority leader what we had discussed earlier in terms of a compromise.

UNANIMOUS-CONSENT REQUEST—S. 1738

Mr. REID. Madam President, again, as has happened during this long process where these bills have languished, we keep getting suggestions for changes. We make them, and it does not make any difference. And last night, again, Senator COBURN suggested a change. We certainly can go along with that. We will make the change, send it over to you, and take a look at it.

I want to take a minute to talk about another one of the 34 pieces of legislation that is so important. Its name is ''PROTECT Our Children Act,'' or the PROTECT Act. This bill seeks to increase the prosecution of individuals producing and trading in child pornography by providing funding to the Internet Crimes Against Children Task Force.

The Crimes Against Children Task Force has developed the ability to identify individuals in the online distribution of child pornography but lacks the manpower needed to pursue and prosecute the offenders. This bill would give the Crimes Against Children Task Force the resources it needs.

This bill would also help promote coordination and strategic planning of Government resources to catch child predators by requiring DOJ to develop and implement a national strategy to combat child exploitation.

This bill would go a long way toward rescuing the thousands of children who are being exploited by child predators. Studies show that 30 percent of the people identified by the Crimes Against Children Task Force are actively engaged in molesting a child. Yet, right now, of the over 500,000 known cases, we are investigating 2 percent of them because law enforcement does not have the resources to do more.

This legislation was introduced in October 2007 and passed the House about a year ago, 415 to 2. The Senate companion legislation passed the Judiciary Committee. The Senate bill Republican cosponsors include Senators STEVENS, HATCH, HUTCHISON, and MURKOWSKI. So it is the right thing to do to pass this bill.

I ask unanimous consent that the Senate proceed to Calendar No. 862, S. 1738, that a substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, a question again for the majority leader. As confused as I was on a previous act, this does not include the language of the SAFE Act?

Mr. REID. That is right. The reason it doesn't—there are lots of reasons it doesn't, but we have a letter from the Justice Department. The Justice Department—Bush's Justice Department we all know about—decided to take a look at that. Even the Bush Justice Department said this needs a lot more work. Keep in mind, I have described in detail what we are trying to do. The SAFE Act the Senator is talking about is a different piece of legislation, and it should not be tied into what we are trying to do with this child pornography thing. I would hope we would get this done. We will be happy to work with the Justice Department and everybody else to see if we can work something out on the SAFE Act. It is not yet ready for passage. We all agree there is a need to combat Internet pornography. But important questions about the text of Senator COBURN's proposed legislation must be answered. We have questions. I used the Justice Department as an example. It is not only us. It is the Bush Justice Department. While some version of the SAFE Act might pass, let's not fool ourselves. The SAFE Act will help develop leads, but right now only 2 percent of all cases are investigated because law enforcement does not have the resources. The SAFE Act does absolutely nothing to bolster law enforcement resources. The PROTECT Act fills the known hole that has resulted in 98 percent of existing leads on child predators to go uninvestigated.

The Judiciary Committee, the committee of jurisdiction, has not held a hearing on the SAFE Act. It has not been the subject of committee markup. I don't believe any Republican on the committee even formally asked for a markup. It is ironic that Senator COBURN, the self-designated champion of insisting that bills be scrutinized before passage, now wants to circumvent the legislative process for a bill he never even bothered to raise in committee.

The Justice Department has serious concerns about this act. In a six-page letter sent last year, DOJ made numerous suggestions for improving the text of the bill. Some of the suggestions were addressed in the House version of the bill but many were not. In addition, officials from the Internet service providers that would implement this new law have raised important practical questions. They are concerned about vague definitions and requirements in the bill. There is no point in rushing to pass a bill that will be ineffective or struck down by the courts as unconstitutionally vague.

Last week, I asked my staff to convene a group of Republican and Democratic staffers to try to revise the text of the bill in light of the concerns expressed by the Department of Justice and others. Senator COBURN's staff is part of that effort. I am hopeful we can reach bipartisan agreement on the SAFE Act. The staff negotiations are ongoing. We will continue to work in good faith to get this bill in shape, but we are not there yet. Meanwhile, we are there on the PROTECT Act. It is ready to go. It has been for a long time. We can pass it today and get it to the President's desk immediately.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Continuing my reservation of the right to object, by the same logic that the majority leader has argued on all these other bills, the SAFE Act passed the House 390 to 2. So with the wisdom of the House, under which we are basing all the other requests for unanimous consent, why is that wisdom not any good now with the SAFE Act? The fact is that it isn't. I regret that unless we can pass the PROTECT Act with the SAFE Act and unless we can actually do something—the SAFE Act actually will do something tomorrow, the day it is signed. The PROTECT Act will not do anything until the money comes through Congress a year from now. So the fact is, if we had the SAFE Act, we will stop child pornography faster than if we don't. The question of the fourth amendment rights of child pornographers versus the rights of children being abused is not a hard thing to figure out. With that, I object until we add that to the bill.

Mr. REID. It is interesting how my friend isn't interested in the authorization of money this takes. It is obvious from what we have heard from my friend, supported by his Republican colleagues, that these important pieces of legislation have been held up and are continuing to be held up. That is unfortunate. We have not a single piece of legislation today that has been approved. That is the way it is, this arrangement. I hope the Republicans accept what they have done. They have supported this. The Republicans have

supported Senator COBURN's blocking bills that have passed overwhelmingly in the House. They would pass overwhelmingly here, but Republicans are supporting his procedural blockage of these bills.

UNANIMOUS-CONSENT REQUEST—S. 2982

Mr. REID. Another bill is the Runaway and Homeless Youth Protection Act. It would help combat youth homelessness and help protect vulnerable runaway youth. The prevalence of homelessness among young people is high. Recent studies have suggested that more than 2 million young people either run away or are thrown out of homes each year. Many of them become homeless. That this problem continues in the richest country in the world means we need to redouble our commitment and efforts to safeguard our kids.

I ask unanimous consent that the Senate proceed to Calendar No. 751, Calendar No. 2982; that all after the enacting clause be stricken and the text of subtitle (a) of title II of S. 3297 be inserted in lieu thereof; that the amendment be considered agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, pending examination of what we received less than 30 minutes ago—we have to take a look at that, and I will come back to the majority leader—I object.

UNANIMOUS-CONSENT REQUEST—S. 2304

Mr. REID. One of the other bills is the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act. This bill was introduced by Senator DOMENICI, who has been a leading advocate throughout his Senate career on issues relating to people who are mentally and emotionally ill. This bill would help ensure that offenders who are mentally ill get the treatment they need. It would provide training and resources to State and local criminal justice systems. The House bill didn't even have a vote. It passed by voice vote, it was so overwhelmingly popular.

I ask unanimous consent that the Senate proceed to Calendar No. 622, S. 2304; that the bill, as amended by committee, be read a third time and passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, pending the information, I will get back to Senator REID. I object until that time.

UNANIMOUS-CONSENT REQUEST—S. 3297

Mr. REID. Madam President, there is a homeland security bill in the package that Senator COBURN's office has objected to, being supported by his Republican colleagues. This legislation would establish two programs to assist African Americans and others in conducting genealogical and historical research. It would require the Archivist of the United States to establish, as part of the National Archives, an electronically searchable database and of historic records of servitude, emancipation, and post-Civil War reconstruction contained within Federal agencies. The bill would also require the National Historical Publications and Records Commission to provide grants to States, colleges, universities, libraries, museums, and genealogical associations to preserve records and establish databases of local records of such information. The bill passed the House 414 to 1.

I ask unanimous consent that the text of subtitle (b) of title VI of S. 3297, that we proceed to that, that the bill be read three times and passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, with the same answer as before, I object.

Mr. REID. Madam President, directing a question to my friend. He has indicated he is going to look at these. When should we come back and see if we can get some of them done?

Mr. COBURN. My answer, through the Chair, Mr. Majority Leader, I appreciate that you have made concessions on many bills. I have not seen those. My staff is working on what you have sent over 30 minutes ago. I will communicate to you as soon as we finish the review, which should be before 1 o'clock today.

ALS REGISTRY ACT

Mr. REID. One last thing, again, we have been told by our staffs that the ALS question you had has been all taken care of. I assume you will take a look at that and see if that, in fact, is the case.

Mr. COBURN. Answering the majority leader through the Chair, my staff has advised me a moment ago that we have come to agreement on that. I have no objection to the way that is written at this time.

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 518, the ALS Registry Act, that all after the enacting clause be stricken and that an amendment at the desk, consisting of a compromise amendment based on the language of subtitle A of title I of S. 3297 be inserted in lieu thereof; that the amendment be considered and agreed to; that the bill, as amended, be read a third time and passed; and the motion to reconsider be laid on the table.

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

The Senate proceeded to consider the bill (S. 1382) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ALS Registry Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee shall review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $16,000,000 for each of fiscal years 2010 through 2012.''.

SEC. 3. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report shall also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

The amendment (No. 5637) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ALS Registry Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may if scientifically advisable—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee may submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary may ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.''.

SEC. 3. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services may submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report may also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1382), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Madam President, let me say, as Senator COBURN leaves the floor, he knows there isn't a single bit of my mind or body that has any ill will toward him. He does this. I disagree with his doing this. He has a right to do this. My objection is not with him. It is his colleagues who procedurally support him in this. I want him to know our relationship is very good. I like him. The fact that I like him doesn't take away from my ability to disagree with him. Again, I would hope that maybe later today we can come here and pass some of these other bills we have tried to do today.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, it is my understanding I have 14 minutes remaining in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. Madam President, I appreciate the attitude with which the majority leader comes. We have attempted to work out several bills that I think we will get worked out today. I would like to provide a more general discussion about what went on here because the American people need to know.

All these bills could have come to the floor for debate and amendment. They haven't been blocked. What has happened is one Senator, myself, to the dismay of most of my colleagues on my side of the aisle who want these bills to pass, has said the American people ought to hear a debate. We ought to be able to amend the bills. We are talking about $10 billion in new spending, 37 new Government agencies, and we are to pass that by not having any debate and just saying yes.

I will not do that. I understand that is frustrating to my colleagues on both sides of the aisle. As a matter of fact, I get much more consternation from Republicans than I do from Democrats for my desire for us to be frugal with taxpayer dollars and also to be transparent. The fact is, we ought to have debates. We ought to amend. If one watches C–SPAN at all, what they see is, the vast majority of time, we are not doing anything in here. So there is plenty of time for us to do it.

I will make another significant point. We have in front of us a financial crisis that we are going to ask the American taxpayer to fund, some $700 billion in guarantees on loans, one way or the other, for loans that are not performing, whether that be mortgages or other loans, commercial real estate, home real estate. We are getting ready to ask the American people to do that. The contention I have had in this body since I have been here is completely opposite of what Senator REID voiced yesterday and again this morning, that these don't cost anything. If they don't cost anything and we are not going to spend any money, then they are not ever going to have any impact, if we don't spend the money. The fact is, authorizations matter because we do intend to spend the money. Therefore, if we continue to authorize and authorize and grow the Government bigger than what it is today—and one of reasons we are in the jam today is because the Federal Government is trying to do things totally outside the enumerated powers of the Constitution that were specifically given to us to limit the range and impact and reach of the Federal Government. That is why we are going to be asking for $700 billion of the next generation's money to make up for mistakes that Congresses have made as we have reached beyond what the Constitution says.

The very idea to claim that these don't spend any money flies in the face of reality. I would like to submit to the record a release on military aid spending. It shows the duplicity associated with our words. The majority leader said none of this spends any money. We passed the Defense authorization bill. Lo and behold, what are the releases of all the Members of Congress that had marks and things that go home on parochial interests? Here is what they say. They will spend money. Major research and military infrastructure needs will receive an enormous boost. Nearly $200 million in Federal spending to ensure the State's bases have everything they need.

Well, if authorizations do not spend any money, why are we claiming in press releases they do? We cannot have it both ways. The fact is, if we say they do not spend any money, and we do not intend to appropriate it, what we are doing is playing a hoax on the American people.

We are going to have before us this week some very difficult challenges for the Congress. The medicine, the painful medicine this country is going to have to take to reestablish confidence in our financial markets is directly related to the behavior of not deauthorizing and not getting rid of wasteful programs. The fact is, the Government Accountability Office has specifically listed out, along with the inspectors general of each of the agencies, as well as the Congressional Budget Office and Congressional Research Service, over $300 billion of waste, fraud, or duplication.

When was the last time we aggressively eliminated waste, we aggressively eliminated fraud, we aggressively eliminated duplication? The President has admitted that combining the debt with what we are borrowing from Social Security, this next year we are going to have a $600 billion deficit.

Not only are we going to take $700 billion and put it into nonperforming loans, we are going to borrow another $600 billion from the next generation to operate the Government, when we know over $300 billion of that is waste.

What are we doing? We are passing more authorizations with new spending, which will get spent, or we are being dishonest with those people who say we are supporting those programs. It is time for a change. Both campaigns on the Presidential side are talking about that. But the change that needs to happen is a change inside Congress, that we will start addressing the real problem. Imagine the fact that HHS put out that in 2007 31 percent of all Medicare payments were improperly made, with about 80 percent of those being overpayments.

It does not sound like much until you see that is almost 80 billion of Medicare dollars that were improperly paid. Where is the bill on the floor now to fix that? Where is the bill on the floor to get us out of the energy jam we are in? Instead, we are authorizing new programs without eliminating others and continuing the very errors of our ways that got us into the jam we are now going to ask the American taxpayers to give us $700 billion to get us out of.

It time for a timeout in Washington. It is time for us to reconsider how we do things, why we do things, and when we do things. Passing large numbers of new authorizations without eliminating the areas that are not working now does not fix anything. All it will do is make it more expensive to continue to fail. It also means we do not hold the bureaucracies accountable, which we are not.

I ask the Presiding Officer the amount of time I have.

The PRESIDING OFFICER. Six minutes 41 seconds.

Mr. COBURN. I thank the Presiding Officer. I will finish in a moment.

The question the American people ought to be asking of Congress right now, I believe, is this: You took an oath to uphold the Constitution. The Constitution has in it this very significant component that is called the Enumerated Powers Act. It is article II, section 8. It tells us exactly what we are to be about, what we are to do, and what we are not to do. The question you ought to measure us on is: Are we following the U.S. Constitution? Many of the bills Senator REID just brought forward are well within the bounds of the Enumerated Powers, but many of them are not. Yet we think at a parochial level and a political level about our own reelections and we forget this document that has guided this country so well.

My hope is the American people will start demanding that we follow this rule book, this guide book. If we do, not only will we eliminate that $300 billion of waste, fraud, and abuse, we will eliminate another $300 billion worth of programs that do not have any role coming out of the Federal Government, and we will put Government closer and more directly accountable to the very people who are being governed, and that is back at the local and State levels.

I will say in finishing up, Senator REID made several references to the Republican caucus. I will assure him that the vast majority of the members of my caucus do not support my position on authorizations. Their only support of me came in light of contrasting it next to an energy bill, which we still have not accomplished.

Congress has still not done anything about the No. 1 national security issue facing us, which is our dependence on foreign sources of energy. That is what we ought to be about this week. We ought to pass a CR. We ought to do what we have to do to fix the financial crisis. And we ought to be back making sure that another year does not go by where we do not have a comprehensive plan that utilizes every bit of America's talents, every bit of America's resources to make us less dependent and more secure on the issue of energy.

Madam President, I ask unanimous consent that this document be printed in the RECORD.

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

REID SET TO DELIVER NEARLY $200 MILLION TO NEVADA TO AID MILITARY

WASHINGTON, DC.—Major research efforts in Nevada and military infrastructure needs statewide could soon receive an enormous boost from Nevada Senator Harry Reid, who is delivering nearly $200 million in federal funding to help ensure the state's bases have everything they need.

As part of the defense authorization bill passed Wednesday by the Senate, Nevada will see important benefits if President Bush drops his veto threat. Notable are the construction of a $33.9 million Army Reserve Center in Las Vegas, as well as nearly $64 million in improvements at Nellis Air Force Base. This includes construction of a hangar and aircraft maintenance unit, and infrastructure upgrades for the F–16 aggressor squadron at the base.

There is also more than $32 million for improvements at Creech Air Force Base in Indian Springs, including funds for the construction of the Unmanned Aerial Systems Flight Simulator and Academics Facility.

''Safety abroad begins with strength at home, and I will always make sure Nevada's military installations are as strong as possible,'' Reid said. ''This money will improve both our ability to protect our country and the quality of life for the troops we appreciate so greatly. I will always deliver for our military and for our veterans when their military service ends, and I call upon the President to do the same by signing this bill.''

Mr. COBURN. With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

IN REMEMBRANCE OF KENNETH N. HARRIS, SR.

Mr. CARDIN. Madam President, I rise today with a heavy heart to remember Kenneth N. Harris, Sr., of Baltimore City.

Ken Harris was a Baltimore City councilman, community activist, and champion of safe and family friendly neighborhoods. He loved his family, was so proud of his children, and he was my good friend.

Ken grew up in west Baltimore's Sandtown and Park Heights neighborhoods, where the strict guidance of a single mother and afternoons at the YMCA gave him the self-assurance and direction he needed to succeed in an environment where so many others struggled to survive. He graduated from Dunbar High School and worked four jobs to put himself through Morgan State University. After graduation, Ken went to work for Blue Cross and Blue Shield of Maryland and began his professional life in the corporate world, including Comcast Cable. For many, professional achievement and financial security are enough. But not for Ken.

Concerned about his children's school and his neighborhood, Ken soon became a community leader serving as president of the Leith Walk Elementary School PTA and the Glen Oaks Community Improvement Association. Encouraged by his ability to make a positive change, Ken ran for office and was elected to two terms in the Baltimore City Council, representing the 4th District, an elected office he would, no doubt, continue to hold today had he not decided to run for president of the city council.

While in the city council, Ken championed the rights of his neighbors. He sponsored legislation to stop landlords from throwing tenants' belongings out on the street—saving many tenants from homelessness and cleaning up the streets. He pushed for remedial programs in the public schools, such as the Baltimore Truancy Assessment Center, to encourage students to stay in school. He took the police to task for not having enough real community policing but too many reckless warrants, arrests. Last month, when the new Hilton Hotel opened in downtown Baltimore, it was remembered that it was Ken Harris who insisted that if the city was going to financially ensure the development of the hotel, the city and the developer also had to ensure financial support for college students and afterschool recreational opportunities for schoolchildren.

I ask my colleagues to join me in thanking Ken's family, his wife Annette, his daughter Nicol, and his son Kenneth, Jr., for sharing her husband and their father with our city and the State of Maryland. His life, which ended all too soon, made a difference in the lives of many others, and his contributions will not be forgotten.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that morning business be concluded.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Service Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

AMENDMENT NO. 5633

Mr. BAUCUS. Madam President, on behalf of Senator GRASSLEY and myself, I call up amendment No. 5633, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. REID, proposes an amendment numbered 5633.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BAUCUS. Madam President, this amendment would extend and improve tax incentives for clean, renewable energy. It is a good energy amendment and energy policy for America.

Here is the bottom line: This amendment would create thousands of new American jobs—jobs that would pay good wages. This amendment would begin the end of America's dependence on foreign oil. And this amendment gives us a chance to show America, before we go home in October, that Congress can actually work for them.

This amendment would extend and improve tax credits for wind and solar power. It would extend and improve tax incentives for building and appliance efficiency. And it would extend and improve incentives for clean coal and biofuels.

And this amendment would create new incentives for clean energy. It includes a credit of up to $7,500 to help consumers purchase plug-in hybrid cars. It includes a breakthrough credit for the capture and storage of carbon dioxide.

And it includes a new tax incentive for what people are calling ''smart meters.'' Smart meters provide real-time information on electricity use. And thus smart meters have proven to reduce electricity use.

This amendment would allow my home State of Montana to further develop its vast energy resources, from wind power to biofuels, from clean coal to solar power.

I have been trying to pass a version of this amendment for most of the last couple years. And I am very pleased that passage may well be at hand.

Mr. President, the last bill that extended energy tax provisions was the Tax Relief and Health Care Act of 2006. The ink was hardly dry on that law before I set out to extend and modify the energy incentives that it included.

The Finance Committee undertook a series of hearings on energy-tax policy at the beginning of last year. Our hearing topics ranged from renewable electricity to biofuels, from electric vehicles to carbon sequestration, from energy efficiency to clean coal technology. We heard from a wide range of experts on the need for reliable, long-term tax incentives for clean energy, and how best to invest in these incentives.

We used this input to develop a far-ranging clean-energy bill. It would have invested roughly $30 billion over 10 years.

Our bill included long-term extensions for the wind and solar tax credits. It included long-term extensions and modifications of incentives for improved building efficiency. It included new incentives, such as favorable tax treatment for transmission lines, so we can get renewable power to the market. And it included a credit for cellulosic biofuels, which I am proud to have helped pass a couple months ago in the farm bill.

In keeping with the philosophy of paying-as-you-go, the Finance Committee offset the cost of that package. The offsets largely scaled back or repealed tax breaks for the long-established oil and gas industry.

We scaled back tax incentives for oil and gas companies in order to increase tax support for clean energy. Our rationale was twofold.

First, we argued that as America moves to address global warming, we should begin to provide Federal support for energy that is less carbon-intensive, not more.

Second, we argued that with oil and gas prices on the rise, the oil and gas industry did not need tax incentives that it may have needed in the past. Indeed, in 2005, President Bush said, ''I will tell you with $55 oil we don't need incentives to oil and gas companies to explore.'' When the Finance Committee reported our bill on June 19, 2007, oil traded at more than $69 a barrel.

We needed 60 votes to pass the bill. And the oil and gas industry lobbied hard to prevent us from reaching that threshold. We had a strong Senate majority for the Finance Committee product. But we fell 3 votes shy of the 60 needed to break a filibuster.

So we went back to the drawing board. We listened to the concerns from the other side that the oil and gas tax offsets were too big. We scaled back our bill. We worked with the House Ways and Means Committee to produce a package with a roughly $20 billion pricetag—about a third smaller than our committee-reported bill.

And the argument for our offsets grew stronger. When the Finance Committee reported its bill, a barrel of oil sold for $69. Four weeks later, oil crossed the $75 threshold. In October of last year, oil topped $85 a barrel. And a month after that, oil reached $95 a barrel.

In December of last year, we presented our revised $20 billion energy package to the Senate. When the Senate voted on that package, oil traded at $92 per barrel.

Our argument swayed a couple of votes, but not enough to break 60. Despite dramatically scaled-back oil and gas tax offsets, our bill fell short by just one vote: 59 votes to 40.

So I went back to the drawing board another time. I wrote an energy tax package without oil and gas offsets.

I introduced legislation to pay for an energy-tax package by closing tax loopholes and by delaying a tax benefit for multinational corporations. These items also offset the cost of expiring nonenergy tax provisions, such as the tuition deduction and the research and development credit.

I have tried to move this package for the last several months. While I dropped the oil and gas tax offsets, some still objected. We made several attempts to pass this vital legislation, with non-oil and gas tax offsets. But it did not clear the Senate.

But now energy prices are sky-high. And many more Senators have come to agree that it makes sense to scale back oil and gas tax breaks.

So Senator GRASSLEY and I worked together to rewrite our energy tax package one more time. The package before us today is a bit more modest than it used to be. But it is still a valuable set of incentives.

It would foster clean-energy jobs, here in America. It would help us to address energy independence. And it would help us to address global warming.

Our amendment would extend the section 45 production tax credit, for wind and biomass and geothermal. It would provide an 8-year extension of the credit for solar projects. And it would remove the $2,000 cap on the residential solar credit, giving consumers a strong incentive to power their homes with solar power. The amendment would extend the biodiesel credit, as well as the incentive for property used to refuel alternative vehicles.

As before, today's amendment also has several new incentives. It includes the new plug-in hybrid credit—an incentive of up to $7,500 for consumers to purchase clean-running, next-generation vehicles. The amendment includes new incentives for conservation as well—in the form of those ''smart meters'' and investments in recycling property.

This energy package would help move us in the right direction toward cleaner, home-grown energy.

The amendment is offset by a series of tax provisions, both energy- and nonenergy-related. For example, the amendment addresses the section 199 manufacturing deduction for oil and gas activity. Congress passed this deduction in 2004, when oil traded at about $50 a barrel. It is set to increase to 9 percent in 2010. Our amendment would freeze that deduction at 6 percent for oil and gas activity.

Another offset closes a loophole related to oil companies' foreign income. This provision passed the Finance Committee last year. And it would streamline and simplify reporting of income earned on overseas oil and gas activity.

Another offset is basis reporting. This provision would improve tax compliance. It would require brokers to tell their clients and the IRS the cost basis of securities sold during the year. This provision would help taxpayers to file more accurate tax returns. And it would help the IRS to more efficiently identify tax returns that are not correctly filed.

In essence, it will help us close the tax gap. As you know, about $340 billion a year worth of revenue legally owed to Uncle Sam is not being collected today. This tax reporting provision will help put a dent in that tax gap.

This amendment does not include everything that I would like. On the clean energy incentives side, I would have liked to extend the renewable production credit for a longer period. I would have liked to provide incentives for improving our electricity grid.

I would have liked a more robust set of measures to address the use of clean coal. No matter how much some people dislike coal, the fact is that we get half of our electricity from coal. We need to burn it cleanly.

As for offsets, while oil has retreated from an all-time high of nearly $150 per barrel, the price of crude closed at $121 a barrel yesterday. That is still a very strong incentive to explore and produce. Whether the price of oil is $121 or $150—or even, as President Bush said, $55—it's hard to argue that oil and gas activity needs a boost from the American taxpayer. We will continue this debate in the next Congress.

This amendment does not do everything. But it would prevent vital energy tax extensions from expiring. And it would add new clean-energy incentives. We cannot start addressing global warming without a recognition that—at least for now—clean and alternative energy generally cannot compete with the fossil-based variety without at least a little help from incentives like these.

And so I urge my colleagues to support this amendment. I urge their support to create thousands of jobs in the clean tech industry. I urge their support to help address global warming. I urge their support to help foster greater energy independence.

Let's adopt this amendment. Let's show America that Congress can work for them. And let's finish what we have to do before the end of the session.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I am pleased that we are finally discussing legislation that is designed to deal with time-sensitive tax matters. I thank Chairman BAUCUS for his cooperation in working in a bipartisan way on this legislation.

There are five categories of time-sensitive tax matters. These are things that are sunset. For those in the public who don't recognize the word ''sunset,'' at certain times, legislation comes to an end and must be reenacted. That is called sunset.

The first category of this sunset legislation is the alternative minimum tax fix. It expired on December 31 of last year. If we don't act, 24 million families will face an average tax increase of at least $2,000 each.

The second category of tax relief includes several tax benefits available to middle-income taxpayers. These expired also December 31 of last year. Included are deductions for out-of-pocket expenses for teachers who buy supplies for their classrooms, sales tax in various States that have a sales tax but not income tax, and college tuition for middle-income families. Millions of taxpaying families would face an unexpected tax increase if this sunset legislation is not reenacted.

The third category in the bill consists of many valuable business incentives, such as the research and development tax credit that has likewise expired and has put corporations in a position of not doing research and development or maybe wondering whether the tax incentives are going to be available to them. This will reenact incentives such as that.

In this time of high oil prices and instability in the energy market, Congress should send a clear signal in support of alternative energy and conservation. This very important issue is dealt with in the fourth category in this bill. We will be considering that issue today to send a strong signal in support of alternative and renewable energy, as well as conservation. We will not let the wide assortments of tax incentives for alternative energy and conservation expire this year, which would otherwise happen.

The fifth and final category deals with the disasters that have ravaged the Nation's heartland, especially my State of Iowa and, of course, most recently the gulf coast, particularly along Galveston. We need to respond to help these folks in these regions, and these tax incentives are meant to help both business rehabilitation, as well as individual rehabilitation.

I believe this legislation is must-do business. Congress cannot dawdle any longer. And with a sense of emergency and urgency, Senator REID and Senator MCCONNELL, the leaders of the Senate, have devised a path for the Senate to complete action on these provisions. I would rather have processed this legislation over a period of time. Several months ago would have been a better time to process this sensitive business. Better late than never, and this is late, and better to do it now than not to get the job done at all.

Our leaders provided Chairman BAUCUS and me with the authority to do a compromise. That, of course, was a critical step. I am glad our leaders were able to get together on that point. So Chairman BAUCUS and I pulled out our note pads and resharpened our pencils and, of course, here we are with this bipartisan compromise.

I am confident that the Senate will approve the first and third amendments that will be before the Senate. The first amendment will deal with the fully offset energy tax incentives package that I will deal with in some detail in a minute. The third amendment will contain a bipartisan compromise on the alternative minimum tax fix and, of course, these business extenders to which I have referred.

In between those two bipartisan amendments will be an amendment to be offered by Senator REID for the Democratic caucus. All amendments will face a 60-vote threshold.

Last year, I laid out the principles Senate Republicans would follow when it came to revenue raisers, and those principles are still in effect, somewhat modified by the bill before us. But the basic rationale behind the Senate Republicans on revenue raisers is still there.

The first principle I laid out is whether the proposal is good tax policy. If the proposal is good tax policy, then we would support, and vice versa, not support if it is bad tax policy.

The compromise before us meets fully the needs of all Republicans on this point that the principles of this bill are good tax policy.

The crackdown on offshore deferred compensation plans is appropriate tax policy. I am pleased we made it tougher on hedge fund managers by removing a charitable loophole. Likewise, the offsets in the energy portion of the bill are appropriate policy.

The second principle I laid out last year deals with how revenue raisers are accounted for. This is where our two parties differ. How do the two caucuses differ? Republicans do not want to go down the slippery slope of building in a bias toward automatic tax increases—I should say almost automatic tax increases—and against current law tax relief. This is especially compelling when appropriations are wholly outside the Democratic version of their pay-as-you-go principle.

Let me explain that we find it in our Republican caucus inconsistent that Democrats would say, when you are going to continue existing tax policy, you need to raise taxes on other Americans to pay for it. We believe existing

tax policy should be continued without offset.

The inconsistency for us comes from the Democratic point of view that if you want more spending in appropriations bills, you don't have to pay for it. We find that highly inconsistent.

Also, I could say that expiring entitlement spending does not figure in to the Democratic caucus's pay-as-you-go proposition—another inconsistency.

The Democratic version of pay as you go sets us down an irreversible path of higher taxes and higher spending. If expiring tax relief and expiring spending and appropriations were treated similarly, maybe the deficit reduction rationale behind pay as you go would be credible. As it exists now, it only reinforces an ideology of higher taxes and higher spending. The rejection of Senator MCCONNELL's deficit-neutral offer on alternative minimum tax and the extenders proves my point. I will refer to a chart which shows the bias toward more spending and against current law tax relief.

If we look at that chart, we see the red line is one of mandatory expiring spending. We see the annual increase in nondefense discretionary spending going up very much. We see the annual cost of increased AMT, the solid green line, going down, and we see making certain other tax provisions permanent and what that does.

In any event, we found ourselves at an impasse on this point, but we still were able to reach this compromise that is before us.

In getting to that compromise, Democrats insisted on offsetting current law tax relief, and Republicans resisted more tax and spend. Republicans were willing to use revenue raisers for new policy and for long-term or permanent tax policy. Republicans did not want to use revenue raisers for new spending.

We came to a compromise by looking at this impasse as kind of a prism. A prism breaks one beam of light into several different shades. I have a chart showing the most famous prism of recent decades. It is a copy of the album entitled ''The Dark Side of the Moon'' by the band Pink Floyd. I am not, of course, a big fan of rock music. I am not a fan of its lyrics and its culture, but I think this piece of art by itself makes this very important point as ideal with this compromise legislation before us.

As we can see, there is a beam of white light on the left side of the triangular prism. On the right side, the beam of light is very fractured and multishades.

At the end of the day, we will have an alternative minimum tax fix, we will have extenders, and we will have an energy and disaster relief package that is a compromise. That is the white light on the left side. Republicans will see that the compromise meets their principles.

Let's say Republicans see the red light on the right. The offsets are good policy. From a Republican standpoint, there is enough new policy in the energy part of the deal to tie the nonenergy offsets; otherwise, energy incentives are reformed. That is our way of looking at this within the policy I annunciated a year ago. Republicans can see that the biggest item in the bill, the alternative minimum tax, is not offset. That preserves our point that the unfair alternative minimum tax—hitting 23 million middle-class Americans if we don't fix it—should not be a reason to raise taxes on other taxpayers.

Likewise, there is enough new and modified policy to tie to the offshore deferred compensation revenue. The bottom line is that the leaders were able to secure a longer term extension of current policy, as well as with the revenue.

Democrats are able to see the offset policy from their standpoint. That is the blue strand of light on the right side of the prism. Democrats wanted significant revenue raisers, and they got them. Both sides wanted the underlying revenue-losing extensions and new policy.

Most prisms are delicate. They are transitory. This one is no different. Our friends in the House need to see that. They can break this fragile prism. The shards will cut millions of taxpaying families.

This deal defers the very vital debate between Republicans and Democrats on whether we tax our way out of this fiscal situation—the Democratic view—or contrariwise, do we restrain spending. That is the Republican view. That is a very important debate which has held us up for so very long. That very important debate is deferred to another day.

Each side holds to its principles. Each side does the people's business. I thank Chairman BAUCUS and both leaders for getting us to this point of compromise where each of us can have some victories. But for me, it is preserving the very basic policies of the Republican caucus.

Using the prism that presents the opportunity to preserve tax relief for millions of middle-income families, I ask that we pass this compromise.

Madam President, one of the amendments we will be voting on today is the energy tax extenders bill that I just told you I would refer to in detail, and here it is.

I once heard a man say he always went everywhere with his wife because he never wanted to kiss her goodbye. Our dependence on foreign oil is very similar. As Americans, we know our dependence on foreign oil is not pretty but have not found a way to kiss that dependence goodbye. We need to enact commonsense, bipartisan laws, such as this energy tax extenders amendment that we will be voting on, the first vote midafternoon. It will help America move toward ending its dependence on foreign oil.

We are almost three-quarters of the way through this year, 2008. Since January 1 of this year, a number of energy tax relief provisions have already expired. In addition, a number of energy tax provisions are set to expire in just 3 months. For example, section 45, production tax credit for energy production for wind and refined coal, is extended through the year 2009.

Importantly, the wind production tax credit does not have the harmful 35-percent cap that the House Democratic leadership wants to place on it.

Another provision contained in this amendment is a new credit for electric plug-in vehicles. Consumers who purchase an electric plug-in—and it has to be a passenger vehicle—can get up to a $7,500 tax credit. If Americans are using electricity instead of gas to power their cars, it is a step toward reducing our dependence on foreign oil, much as ethanol has reduced our dependence on foreign oil for use in our cars by at least 5 percent.

Included in this amendment is a provision to reduce the tax on idling reduction units. These units are designed to eliminate the need for a big rig to idle to provide heating, air-conditioning, and electricity when it is stopped.

That brings me to the fact that we are saving diesel in big Mack trucks because they don't idle because we have this incentive for the separate unit to keep the cab cool while people are sleeping. It irritates me then, when I look back to this summer—and maybe even right now for all I know—when I saw Government officials using their chauffeured SUVs which were idling outside our office buildings wasting a great deal of fuel. As Members of Congress, we should be setting a good example for the American people by conserving fuel and not wasting it. For instance, I have a Ford Taurus. You don't see it idling outside my home or outside of wherever I am momentarily stopped. You surely would not see my driver in it because I don't have one. If you do see anyone else driving my Taurus, please call the police because someone has stolen my car. I would like to refer to Ashton Kutcher, from Cedar Rapids, IA, saying: ''Dude, Where's my car?''

So far, the Senate has not passed these popular expiring and expired energy tax extender provisions. However, the Senate has now reached a bipartisan agreement that should enable us to pass this first amendment that we will be voting on midafternoon. This first amendment contains these popular energy tax extender provisions—many beyond what I have already talked about—as well as revenue offsets for these provisions.

My fellow Republicans were divided on whether energy should be offset. Some opposed any tax increase on oil and gas. Others, such as this Senator, looked to convert conventional energy tax incentives into incentives for alternative energy and conservation. On the other hand, almost all Democrats were in this ''conversion'' camp. I kind of

feel myself like we have had a lot of incentives for old-time fossil fuels; that those industries are developed, and it is okay to move that money from that source over to alternative energy—a new industry that we are in the middle of developing and, in the case of ethanol, for a long time have been developing.

We compromised between Republicans and Democrats by cutting back the following oil and gas tax incentives, which totaled roughly $9 billion. First, we froze the manufacturing deduction for all oil and gas production at 6 percent. We reformed the use of the foreign tax credit for major oil companies. This offset is very important to get done. Finally, we raised the cap on funding for the oil spill trust fund.

To reach the $17 billion target for fully offsetting this energy tax package, we used a couple of nonoil and gas offsets totaling roughly $8 billion. First, we included the Bush administration's ''tax gap'' proposal to have securities firms report the cost of stock purchases and sales to the Internal Revenue Service. Secondly, we extended the unemployment surtax.

In keeping with the principle that tax offsets should make good policy sense and should be used to pay for new tax policy, we used these $8 billion in nonoil and gas offsets to pay at least $8 billion in new energy tax policy because it is a Republican program that if you have new tax policy, it should be offset. Our objection is to offsetting existing tax policy that might sunset; that you want to extend it in the same way it has been functioning for the last several years.

So the bottom line of this is that both sides compromised. Democrats yielded on unoffset popular current law tax relief—AMT as an example—and Republicans agreed to offsets that were good tax policy. But we ensured that our principle that major current law tax relief, such as the alternative minimum tax fix, should not be conditioned on other tax increases.

It is important to note that if we don't do more to encourage alternative energy, we might one day run out of oil and end up having to drive the alternative vehicles, such as Fred Flintstone, as you recall from the cartoon on television.

So I urge a ''yes'' vote on this first amendment that we will be voting on midafternoon, and I hope we can get this bipartisan agreement through and get it to the House of Representatives because we only have a little time left before we adjourn for the elections.

I yield the floor, and as I don't see any other Member who wants to speak, I suggest the absence of a quorum, and I ask unanimous consent, Madam President, before you call the roll, to divide the time that lapses in the quorum call between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I have been in meetings all morning trying to work through the hurricane relief package that is certainly important to my home State of Texas, meeting with the mayors of Houston and Galveston as they go to their hearings for oversight for FEMA and disaster relief. I know we are learning much about what can be done, but I think we are doing so much better than with any previous hurricane relief.

But I am also absorbed in the financial crisis that is certainly present in our country today and is affecting so many people, so many jobs, so many families, and so many lives. All of us are going to be making some very tough decisions this week, and I wished to talk about the parameters I am going to put around any package that is put before us for passage that would help us get through this historical time in our country with regard to our economy.

Here is what I am looking for. I am looking for a package that, first and foremost, protects the American family who is doing the best they can and doing the right thing; the family who has put their money in a money market fund, as well as bank deposits. We need to protect them. We are hearing that will be done without any further action. So we need to do that. We need to protect those money market funds so no one will lose their life savings because they are doing what is right for their families—saving for their retirement or for their futures or for their emergency needs or people trying to keep their homes. If they are keeping their mortgages current or they are working with their bank to try to extend or lower interest rates, and they have an agreement in order to keep that mortgage going, we want to make sure they are able to do that.

That is what we are looking for in a package that we would pass. It is the most important thing that every American is looking toward Congress to do. We want to work together in a bipartisan way—the Congress, the administration, the Federal Reserve—to address this financial issue in a way that protects every family and every person who is doing what is right for their futures and their families.

The second major part of any package has to be protection of the taxpayers. The taxpayers are going to basically underwrite what we decide is the right thing to do. So if we are going to underwrite, we want the taxpayers to also have an upside. We want the taxpayers to be protected. We want the taxpayers to have the regulatory underpinnings that would assure they are protected and we want them to have the upside. There is an upside in the AIG bailout that the Federal Reserve has put in place, and that is good, because I believe there is a great chance that will turn out to be a profit for the taxpayers if that is done correctly.

I think that should be the model for the package coming forth this week upon which we will decide; that there will be an upside position for the taxpayer, so that when the packages are put together and the bad loans—or the nonperforming loans—are taken off the books, there is an upside to that if those loans perform or if the company succeeds after the bad loans are out.

Going down the road, I do think Senator GREGG is saying it best. I think he will probably be able to come out and talk about his view, but it is that we put everything that comes back—in the stabilization that we would provide—to debt reduction. Instead of taking the debt up to possibly $1 trillion, we would pay down the debt so there would be relatively no cost to the taxpayer and we would begin the very long process of not only putting our financial house in order, but we would also start putting our monetary system and our debt repayment back in order.

Before 9/11, this country had wiped out the deficit. Congress had wiped out the deficit. We had wiped out the deficit and were paying down the debt. That is where all of us want to be again—that we would wipe out deficits by careful, prudent spending and that we would start paying down that debt so the interest payments do not overwhelm us. Those are the basic parameters I believe Congress should put in the mix, as we are being asked to vote for a very important stabilization of the financial institutions and the families of this country. Congress can put its stamp on this package in our fiduciary responsibility and we can do this right and assure that we do it right. That is our job. That is our responsibility—to carefully look at the package that will be put forward, to have input from Congress and the key people in Congress who are working with the Secretary and the Chairman of the Federal Reserve, to do what is right for our country. Politics should be thrown out the window right now. We should be talking about what is our role, our fiduciary responsibility as elected officials, elected by the taxpayers, and we should be doing it on a bipartisan basis. We should be inclusive, not exclusive.

I think we are going to do it. We have an opportunity here to give the taxpayers and American people the confidence that we will do this in their best interests and do it right. That is my hope. I do have the confidence we can do it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENSIGN. Mr. President, I rise today to speak about the importance of the renewable energy amendment that is coming before us on the next vote in the Senate. For the past several months I have worked with Senator CANTWELL, as well as many other Members of this body, in a bipartisan manner to develop a way forward on renewable energies.

We know and agree that more renewable green energy is needed for the United States. That was evidenced by an amendment that Senator CANTWELL and I brought to the floor on the housing bill last April that passed by a vote of 88 to 8. We all realize that there is broad bipartisan consensus and that we want more renewable green energy for the United States.

The question was, how do we get it enacted into law? What we have before us today, through working together in a bipartisan way once again, is a compromise of how to offset the cost of some of these tax credits.

I am very pleased that, with the help of Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee, Senator CANTWELL and I were able to come up with this renewable energy amendment that is fully offset and fully paid for, so that we can get this bill finally passed into law.

What does this mean for our country? Well, first, I think most Americans are well aware of what is going on in Washington right now. Our country is on the brink of financial catastrophe. We are working very hard to stop this from happening and bring consumer confidence back to our financial markets.

This, however, only solves the immediate crisis. We have a longer term economic problem in this country. There is nothing more important to our economy than having a comprehensive energy plan for the United States. Renewable energy is only part of that comprehensive energy plan for the United States though.

Within the bill we have before us, there are strong incentives for all types of clean energy, including solar power, geothermal, wind, and biofuels. If somebody wants to add solar power panels to their home, there are currently some incentives in today's law, but those incentives are not adequate. We encourage more and more people to put solar power into their own homes so they can actually help solve the energy problems we have in this country in their own home.

I think it is important that the Senate say to the House of Representatives, let's pass this bill in a strong bipartisan fashion. This is so the House of Representatives will take up this bill, pass it, and send it to the President where he can sign this bipartisan piece of legislation into law.

I strongly believe that we need a comprehensive energy plan for the United States of America that includes an all-of-the-above approach. This would include alternative green energies, drilling for more oil and natural gas, more clean coal energy, and clean nuclear energy, all of which include more conservation for the United States. We need all of this if we are to stop sending $700 billion overseas. A lot of that money is going to countries who do not like us. Some is even going to fund terrorist organizations that want to do harm to the United States of America.

It is critical that we have a comprehensive energy plan. Let's at least do the renewable energy part of the energy plan, today. I want to thank all who have worked so hard on this. On the solar part of this bill alone, it is estimated that 400,000 jobs could become permanent in the United States between now and the year 2016. These people would be building solar panels for houses, for businesses, for powerplants and the like. Over 1 million jobs will be produced in the building of a powerplant.

This is a good bill for our economy. It is a good bill for the power generation of the United States of America, and it is a good bill for our environment.

In many ways, this is a very exciting bill. Right now, unfortunately, it is being overshadowed by what is happening in our financial markets. But that does not mean this bill is not important; it is more important than ever. I encourage all of our Senators to vote for it, and then the message needs to go to the House of Representatives: Let's not delay on this bill; let's get this bill signed because this is the last week of business we have this year. Let's get it passed in the House and sent to the President so that he can sign this bill into law and we can start getting these jobs now.

I yield the floor. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, this afternoon we will vote on energy tax extenders or tax incentives for renewable energy. I wanted to make a comment about the importance of this legislation. I believe this will be our tenth vote to try to extend the tax incentives for renewable energy. It has been previously blocked nine times, which is almost unbelievable to me.

But at a time when we face a very severe energy problem in this country, and when we need to incentivize and begin developing additional renewable sources of energy to make us less dependant on Saudi Arabia and Kuwait, Venezuela, Iraq, at a time when we need to be less dependent and produce other kinds of energy, we have been blocked in extending these energy tax credits. It makes no sense at all to me.

If you are going to address the energy problem in this country, we need to do a lot of things. We need to conserve more. Yes, we need to drill more, and we need much greater energy efficiency. We need to do a whole lot of things, but this country needs to move ahead with respect to renewable energy on a much more aggressive path.

A substantial amount of energy comes every day from the Sun, and we use precious little of it. A substantial amount of energy is available from the wind, and we use too little of it.

How does this compare to other energy resources? Now, here is what we have done in the past for those who look for oil and gas. In 1916 this country said: If you are searching for oil and gas, we are going to give you a big fat set of tax breaks, because we want you to find oil and gas. That has existed for nearly 100 years, those tax incentives for those who search for oil and gas. Contrast that with what we have done for those who want to proceed with renewable energy such as wind and solar.

In 1992, we put in place the production tax credit. These were short-term and rather shallow tax incentives. They have been extended short term five times. They have been allowed to expire three times. We have seen projects to put up new wind turbines and new solar projects put on the shelf because these tax incentives have been in a start-stop, stutter step approach. It makes no sense. It is a pathetic, anemic response.

This country should be saying: Here is where we are headed for the next decade. For the next decade you can

count on this. We are going to develop wind resources and solar energy all across the country that will make us less dependent on Saudi Arabia, Kuwait, and others. That is what this country should do.

We have had great difficulty getting a 1-year extension from these production tax credit for wind energy, as an example until December 31 next year. I am going to celebrate today, if we pass this legislation. I believe we will. It is an achievement, but it is not a giant step forward. It is a baby step in the right direction because we have been blocked nine times by the minority from passing this legislation during this Congress. My hope is that today, finally, we will get it done and get this finally sent back to the House and to the President for signature.

We have had a lot of time on the floor of the Senate in recent weeks, a lot of wringing of hands, mopping of brows and gnashing of teeth about energy. This country's economy runs on energy. Sixty-five percent of the oil we use comes from overseas. We are unbelievably dependent on foreign sources of energy. How do we overcome that dependence to make us less vulnerable? We can do that by producing more here, which means drilling and by substantial amounts of conservation. We are prodigious users of energy, and we waste a lot. So while we produce more, we need to conserve more too. In everything we use every single day, from the time we turn the light switch on in the morning, to all of our appliances like refrigerators, air-conditioners, dishwashers, and more, we must make them more efficient. Many of these machines are more efficient now than they were in terms of all appliances. But we can impose even greater standards and create greater efficiency. So production, conservation, and efficiency—all are elements of an important national energy program.

I believe most important is the decision to pursue renewable energy. We do it with ethanol by taking alcohol from corn and extending our energy supply. We do it with biodiesel too. We do it with a range of areas. Especially in the area of biomass, wind, solar, and geothermal energy, there is such great potential. We have had so much difficulty providing certainty about where America is going to head with renewable energy.

I have introduced legislation saying we ought to do this for a full decade. We ought to say to the world, to investors and businessmen and women: Here is where America is headed. You can count on it. We will produce a lot of energy from renewable sources. We will maximize the opportunity to receive energy from the Sun. We have some projects that are interesting, but we have fallen far behind on solar energy. We are not anywhere near where we ought to be in producing solar energy. We are not near where we can be in producing energy from the wind. We have unbelievable turbines now that are much more powerful. They can take energy from the wind and use that energy to extend America's energy supply.

This is a very important vote, but it is only a small step forward in the right direction. It needs to be followed by a much larger step that tells the world where America is going. Yes, we will drill, conserve, all those things, but this country needs to decide that we want substantial amounts of additional renewable energy to make this economy less dependent on Saudi Arabia, Kuwait, Iraq and Venezuela. They provide us energy that comes from off our shores. Using more renewable energy and using this energy wisely are very important elements to sustain our country's economic strength and opportunity in the future.

I yield the floor.

Mr. ALEXANDER. Mr. President, today I will vote for the renewable energy tax legislation, Baucus-Grassley Amendment No. 5633, included in the tax extenders package because it is the best balanced approach to encourage renewable and alternative forms of clean energy that the Senate has had a chance to consider. I especially like the fact that, after many years, Congress is finally encouraging solar power in a serious way.

But the proposal would be much better if it would use the subsidy money designated for wind power instead for a dramatic new Federal investment in clean energy research and development.

This legislation adds nearly $5 billion to the $11.5 billion in Federal taxpayer dollars that are already committed to subsidize wind power over the next 10 years. This means that Congress will be spending two-thirds as much over the next 10 years to subsidize wind turbines as it did—in today's dollars—on the Manhattan Project to build the atom bomb. Wind power is a proven technology, useful in some places for clean electricity, but this disproportionate allocation of tax dollars is unwise because:

Wind turbines produce 1 percent of America's electricity.

There is only one wind farm in the southeastern United States because the wind doesn't blow hard enough in that part of the country.

There is almost nowhere in the U.S. where consumers can rely mainly on wind power without also needing coal, nuclear or gas—or maybe solar thermal—plants.

Wind power provides 2.7 percent of U.S. carbon-free electricity, which helps deal with climate change, but nuclear power provides 69 percent of U.S. carbon-free electricity.

Under existing law—without the new subsidies in this energy tax legislation—beginning in 2010 the largest Federal taxpayer subsidy for producing electricity would go to wind.

Per kilowatt hour, Federal subsidies for wind in 2007 were: 53 times the subsidy for electricity made from coal; 15 times the subsidy for nuclear power; and 27 times the subsidy for all other forms of renewal electricity.

If the Federal Government were to subsidize each kilowatt hour that nuclear power produces at the same rate it now subsidizes wind power, the cost to taxpayers for the nuclear subsidy over the next 10 years would be $289 billion.

On average, for every dollar Texas utilities pay wind developers, the Federal taxpayer pays another 69 cents.

Some say that by 2030 wind could generate 20 percent of America's electricity. Over 10 years the Federal tax subsidy for this much wind power would be enough to give 55 million Americans $3,000 to help buy an electric plug-in car or truck.

Wind turbines are a dramatic disruption to the landscape. A typical 1.5 megawatt wind turbine is as tall as a 40-story building. Its blades reach from 10 yard line to 10 yard line on a football field, and its blinking lights are visible for up to 20 miles.

I suspect the value of my vacant lot on Nantucket Island will go up when values go down on the other side of the island where a wind farm is being built.

Wind power is useful but not a true alternative energy because it blows only when it wants to—turbines operate, on average, 34 percent of the time—and can't be stored for baseload power, the kind our jobs and homes depend on, or for peaking power, the kind utilities buy in the late afternoon when every home appliance is on. When cost of transmission from remote locations is added, wind power can become very expensive.

Instead of spending another $5 billion to subsidize a proven technology, wouldn't it be wiser to make a dramatic new Federal investment in energy research and development—a series of mini-Manhattan Projects, for example—to: Make electric cars and trucks commonplace, make solar power cost competitive, capture and store carbon from coal-burning power plants, reprocess and store nuclear waste, make advanced biofuels from crops we don't eat, encourage green buildings, and provide energy from fusion.

According to MIT president Susan Hockfield, Federal funding for energy research has ''dwindled to irrelevance''—$2.4 to $3.4 billion a year—less than half the R&D budget of America's largest pharmaceutical company.

Use the wind subsidy money for new Manhattan projects, and use wind turbines where the wind blows and where transmission line costs make sense—and where both don't spoil the natural beauty of the great American outdoors.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 5634

(Purpose: To provide alternative minimum tax relief, and for other purposes)

Mr. CONRAD. Mr. President, I ask unanimous consent that the pending

amendment be temporarily set aside so I may call up amendment No. 5634.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 5634.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CONRAD. What is the time on this amendment?

The PRESIDING OFFICER. One hour equally divided.

Mr. CONRAD. Mr. President, I have offered this amendment to prevent the alternative minimum tax from hitting 26 million taxpayers in 2008. My amendment is fully paid for. That is how we should provide alternative minimum tax relief.

We need to wake up around here. We are facing a fiscal crisis, in part because of the massive deficits and debt we have run up as a Nation that has helped propel this bubble. Our markets are in turmoil. The Bush administration is now proposing to spend hundreds of billions of taxpayer dollars to stabilize Wall Street. We simply cannot continue to pile debt on top of debt. We have to begin to send a signal that the United States is going to start paying its bills. We are running massive budget deficits, massive trade deficits. The debt of the country has mushroomed.

In one fell swoop, the administration is proposing adding $700 billion more. That is on top of the $100 billion dedicated to Fannie Mae, the $100 billion dedicated to Freddie Mac, and the $85 billion dedicated to AIG. Let's add that up. That is nearly a trillion dollars. Let's add the $30 billion for Bear Sterns. We are over a trillion dollars.

Let's think very carefully about what is happening. Yesterday, the Washington Post reported the dollar declined in value against the euro by more than 2 percent in a single day. I ask people who are watching and listening to think very carefully now about how these events are connected. The dollar has gone down in value sharply. Already in the last 6 years it has gone down about 40 percent against the Euro. Yesterday, in one day, it went down 2 percent. In one day, the stock market went down almost 400 points. In one day, the price of oil went up by a record amount for a single-day increase. These events are all connected. We have to connect the dots. The dollar goes down in value, oil sells in dollar terms. That puts upward pressure on oil prices.

Of course, as people see that we are headed toward some kind of economic weakness, they look for safe havens. One place to look is commodities. A key reason people are losing confidence in the dollar is the mushrooming debt. To add in just a matter of days almost a trillion dollars to a debt that already stands at $9.6 trillion has an effect on people's confidence in the ability of the United States to repay. That means they are going to insist on higher interest rates in order to continue to extend us credit.

As we run up these massive deficits and debt, where do we get the money to pay for this? We get it by borrowing, and increasingly we have been getting it from borrowing from other countries. We cannot afford to continue on this course of not paying for things.

We can look back now and see the results of these irresponsible fiscal policies. In the last eight years, we have seen the five highest deficits ever recorded, with the highest of those now projected to come in 2009. The 2009 estimate of the deficit does not include the still unknown cost of the Federal intervention to help the financial markets. But our budget situation is actually even worse. The debt is going up much more rapidly than the reported deficit. For example, the increase in the debt in 2008 will be far greater than the estimated $407 billion deficit. That is because the general fund of the United States is taking the surpluses from Social Security and Medicare and using those funds to pay other bills. Let me repeat that: The debt increase in 2008 will not be the $407 billion advertised deficit. The increase in the debt will be $647 billion. For next year, the deficit is estimated to go up $438 billion. The debt will go up by more than $800 billion. And all that is before we include those bailouts. We could easily see the debt of the country go up a trillion dollars next year. The debt, as we sit here today, is $9.6 trillion. That is the gross debt of the United States.

This President has been building a wall of debt: $5.8 trillion at the end of his first year; now they want to increase the debt ceiling to over $11 trillion. This chart shows $10.4 trillion in 2009. That has now been erased because what they are proposing to do is increase the debt ceiling to over $11 trillion, nearly a doubling of the debt in that short period of time.

Here is what the New York Times headline from this weekend said: ''Administration Is Seeking $700 billion for Wall St.; Bailout Could Set Record.'' That could mean hundreds of billions of dollars of debt added to the wall of debt we already face. That is an unsustainable circumstance. It is a key reason why the dollar went down 2 percent in value in one day.

One of the great risks that is being run by this fiscal policy is the risk of a sharp downward break in the value of the dollar. If that were to occur, we would be faced with a series of unpleasant alternatives. One would be a sharp cut in spending by the United States. A second possibility would be a dramatic increase in taxes. A third would be a substantial increase in interest rates to attract additional capital to float this boat.

I hope people are listening. I know this is hard to fully comprehend because economic issues are complex. But they are related. They are tied together. The fact that we have dramatically increased the debt and deficit has an impact on the value of our dollar. When we flood the world with dollars, the value of those dollars goes down. When those dollars go down in value, that puts us in a position of having to find some way to attract additional dollars. One way open to us is to increase the rent we pay for those dollars we call interest. If we had to dramatically increase the interest rate to attract dollars to be able to float this enterprise, that would have an adverse effect on economic growth and economic activity.

So all of these things are connected. They are related, and they matter. We are already seeing the dollar fall further in response to the prospect of billions of dollars of additional debt being piled on.

The Washington Post article I showed earlier said ''Currency's Dive Points to Further Pain.'' ''Currency's Dive Points to Further Pain''—again, a 2-percent reduction in the value of our currency in a single day. This is after the dollar has already lost about 40 percent of its value against the euro since 2002.

I am not the only one who believes we have to start paying for things. Earlier this month, the former Chairman of the Federal Reserve reiterated his opposition to deficit-financed tax cuts. This is what Alan Greenspan said on Bloomberg Television:

[U]nless [tax cuts are] paid for on the so-called pay-go, I'm not in favor of it. I'm not in favor of financing tax cuts with borrowed money.

To my colleagues who say: Well, it is the people's money so let's give it back to them in a tax cut, what people are we talking about here? It is the people's money, so we give it back to them. The problem is, the people's Government does not have any money. The people's Government is out of money. It is borrowing money, and increasingly it is borrowing from foreign entities. So when people say: We ought to give the people's money back to them, it is a little late. We already did that. We did that, and much more. We went and borrowed money to give it to them.

Now, who is going to get stuck with the tab? It is going to be the American taxpayer. Because you can only continue to stack up debt for so long. At some point the chickens come home to roost. That is why I support a fully paid-for alternative minimum tax relief amendment. This alternative minimum tax relief provides tax relief in the first year costing $76 billion, but it is paid for over the next 10 years.

I remind my colleagues that pay-go does not require that these bills be paid for immediately. It requires the legislation be paid for over 6 and 11 years. Given the economic downturn and turmoil we now confront, I would not call for paying for AMT relief right now. But we can provide offsets over time to cover the cost. That would be the responsible thing to do, and it would send

a signal to the financial markets that we are serious about putting our fiscal house back in order.

Some have argued we should not be raising taxes to pay for alternative minimum tax relief. We are not talking about raising taxes. We are talking about closing tax loopholes and making hedge fund managers and oil companies pay their fair share.

Here is a list of the offsets or the pay-fors included in my amendment.

One, ending deferral of offshore compensation by hedge fund managers trying to evade current taxation. Two, delaying implementation of a new worldwide interest allocation provision designed to benefit some multinational corporations. Three, correcting underpayment of royalties for oil and gas production on federal land in the Outer Continental Shelf. Four, codifying economic substance—prohibiting transactions with no economic rationale, done solely to evade taxes.

Does anyone oppose closing these loopholes? Does anyone oppose these offsets, these means of paying for what is needed? Because certainly alternative minimum tax relief is needed. Otherwise, 26 million people are going to get hit by the alternative minimum tax.

It is important to recognize these annual alternative minimum tax fixes, as costly as they are, conceal the much longer and larger long-term cost of fixing this problem. The cost to reform the alternative minimum tax over the next 10 years is a staggering $1.6 trillion. Let me repeat that. To fix the alternative minimum tax over the next 10 years would cost $1.6 trillion.

So if we continue to pass alternative minimum tax patches that are not offset, that is the real amount, as shown on this chart, we are going to be adding to the Nation's debt. Over the summer, I asked the Congressional Budget Office to examine the impact on our budget and economy from continuing to pass these unoffset tax cuts. CBO found that the debt absolutely explodes if we continue with unoffset alternative minimum tax reform and unoffset extension of the President's tax cuts—rising to 602 percent of the gross domestic product by 2082.

Let me repeat that. This is what the Congressional Budget Office has told us will happen if we continue on this course. As shown on this chart, this is the debt if we proceed with the current policies. That is the green line. Now, this is the debt that will accrue if we continue to pass alternative minimum tax reform unpaid for. That is the black line. Finally, the red line is what happens to the debt with unoffset alternative minimum tax reform and extension of the Bush tax cuts. In that case, the result is the debt of the country goes to 600 percent of gross domestic product. That is five times the record amount. That is five times the record amount of debt to gross domestic product in our Nation's history.

What is the implication of such an explosion of debt? What would it mean? I asked the Congressional Budget Office to tell me what would happen if we fail to pay for alternative minimum tax reform and the Bush tax cuts. What would happen to economic growth? Here is what they concluded. As shown on this chart, the black line is the economic loss from not paying for alternative minimum tax reform. You can see, it is very dramatic, the drop in GNP per person. Here is what happens to economic loss from not offsetting the alternative minimum tax reform and the extension of the Bush tax cuts. CBO projects that, over time, it would reduce American living standards by 50 percent.

It is because the debt operates as a gigantic drag on the economic growth of the country. How is that possible? Well, very simply, as I described earlier, if you keep adding to the debt, you have to finance it. How do you finance it? You borrow it. Increasingly, we borrow from abroad. That undermines the value of the dollar. That puts upward pressure on interest rates. Rising interest rates stifle economic growth. Again, that is not just my view. Here is what the Congressional Budget Office said in a letter to me on July 17 of this year concerning their estimates:

> Despite the substantial economic costs generated by deficits in that model, such estimates may significantly understate the potential loss to economic growth from financing the tax changes with deficits . . . In reality, the economic effects of rapidly growing debt would probably be much more disorderly and could occur well before the time frame indicated in the scenario.

Is anyone listening to what our own advisers are telling us? Deficit financing of tax cuts hurts long-term economic growth, and the reaction could be disorderly changes in the markets well before the models suggest. I believe that, in part, that is what we are seeing today: a sharp drop in equity values, a sharp drop in the value of the dollar, and all the while we see a massive increase in our deficits and debt.

As shown on this chart, this is the long-term budget scenario of the Congressional Budget Office. This is where we are to this point. This is where we are headed without fundamental changes. If we keep patching the alternative minimum tax without paying for it, if we extend the Bush tax cuts without paying for them, there is going to be, according to those who advise us, a sharp reduction in economic growth, a sharp reduction in the economic strength of our country.

We have to start somewhere. I propose we start today by paying for the alternative minimum tax relief that is needed. We could do it today. We could open a new chapter. We could get serious about the long-term economic prospects of our country. The alternative is to stay on the current course, keep running up the debt, keep running the risk of a sharp break in the value of the dollar, keep running the risk of a sharp break in the economic strength of our country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Who seeks recognition?

The Senator from Utah.

AMENDMENT NO. 5633

Mr. HATCH. Mr. President, I appreciate my colleague from North Dakota. He is diligent. He means well. And I care for him a great deal. He has an impossible job, in my opinion. One reason he does is because one side thinks the only way to solve our problems is to increase taxes. Our side believes the only way to solve our problems is to reduce spending. We all know the only way you can do that and be significant is to take on some of the entitlement problems that exist, and that causes even more of an explosion. But I respect him very much for the fight he wages all the time.

I rise today to express my support for the Baucus-Grassley substitute and perfecting amendments to the tax extenders bill before us today. These amendments may sound a bit confusing, so I will try to clarify briefly what they do.

The Baucus-Grassley substitute amendment is a bipartisan compromise on the soon-to-be expired tax provisions dealing with energy production, alternatives, and conservation. This important group of tax incentives enjoys a great deal of support from Members on both sides.

Unfortunately, the passage of these energy extender provisions has been held up over discussions about energy policy in general, and more particularly, over the question of whether and how to offset the lost revenue.

The Baucus-Grassley perfecting amendment is also a bipartisan compromise, but this amendment features the retroactive extension of important tax provisions that expired at the end of last year, as well as extending the so-called alternative minimum tax patch for 2008, and a package of disaster relief tax provisions.

This long-delayed group of provisions also enjoys broad support among Senators, but it too has been held up by the question of how or if to pay for the lost revenue.

I want to first congratulate those of my colleagues whose hard work and flexibility have made these compromises possible. Getting to this point where we can hopefully pass this tax extenders bill today is a big achievement, and one that should not be overshadowed by the necessities of dealing with other urgent legislative business this week.

The chairman and the ranking Republican of the Finance Committee, Senators BAUCUS and GRASSLEY, along with the majority leader and the republican leader, deserve all of our thanks for guiding us to this compromise.

As with all compromises, this one is completely satisfactory to no one. My position all year long on the offset question, along with that of most of my Republican colleagues, can be summed up in two sentences. First, it

is wrong to raise taxes on one group of Americans in order to prevent another group of Americans from suffering a tax increase. Second, it is wrong to raise taxes on a permanent basis in order to pay for the temporary extension of expired or expiring tax provisions.

The other side has put forward the position that, in the name of fiscal responsibility, we should not allow the budget deficit to grow higher as a result of extending current law tax provisions. I respect this position, and as someone who has long been concerned with this Nation's fiscal health, I also do not want to see the deficit climb.

However, the rate of Federal spending for the past several years has grown alarmingly high. According to the CBO's latest baseline budget projection, the deficit is estimated to explode from last year's $161 billion to $431 billion by 2010. So, yes, it is obvious that we have a deficit problem. However, over this same 3-year period, annual Federal revenues are projected to increase by $313 billion from fiscal year 2007 levels. This is an increase of more than 12 percent.

Over that same period, however, the amount of annual Federal spending is projected to climb by $583 billion. This is an increase of more than 21 percent. Therefore, it seems obvious that we do not have a problem with revenues. We have a problem with spending growing much faster than revenues are growing.

It seems to me that the answer to the offset question is not to raise taxes but to cut spending growth. And yet after months of impasse, we made no progress in getting the other side to line up for spending restraint instead of tax increases.

However, the leadership on both sides, along with the two leaders of the Finance Committee, have found a way to move us forward in a manner acceptable to both sides.

The energy extenders amendment is fully offset, as has been insisted upon by the Democrats. However, it is true that much of this amendment is comprised of expansions of current policy and not strictly extensions of current law. Therefore, some offsets are acceptable. I wish they were offsets in the form of spending cuts, but my voice is in the minority on this desire.

Moreover, the tax increases in the energy amendment have been moderated from earlier versions. Instead of a full repeal of the deduction for the domestic production of oil and gas, the amendment freezes the current deduction at 6 percent. And, instead of an obnoxious and unprecedented new Federal severance tax on oil drilled in the Gulf of Mexico, the amendment includes a small set of offsets that are relatively acceptable in light of the positive provisions included in the package.

In the AMT and extenders amendment, the other side has conceded that it need not be fully offset. This amendment does include a large tax offset dealing with offshore deferred compensation. I am not fully convinced that current law is in need of reform in this area. However, again the benefit to our economy and to taxpayers of having the expired provisions extended on a retroactive basis justifies this compromise.

We are obviously in a time of great economic peril. While the size of this combined tax extenders package might pale in comparison with the larger number of dollars involved with legislation we are considering this week to ensure the liquidity of our financial markets, we should not underestimate the importance of these tax provisions to our economy.

We must not subject another 23 million American families to the cruelties of the alternative minimum tax. What a nasty and unfair surprise to these unsuspecting households we would be leaving at their doorsteps absent this bill. Because the AMT patch will save these taxpayers almost $62 billion, in just one year, not passing the AMT patch would go a long way toward reversing the benefits of this year's economic stimulus tax rebates.

Let me mention two other vital provisions that are extended in this package, among many important ones.

First is the provision to extend the exemption of active financing. I know this sounds confusing, but it is critically important to keeping America's financial services firms competitive with their overseas counterparts.

The Internal Revenue Code imposes worldwide taxation on its citizens and domestic corporations. Many of our trading partner nations do not impose this kind of taxation on their home-based companies. Without the exemption for active financing income, which expires at the end of this year, our firms will have a significant disadvantage in competing with companies based in these other nations.

The second, and I believe, the most important, is the research credit, which expired at the end of last year. Research and development is the lifeblood of American innovation. This is an area where our Nation has clearly held the lead for decades.

However, we are at serious risk of losing this edge to other countries. No longer is the U.S. the only place to find talented scientists and other researchers. No longer does the U.S. have the only world class research facilities. And certainly, no longer do we have the only tax incentives for research in the world. Many other countries, each of which would love to take our lead away, are vying for this research.

We simply cannot afford to allow this credit to lose its incentive value and thus allow research to escape our shores. I fear it is already happening, but passing this bill is the first step in fighting to keep this indispensable segment.

This is obviously a historic week in a monumental year. Hugely important questions with tremendous ramifications lie before the Congress and before the American people and must be decided in the next few days and weeks.

The issue at hand today might be overshadowed by other matters, but is nevertheless a vital one. We must pass this tax extenders and energy incentives bill, and I hope the House can get it done this week as well. Let us put this part of our financial house in order today.

Then, I hope and pray we as a Congress can make the right decisions in solving our financial and liquidity crisis, and that the people of America choose wisely in the elections that are just a few weeks away.

As a Nation and as a Congress, we have a lot of work ahead of us to bolster the confidence of the people. We need health care reform and we need a tax system that helps us compete in the world, instead of leaving us at a disadvantage.

I personally compliment the distinguished Senator from Montana and the distinguished Senator from Iowa, Senators BAUCUS and GRASSLEY, for the work they have done, and, of course, others who have participated in this. Let's build on this work as we move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 10 minutes from the time in opposition to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to talk about the series of votes we are going to be having on the extenders package and to thank my Chairman, Senator BAUCUS, for his leadership on this legislation because this is important legislation my colleagues are going to be voting on in a short period of time.

Senator BAUCUS has been diligent in working with Senator GRASSLEY on various provisions that I believe are good for Washington State and for the country—specifically, the R&D tax credit and the continuation of that credit for 2 years. I thank Senator BAUCUS and Senator HATCH, who worked out a more robust tax credit for the future. We also are extending the college expense deduction; a continuation of that at $4,000. Many parents are struggling with many financial obligations, and college education costs that are continuing to rise. This legislation makes sure they can deduct some of these expenses and helps out those taxpayers.

For us in Washington State, it also is critically important we be able to continue to deduct sales tax from our Federal income tax obligations. It was about 22 years ago that Congress took away this opportunity for Washingtonians to be treated fairly, just like other States in the Union, to be able to deduct sales tax. We recently reestablished this policy, and this bill continues it for another 2 years, so that we

are able to deduct what obligations we pay to the State of Washington from our Federal income tax obligation. This is stimulus to us in Washington State, and it is about tax fairness. We are glad that, for 2 more years, Washington residents will be able to either take a standard deduction or itemize their deductions and claim these taxes against their Federal tax obligation.

I remind my colleagues, too, about the importance of the energy provisions we are about to vote on. We are making a significant change in energy policy by promoting clean energy solutions for our country. In fact, were we to look at the 2005 bill we passed, which had many similar tax provisions in it related to energy production, it was probably two-thirds tilted toward fossil fuel and one-third for green energy. This bill turns that equation on its head; it is two-thirds for green energy solutions and one-third for fossil fuel. That heads us in the right direction as a Congress and as a country, it is where we should put our priorities.

This legislation unleashes the ability for us to focus on solar power in America. It unleashes the ability of solar power by giving it an 8-year tax credit horizon, the same we are giving to fuel cell technology. Concentrating solar power technology is a new endeavor that holds great promise for us in America and particularly in the Southwest. We think that over 400,000 jobs could be created in the next 8 years thanks to this technology, and those are jobs right here in the United States. That gives the United States the ability to produce enough power for probably over 7 million American households. It is also a $232 billion investment that we expect to see into our economy coming from these investment in solar energy. We are truly unleashing that power and producing what will be emission-free fuel for our homes and businesses.

For plug-in electric cars, this bill provides up to a $7,500 tax credit so an American citizen will be able to get a plug-in car and use that to drive down their cost of transportation. If you think about it, instead of spending $4 a gallon for gasoline, with a plug-in vehicle, your cost per gallon would probably be only about a dollar. That would be significant savings for the American consumer.

Third, we are including, for the first time in the Tax Code, faster depreciation for what are called smart meters. This technology is going to help us as consumers understand the power we are using and how we can manage that usage to reduce our energy costs. Tom Friedman has done a good job of evangelizing this. He believes this is where IT meets ET—where Internet technology meets energy technology. The fact is that we can build a smart electricity grid that understands what consumers are using and empowers those consumers to help drive down their costs. Once we get these meters installed throughout the country we will begin to realize energy savings just by moving power more efficiently around the electricity grids. We can save 10 percent on what power we are using today by just consuming it in a more efficient fashion.

This provision will help with the deployment of smart meters and smart grid technology that will help us move forward.

When we think about this platform of distributed generation, smart grid technology, the advent of efficiencies, we can see how we can build a national smart grid that will help us immensely because we know we are going to have an increase in demand, we know we want to reduce carbon emissions, we know there are intermittent sources of power such as we are talking about with wind and solar that we can work in cooperation with our other power sources, and we know that substituting electricity for oil can make a major transition for us in getting off our dependence on foreign oil.

All of these are improvements to that electricity grid. It is like taking our current two-lane dirt road highway and turning it into a superhighway of a smart electricity grid that can empower us in making this transition.

I am very happy that the accelerated depreciation provision made it into the legislation. I thank Chairman BAUCUS and Senator GRASSLEY for making that part of the tax incentives we are going to pass here today.

Lastly, there are over $10,000 in tax breaks to American consumers to try to help them lower their energy costs into the future. I know from the Presiding Officer that in the Northeast part of our country, a lot of people have suffered under the high cost of home heating fuel. This legislation helps them with tax breaks on wood-burning stoves so they can install the latest technology to turn wood pellets into a better, more efficient source of fuel and help drive down the demand on home heating oil. Hopefully this can help reduce the cost to many of the Northeast residents who are still using oil as their primary heating source.

The $10,000 in tax breaks, as I said, for items such as plug-in automobiles, wood stoves, solar panels on the homes, small wind farms, and a variety of things are going to help the American consumer reduce the burden they are now facing from higher energy costs.

We are taking this direction and moving closer to what we think the United States can be—a world leader in green technology. We are creating the platform and putting in place the right incentives in this legislation that will move our country away from its dependence on fossil fuel and on to the clean energy technologies that will make the United States a world energy leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 5635 TO AMENDMENT NO. 5633

(Purpose: To amend the internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes)

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside and I be allowed to call up my amendment No. 5635.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, and Mr. REID, proposes an amendment numbered 5635 to amendment No. 5633.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BAUCUS. Mr. President, I yield 10 minutes of the time in favor of the third amendment to the senior Senator from New Mexico, a lead sponsor of the mental health parity provisions in the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my thanks to the chairman.

First, I wish to thank a number of individuals and institutions.

First and foremost, I thank Senator KENNEDY. Senator KENNEDY is my long-time partner and friend in our work on parity and other mental health issues. Obviously, he cannot be here today, but he is fully aware of what we are doing. I know he is very pleased with what we are doing and thrilled that we have found the offset for our bill, the bill that has been accepted by the House.

The question is whether our bill with the offset or our bill with a different offset becomes law. There should be no doubt that we will now get parity of treatment for a large number of Americans suffering from mental illness.

My further thanks go to Senator ENZI. I could not have asked for a better colleague to help work on this issue of mental health parity.

Senator DODD, my long-time friend, has done an admirable job standing in for Senator KENNEDY, not to mention his own work on mental health issues.

Chairman BAUCUS and Senator GRASSLEY: Simply put, we could not be here without you.

Leaders REID and MCCONNELL: I cannot say enough about the fantastic assistance the leaders have provided and they should certainly share with us the optimism that comes from this bill.

Members of the House of Representatives KENNEDY and RAMSTAD, the chairmen and members of the committees of jurisdiction and the leadership in the House; our superb coalition outside the Senate and House. Mental health groups, insurance companies, and business organizations banded together and stayed together to ensure a broadly supported bill.

It might shock some, but I read the long list of those who banded together. And yes, you will see that this bill is supported by businesses—by big businesses—by those who pay for the large numbers of people who are covered by insurance and who are going to be guaranteeing parity of treatment under this bill. Finally, my dear friend Paul Wellstone. He was always the one who pushed and prodded me to move quicker and faster. I know he is watching us today and is extremely proud of what we have accomplished.

Let me take a couple of minutes to talk about the historic mental health parity compromise before the Senate.

Twelve years have passed since the Mental Health Parity Act of 1996 became law. The compromise is the product of 3-plus years of continuous work and thousands of hours of labor. Rather than say just thousands, I will say a thousand hours at a minimum. For those 3-plus years I would walk into my office from time to time and I would see my conference room occupied by 30 or 40 people. Whenever that conference room was full, I knew that the member of my staff who handles mental health parity, Edward Hild, who is sitting at my right hand today, was among them. He was working with them to see what they could agree on and to see which problems could be solved. Joined with him was Senator KENNEDY's aide, Connie Garner. I thank the two of them especially. Without them we could not have completed this bill. They worked and worked in order to get all sides to agree. And now we have what many have waited for a long time. My thanks to Ed Hild, and Connie Garner, who works for Senator KENNEDY.

What does this bill do? It provides mental health parity for about 113 million Americans who work for employers with 50 employees or more. It ensures that 98 percent of the businesses that provide a mental health benefit do so in a manner that is no more restrictive than the coverage of medical and surgical benefits.

It ensures that health plans do not place more restrictive conditions on mental health coverage than on medical and surgical coverage; parity for financial requirements, such as deductibles, copayments, and annual and lifetime limits; parity for treatment limitations, and the number of covered hospital days and visits.

It provides an out-of-network parity for mental health coverage if a plan provides out-of-network coverage for medical and surgical benefits.

It provides a small employer exemption for companies with fewer than 50 employers and provides a cost exemption to all covered employers.

Simply put, our legislation will ensure that individuals with a mental illness have parity between mental health coverage and medical and surgical coverage. No longer will people with mental illness have their mental health coverage treated differently than their coverage for other illnesses. That means there will be parity between the coverage of mental illness and other medical conditions such as cancer, heart disease, and diabetes.

No longer will people be treated differently only because they suffer from a mental illness. And that means 113 million people in group health policy plans will benefit from our bill.

We have worked with the mental health community and business and insurance groups to carefully craft a compromise that all members of the coalition support.

I wish to take a minute to talk about what we are doing and what we are not doing. I have done that in all of my remarks, talking about what we are doing and what we are not doing.

Mr. President, I say to everyone here, I do believe that if Senator KENNEDY had his way, he would be standing over there where his chair is and he would be speaking as long as I speak or maybe longer. He and I would be discussing how difficult it has been to get this very basic American insurance coverage for the mentally ill.

Parity means fairness. We have been unfair to the mentally ill since we started medical insurance coverage for people with illnesses. Somehow we got off the track. We said, of course, we will treat everything that has to do with the heart, but, for instance, we won't do anything having to do with illnesses that affect the brain. Perhaps, it was because we didn't know that illnesses such as schizophrenia were diseases of the brain. We started talking about them as if they were something else. So we began saying they don't get the kind of coverage that people with heart problems do, or people with cancer do, or people with tuberculosis do.

What we have had is millions of Americans, since health insurance was first started, to this date, millions of Americans have been born and died with mental illnesses. Illnesses never covered by health insurance. However, over time the unfairness has been whittled away, and we have become more and more fair.

Today this bill says all of the group insurance policies in the United States of America, no matter who wrote them, no matter where they were written, no matter which company they were written by or for, will have to provide for the mentally ill who are covered. If they are going to have any mental health coverage, those insurance companies must cover them with the exact same coverage they give to others who suffer from other diseases as I have described in the last 6 or 7 minutes.

This is a red-letter day for fairness, a red-letter day for doing something very positive. This was a tough one, and it should have been easy. But it was tough. It took many years to get it through here. In fact, the last effort we had, believe it or not, we had a Senator who was so concerned about his work that he said he wanted one more weekend. To which I said: What can you do in one more weekend? And his response—and he was sincere—he said: I want to finish reading the bill. Nobody tells us that, but he did. He finished reading the bill. I thank him. I said: You must be a genius to understand what we wrote. I compliment you. That was one of our last hurdles. That was months ago in the Senate. Then it got to the House, this final bill, this bill before us today.

We had a parity bill a number of years ago which was quasi almost parity. That got through here a little easier, although even that bill was resisted in the House. Many of us have warmed to the idea finally that the mentally ill of our country are truly people who are sick, and if they are treated by doctors or in hospitals for that ailment—be it schizophrenia, be it bipolar, be it depression, any of those doctors have to treat—those patients ought to be covered by general health insurance.

I am so pleased we are finally doing this bill. I am so unhappy that my friend Senator KENNEDY cannot be here today. He and I spent many hours talking about this legislation, changing it, moving it around. I know he would have loved to have been here. So I say on behalf of Senator KENNEDY that he and I thank the Senate for this bill. It will be adopted shortly.

My 10 minutes is up. This is on a bill which is destined to pass. We were glad to put it on the bill. Maybe we helped the bill; maybe the bill helped us. In any event, we are trying to do everything that anybody asks of us. We even had the Congressional Budget Office say this bill costs the Government money, and that was a hard thing to eat and buy, but we did buy it. It took us a long time because we had to have an offset. We did get one.

For those people interested in the bill, I have said everything about the bill and the people with mental illness across our land. I have seen these people by the thousands—the mothers and fathers and relatives of the mentally ill. They are my friends across the land. Today, we have added other things and we are getting close to covering the mentally ill, as we should—as a concerned, considerate country should do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the third amendment.

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

Mr. WYDEN. Mr. President, I particularly wish to thank my friend from North Dakota, Senator CONRAD, for his courtesy because I know his remarks

are extremely important, given these tough fiscal times.

I will be speaking on the third amendment and particularly the part of that third amendment that addresses the extraordinary economic hurt in much of rural America. Senator BAUCUS and the ranking minority member, Senator GRASSLEY, have worked very closely with me and a number of Members of the Senate who represent rural communities where the Federal Government owns much of the land, and tonight it looks like there is some promising news ahead for these desperately hard-hit rural communities.

More than 100 years ago, our rural communities entered into an agreement with the Federal Government. What these rural communities said was that, in effect, they would give up their land so there could be a national forest system, and in return the Federal Government would ensure that these rural communities would have sufficient funds for schools and basic services.

This was facilitated by tying these payments to the rural communities to the amount of timber that was cut in these areas.

Now, this went quite well for many years. But as the environmental laws in our country began to change, this money shriveled up. It shriveled up and we were faced, in rural communities, with the prospect of having school 3 days a week. In my part of the country, our law enforcement officials were faced with not having the funds that they desperately needed to fight this epidemic of methamphetamines. Suffice it to say there was a real question—and there continues to be—as to whether some of these communities and some of these rural counties would actually survive. We have three in our State that are walking on an economic tightrope right now.

So what Chairman BAUCUS and Senator GRASSLEY have done, working with a host of us from these communities—myself, Senator BINGAMAN, Senator FEINSTEIN, Senator CANTWELL, Senators MURRAY, SMITH, BOXER, CRAPO, CRAIG, and other colleagues on both sides of the aisle—is they have given us the opportunity, if this third part of the extenders package passes tonight, to give new hope to these rural areas. The hope comes in the form of a multiyear reauthorization of the law that I wrote in 2000 with Senator CRAIG to the Secure Rural Schools legislation.

It provides a safety net for these communities in our part of the country so they can educate their kids, fight drugs and crime, and pay for essential services. Right now, pink slips have been sent out in my State and elsewhere to county workers, teachers, and others. Without the legislation that has been put together so carefully by Chairman BAUCUS and Senator GRASSLEY, my view is we will see devastating losses to the very fabric of rural communities. Some of those rural communities will not survive. Today's vote—the vote we are going to have this afternoon—provides the best opportunity we have seen in many months to ensure that rural communities do not drown in this economic crisis.

The reason this proposal is so very important is that it is a multiyear reauthorization of the law that Senator CRAIG and I wrote in 2000. The reason we feel so strongly about a multiyear reauthorization is it will give our rural communities an opportunity to plan for new economic development efforts where they can create good-paying jobs for their people.

I know for a fact, given the huge problems we have had with fires in the West, that it will be possible to put together a strong thinning program, where we can thin out, for example, the overstocked second growth stands and get those merchantable materials—they are merchantable materials—to the mills and put our people to work.

We are going to be able to take other steps. We want to have new clean energy programs, using biomass, something where the Senate has brought together the forest product sector, the environmentalists, scientists, and others. We are looking at new opportunities in carbon sequestration. But to have the time for our rural communities to get into the thinning, to get into biomass, to get into carbon sequestration, we desperately need this 4-year reauthorization program to take these rural communities off the economic roller coaster they have been on since the time in which these funds ran out.

We have had wave after wave of bad economic news in rural America. We are now in a position to vote for a measure that will give new opportunity to these rural communities and particularly the opportunity over the next few years to survive and to look at additional business ventures that are tailor-made for the times. They are going to be greener, they are going to be sustainable, but they are going to create family wage employment.

In our part of the country, we recognize this is a different day than it was 100 years ago, when folks in the Northwest and other parts of rural America made this agreement with the Federal Government. Times have changed, and they are certainly tough fiscal times, made tougher by the events of the last few weeks. But the people I have the honor to represent in the Senate are up to making these changes.

On this legislation that we will vote on shortly, I am very hopeful that this time the other body will finally approve it; we have had 74 votes in the Senate in favor of this package. What Chairman BAUCUS and Senator GRASSLEY have added to the legislation virtually mirrors the vote that we had on the amendment I offered earlier in the Congress. Chairman CONRAD worked very closely with westerners to ensure that this was fiscally responsible. Senator GRASSLEY, the ranking Republican on our Finance Committee, on which Senator CONRAD and I serve, worked closely with us. This is truly bipartisan. It is a vote that would bring new hope to rural America, ensuring their survival and the chance for better days ahead.

I urge my colleagues to support the third part of the tax extenders package.

I thank my colleague from North Dakota for the courtesy of speaking at this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to address the extenders package and the alternative minimum tax amendment now under consideration.

Earlier this morning, we debated an amendment to provide several critical energy tax provisions which was fully offset—it was fully paid for. They were important items, such as provisions that will promote renewable and alternative sources of energy. But now we are debating another important amendment, the underlying provisions of which I also support, such as the extension of the research and development tax credit, and other important extender provisions that will help middle-class families and promote economic growth, and another 1-year fix for the alternative minimum tax to ensure that 26 million taxpayers are not thrown onto the alternative minimum tax in 2008.

But as the chairman of the Budget Committee, I wish to be clear to my colleagues that the provisions in this amendment are not paid for. The extender and other provisions are only partially paid for, and the alternative minimum tax relief is not paid for at all. That, I believe, is a serious mistake. I fully support these provisions, but they should be paid for. I earlier offered an alternative minimum tax package that was paid for—fully paid for—and paid for in a way that it should be.

This spring, I made a commitment to the Blue Dogs in the House that I would raise a point of order against any unpaid alternative minimum tax bill in the Senate. The Blue Dogs are to be commended for fighting for fiscal discipline. I intend to keep my commitment to them and to raise a pay-go point of order against this bill. I do it not just because I made that commitment but because I believe it is the right policy as well.

I wish to remind my colleagues that pay-go does not require that these bills be paid for immediately. Pay-go requires that the legislation be paid for over 6 and 11 years. Given the economic downturn and turmoil we now confront, I would not call for paying for these tax reductions right now. But I also do not believe we can simply add them to the national debt without any offset over any period of time. That I believe is a mistake.

We can provide offsets to pay for these measures over the longer term, and we should. That would be the responsible thing to do, and it would send

a signal to our financial markets that we are serious about putting our fiscal house back into order. So I will vote to uphold my point of order today, but I also recognize my point of order will fail and that this legislation will pass and be sent to the House.

Now, why is there a need to have alternative minimum tax relief? Well, the simple answer is: Because if we don't, 26 million people will be hit with additional taxes. In 2008, we would have 4.2 million affected if we passed the alternative minimum tax relief. With no AMT fix, 25.7 million would be affected. In other words, we would have 21 million more affected if we don't have a 1-year fix.

The 1-year cost of this alternative minimum tax and extender package is $104 billion. But these annual fixes, as costly as they are, conceal the much larger long-term cost of fixing this problem. The cost to reform the alternative minimum tax over the next 10 years is $1.6 trillion. Let me repeat that. The cost to fix the alternative minimum tax over the next 10 years is $1.6 trillion.

On the path we are following, we will absorb all that additional debt without a dime of it being paid for. I believe that is a profound mistake. Not only do I believe it, but the Congressional Budget Office confirms it. Over the summer I asked the Congressional Budget Office to examine the impact on our budget—and, more importantly, on our economy—from continuing to pass these unpaid-for, unoffset tax reductions. The Congressional Budget Office found that the debt absolutely explodes if we continue to pass the alternative minimum tax fixes without paying for them, without offsets. To go further, to pass an extension of the President's tax cuts without paying for them, without offsets, would increase the debt as a share of the gross domestic product to 602 percent.

Is anybody fiscally responsible in this Chamber anymore? Does anybody care about the effect on the debt, and more importantly, on the economy? The Congressional Budget Office, let me repeat, made it very clear. Here is what is going to happen to the debt without fixes to the alternative minimum tax, without extending the President's tax cuts. You can see the debt under any scenario is going to rise dramatically, but, if we keep passing alternative minimum tax fixes without paying for them, the debt will skyrocket. If we add to that an extension of the President's tax cuts without it being paid for, the red line shows what happens to the debt. Under that scenario, according to the Congressional Budget Office, the debt will reach 602 percent of the gross domestic product in 2082.

After World War II, the debt as a share of GDP was about 125 percent. The debt was about 125 percent of the gross domestic product. The Congressional Budget Office is telling us if we continue to pass these alternative minimum tax fixes without paying for them, and add in the cost of the President's tax cuts, the debt will reach over 600 percent of gross domestic product in 2082.

More importantly, the Congressional Budget Office concluded that the effect on economic growth would also be dramatic and devastating. Specifically, the Congressional Budget Office found that a failure to pay for these policies, the alternative minimum tax fixes and extension of the President's tax cuts, will result in an economic loss of almost 50 percent in the gross national product, per person, in roughly the next 65 years. In other words, instead of growing the economy, the Congressional Budget Office is finding and telling us that the debt created by these unoffset tax cuts will act as a giant anchor on this economy, dragging us down with debt and deficits, leading to higher interest rates, leading to less economic growth, more unemployment, and a weaker America.

In CBO's letter to me presenting the results of its analysis, the agency noted that the economic disruption caused by these deficits and debt is likely to be far worse than their own models show. Here is what they said:

> Despite the substantial economic costs generated by deficits in that model, such estimates may significantly understate the potential loss to economic growth from financing the tax changes with deficits . . . In reality, the economic effects of rapidly growing debt would probably be much more disorderly and could occur well before the time frame indicated in the scenario.

Mr. President, I ask unanimous consent for an additional minute.

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

Mr. CONRAD. Mr. President, I don't know when we are going to absorb this cruel lesson, but deficits and debt do matter. It is not just numbers on a page. This is the question of the economic performance of this country. What the Congressional Budget Office is telling us is that the explosion of deficits and debt hurt long-term economic growth and hurt it a lot—a reduction of 50 percent of the gross national product per person of this country.

I deeply believe one of the reasons we have the economic turmoil we have now is because of the explosion of deficits and debt fueling a gigantic bubble. That bubble is bursting and the pain is spreading.

We have to make a judgment. We have to make a determination. When do we start paying for things around here? When do we quit shuffling it off onto the debt? When do we stop threatening long-term economic growth and the economic strength of the country?

Today could be the day that we begin the march toward responsibility. For that reason I will offer a budget point of order on this measure that is unpaid for and urge my colleagues to support the previous amendment I offered to fully pay for the alternative minimum tax fix that otherwise will hit over 25 million Americans.

Mr. President, under the rules of the Senate I will offer the budget point of order as we approach that vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 5634

Mr. GRASSLEY. Mr. President, I want to speak on the second or third amendments we are going to be voting on. But before I do that, I think the Senator from North Dakota has asked a very important question that I want to address: Is anyone around here concerned about the debt?

I want to remind everybody that it seems uncharacteristic to be able to speak about concern about the debt when it comes to the issue of tax policy, and not reducing taxes but basically in this bill keeping taxes where they have been for years and in some instances for more than a decade, but at the same time not think in terms of the debt when it comes to spending policy.

I have heard the Senator from North Dakota speak about concern about the debt when it comes to tax policy and the necessity to raise taxes to keep the existing tax policy in place. But at a time that we have increases in spending, I do not hear people talking about offsetting increases in expenditures.

I spoke this morning about pay-as-you-go somehow applying to taxes, but when it comes to increased spending we do not see the same concern about spending as it is with tax policy. That is an inconsistency that shows to me that the other party—at least the Senator from North Dakota—is concerned about the debt when it comes to talking about taxes, but when it comes to talking about spending I do not see that same concern. Hence I see an inconsistency in the debate on the issue of pay-as-you-go.

On this issue in this tax bill we are not talking about reducing taxes, we are talking about taxes that have sunset and periodically Congress deals with: Should we keep those same tax policies in place? For the most part, this bill is nothing more than keeping existing tax policy in place. As on the alternative minimum tax, it has been a policy of this Congress for a long period of time, at least since 2001, that we would not tax middle-income people because the alternative minimum tax was not indexed. This bill does that for the year 2008, so 25 million middle-income families do not pay more. They were not intended to pay it with tax policy of that nature—keeping it right where it is.

It is one thing to say we ought to raise taxes on other Americans to keep that tax policy where it has been, of not taxing the middle-income folks with the alternative minimum tax. But the game around here and in the amendment suggested by the Senator from North Dakota is to raise taxes permanently but to reduce the alternative minimum tax—I should not say reduce it, keep it so it doesn't hit 25

million Americans, where it has been, for 1 more year. So you have a tax increase forever to offset the tax policy that is for 1 year and sunsetting and have to deal with it next year. So next year we come back and if you follow his analogy, you raise taxes someplace else forever but probably deal with the alternative minimum tax for a short period of time of a year or probably at most 2 years.

We see it as a gimmick to raise taxes forever but not to take care of the problems of middle-income taxpayers not being hit by the alternative minimum tax, but for 1 year—once in a while for 2 years but in this bill for 1 year. So that is my response to the Senator from North Dakota. I hope people, as we have, do as we have done before. This body last year decided that when we keep tax policy where it has been for a long period of time and we want to extend it for 1 more year, we do not raise taxes on other Americans to continue doing what we have done for a long period of time.

While Members of this body may disagree on a lot of issues, there are some concepts that I think we should all be able to agree on. For instance, I think we can all agree it is not fair to penalize one group of people for another group of people's mistakes; second, that two wrongs don't make a right. Despite the fact that all of us may agree on these basic ideas, the amendment we have before us today suggests otherwise. So the Conrad amendment attempts to violate these principles—first by punishing taxpayers for the repeated mistakes of Congress not indexing the alternative minimum tax and, second, by attempting to correct Congress's original mistakes with yet another mistake.

The original mistake I am referring to, of course, is the alternative minimum tax. We all know the story. The alternative minimum tax was created 40 years ago in response to the discovery that a few people, 155 wealthy taxpayers, were able to eliminate their entire tax liability through legal means. The goal of the AMT was to guarantee that extremely wealthy people were not able to game the system and avoid paying some income tax. While this doesn't sound like a bad plan—on the surface, at least—the design and execution of this plan could not have been worse. That is because it was not indexed. Today, nearly 40 years after this travesty of a law that was put into place, the alternative minimum tax continues to fail on every level as a policy instrument while plaguing more than 4 million American taxpayers on a yearly basis. If we do not do something, 25 million more people will be hit this very year.

Since 2001 the Finance Committee has produced annual legislation to do what we call hold harmless the amount of families and individuals who are subject to this AMT. The amendment before us, if agreed to, would fully offset the alternative minimum tax fix for the year 2008. While I have said it on numerous occasions in the past, I want to say it again: The alternative minimum tax is a phony revenue source. It should not be offset, since it collects revenue that was never meant to be collected in the first place. In other words, it was meant to be collected only from very wealthy people and not from middle-income Americans. Therefore, I urge my colleagues to join me in rejecting this amendment.

Let's look at some of the reasons the 2008 AMT fix should not be offset. First, we need to go back to the original purpose of the alternative minimum tax. As I said earlier, 155 wealthy taxpayers were able to completely avoid Federal income taxes in 1969, and the AMT was put in place to make sure this practice did not continue.

So in 2008 has this problem been eliminated? Well, the answer is, absolutely not. In 2004, IRS Commissioner Mark Everson informed the Finance Committee that the same number of taxpayers, as a percentage of the tax-filing population at large, continued to pay no Federal income tax. In fact, the most recent IRS data available on high-income returns show that this problem is getting worse. According to an IRS analysis of tax year 2004, 2,351 taxpayers with incomes of $200,000 or more who do not use the medical or dental expense deduction had no income tax. In 2005, the number rose to 6,640. In other words, 6,640 taxpayers with incomes of $200,000 or more paid no income tax in 2005, which is over 42 times greater than the number—the 155—of wealthy taxpayers who paid no income tax in 1969. After nearly 40 years of failure and futility by the alternative minimum tax, the problem of wealthy taxpayers legally eliminating their entire tax liability is over 40 times worse than it was in 1969.

Clearly, the alternative minimum tax was and is a mistake. It is not doing what it was proposed to do. If you keep it on the books, it is going to kill the middle-income taxpayer.

Despite widespread agreement that the alternative minimum tax is a mistake and that something needs to be done about it, agreement on what exactly to do is not so widespread. A major factor in the disagreement relates to the massive amount of money the alternative minimum tax brings into the Federal Government, which is the only thing the AMT actually does well. In 2006, AMT filers paid more than $21.8 billion into the Federal Treasury, which is up from $17.2 billion in 2005 and greater than the $12.8 billion in 2004.

If we do not extend the most recent AMT hold harmless, that number is projected to balloon to a much greater amount, and long-term budget forecasts currently show this greater amount coming into the Treasury. When forecasters put their projections together, they are working under assumptions that the hold harmless that was extended last year will not be extended again because they base their assumptions on what the law says right now. Because of this, budget planners make the assumption that revenues will be much higher than everyone who is frustrated with the AMT thinks they ought to be because we have concluded that middle-income people never have paid this tax, never should pay it, so consequently the revenue is not going to come in. But the reason for this is then the AMT balloons the revenue base as it is projected to increase revenues as a percentage of GDP. There is a great deal of evidence to support this. Therefore, since these projections showing the AMT ballooning revenues are used to put together budgets, the central problem in dealing with the AMT is money.

There are some people who say we can only address the AMT if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecasts showing revenues being pumped up as a percentage of GDP and wants to keep them there.

This argument is especially ridiculous when one considers that the AMT was never meant to collect nearly so much revenue. Subscribers to this argument want taxpayers to pay the price for a tax that was designed poorly and, through a comedy of errors, was allowed to flourish. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay.

Offsetting the AMT would be a clear case of attempting to correct a past congressional mistake by punishing innocent taxpayers both today and into the future. If we are going to solve this problem, we need to look on the other side of the ledger; that is, the spending side. Budget planners need to take off their rose-colored glasses when looking at long-term revenue projections and read the fine print. In general, it is a good idea to spend money within your means, and that wisdom holds true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the AMT, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the AMT is a phony revenue source.

As we continue to consider how to deal with the AMT, we must first remember that we do not have the option of not dealing with it. The problems will only get worse every year and make the solution even more difficult.

We must also be clear that offsetting the revenue that the AMT would fail to collect as a result of repeal or reform should not be a condition of repeal or reform. We should not call it ''lost revenue'' because it is revenue that we never had to begin with. Making the offsetting of the AMT's ill-gotten gains a condition of an AMT fix is to punish the American taxpayer for ill-conceived and poorly executed policy that has been a total failure.

Aside from not increasing the proportion of wealthy taxpayers who pay income tax, the AMT is projected to balloon Federal revenues over historical averages and to become a greater source of revenue than even the regular income tax. Budget forecasters need to recognize that the AMT is not a legitimate source of revenue, and Congress needs to be disciplined enough to show restraint on spending so that the AMT solution does not boil down to the replacement of one misguided policy with another. The amendment before us would certainly be such a misguided policy, so I urge my colleagues to reject this amendment because two wrongs certainly do not make a right.

We are almost three quarters of the way through the year 2008, and since January 1 of this year, several tax relief provisions have expired. These are what we call the tax extenders. The biggest one I have just referred to is the alternative minimum tax affecting 25 million Americans. There are a number of other widely applicable tax relief provisions in the bill. One provides millions of families with the deduction for college tuition, and another provides a deduction for teachers for out-of-pocket expenses. There is one that is very important to innovation in American business, which is a research and development tax credit.

All of these tax relief provisions expired over 8 months ago. So far, the Senate has not passed these popular expiring and expired tax extender provisions. However, the Senate has now reached a bipartisan agreement that should enable us to pass this third amendment we will be voting on shortly. The third amendment contains these popular individual and business tax extender provisions as well as the alternative minimum tax fix, the incentive stock option AMT fix, disaster tax relief, and other important provisions such as the secure rural schools and mental health parity provisions.

You might ask, now that the Senate is expected to pass these tax extenders and other tax relief in this third amendment, what could hold up these important, bipartisan, time-sensitive tax relief measures? They are time sensitive. In short, the answer is, the philosophy in the other body by the Democratic leadership's version of pay-go.

I have worked with the Senate Democratic leadership, including my friend Chairman BAUCUS, in putting together this bipartisan tax relief package. However, it seems in the other body the leadership is saying that instead of taking this amendment we will pass today, along with the energy tax extenders we will pass today, they will instead insist that more of this tax relief be offset with tax increases elsewhere.

I have spoken on this before, and the hangup the leadership in the other body has is that they obsess over raising taxes to offset continuing current tax relief policies. I offered a deficit-neutral path for these tax extenders, a restraint on new spending, but I got no takers. The leadership of the other body has been so obsessed with raising taxes that they were willing to hold hostage popular, bipartisan tax relief measures. Now the House leadership is threatening to kill these tax extenders unless they get the tax increase they want so badly.

It reminds me of the nursery rhyme story. I am referring to the story of the big bad wolf. I have a chart here that depicts the big bad wolf. You remember the story—the big bad wolf that threatened the three little pigs. He said: I am going to huff and puff and blow your house down. The Democratic leadership is playing the role of the big bad wolf right now. There is some serious huffing and puffing from my friends in the Democratic leadership in the other body.

For those millions of families sending their kids to college, forget about your tax deduction unless Democrats get their offsetting tax increases. They have ignored the spending cut proposals I circulated a few months ago. So they are not holding tax extenders hostage to a pledge to pay for them; they are holding tax extenders hostage to their version of pay-go, which is guaranteed tax increases. More revenue means more spending and bigger Government.

What we have is huffing and puffing and a threat to blow the tax extenders house down by the big bad wolf. A partisan obsession with a tax-increase version of pay-go will not, at the end of the day, trump bipartisan, popular tax relief measures that millions of families are counting on. The House should take up the bill we have passed today and pass it through the House as well so we can send it to the President for his signature. If the House does not do this, the House leadership will have some explaining to do to millions of families and hundreds of thousands of businesses that will ask: What is more important—a partisan agenda or doing the taxpayers' business? Will House Democrats tell their constituents that having a big Government was more important to them than providing tax relief to their constituents suffering from natural disasters, as one example? Will House Democrats tell their constituents that partisan politics was more important to them than providing tax incentives to lower the high gas prices they are paying and moving away from our dependance on foreign oil, as another example? I will wait for a response from the House leadership. More importantly, the House Democrats' constituents should hear the answer.

I urge you to vote yes on this third amendment. I also urge our friends in the House to pass this genuine compromise.

I ask unanimous consent to have printed in the RECORD a copy of the President's Statement of Administration Policy dated September 23 in support of this compromise.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC,
September 23, 2008.

STATEMENT OF ADMINISTRATION POLICY

SENATE AMENDMENTS TO H.R. 6049—ENERGY IMPROVEMENT AND EXTENSION ACT OF 2008 AND TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

The Administration supports prompt passage of the above-named Senate amendments to H.R. 6049. This legislation is important to protect about 26 million Americans from an unwelcome tax increase in the form of the Alternative Minimum Tax. This legislation would also extend the tax credit for research and experimentation (R&E) expenses, incentives for charitable giving, subpart F active financing and look-through exceptions, and the new markets tax credit. The Administration supports these provisions and supports the passage of this legislation, despite the inclusion of several provisions that the Administration opposes.

The Administration supports tax incentives for renewable energy and has proposed replacing the current complicated mix of temporary incentives with a comprehensive unified approach that is carbon-weighted, is technology-neutral, and provides long-term certainty. The Administration believes this approach would be preferable to the provisions included in the Senate amendments.

It is the policy of this Administration that efforts to avoid tax increases on the American people should not be offset by provisions to increase revenue and treated as the equivalent of additional government spending under budgetary guidelines. Protecting taxpayers from the higher 2008 AMT liability and extending current rules for business taxation should not be impeded by the same procedural barriers as provisions to increase Congressional spending. For this reason, the Administration supports the provisions in the Senate amendments that provide individual and business tax relief without subjecting Americans to offsetting tax increases.

The Administration remains strongly opposed to provisions that would freeze the domestic manufacturing deduction for one industry, change the tax treatment of foreign income for American energy companies operating abroad, and eliminate the cap on the oil spill liability trust fund, raising the price of a barrel of oil. These provisions will increase the costs of American oil production, will give further advantages to foreign suppliers, and will likely result in higher prices at the pump. At a time when consumers are already struggling with the high price of gasoline and diesel fuel, Congress should not put additional upward pressure on fuel prices. As a matter of general principle, the Administration opposes singling out particular industries, based on political considerations, to be denied the full amount of broadly available tax advantages. In addition, the Administration strongly opposes the provision in the bill treating U.S. citizens with deferred compensation from certain employers, in all industries, more unfavorably than other U.S. citizens. The Administration is also concerned about certain incentives included in the bill, such as expensive and highly inefficient tax credit bonds. The Administration urges Congress to eliminate all such provisions from the final bill. Finally, the Administration opposes new mandatory funding for Payments in Lieu of Taxes, and believes that any extension of rural community payments should be phased out, as it

has previously proposed. The Administration urges Congress to eliminate all such provisions from the final bill.

The Administration supports passage of mental health parity legislation included in the Senate amendments to H.R. 6049 that eliminates disparities between mental health benefits and medical and surgical benefits without significantly increasing health coverage costs. Also, the Administration is pleased that the Senate amendments include the President's Budget proposal to restructure and eventually retire the debt of the Black Lung Disability Trust Fund.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I yield 10 minutes from the time on the bill to the senior Senator from Connecticut, a senior member of the HELP Committee and a longstanding advocate of the mental parity part of the third amendment. I also yield 10 minutes to the Senator from Minnesota from the time on the bill for her to use after the Senator from Oregon speaks, following the Senator from Connecticut.

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

The Senator from Connecticut is recognized.

Mr. DODD. Madam President, first let me thank my dear and longtime friend, Senator MAX BAUCUS, for his kind comments. I appreciate them very much. And let me thank him and Senator GRASSLEY as well. There are a lot of people to thank about all of this, but we wouldn't be here today talking about this were it not for MAX BAUCUS and CHUCK GRASSLEY making it possible, as part of the tax extenders bill, to deal with this longstanding issue, mental health parity, that affects so many millions of our fellow citizens. I am confident mental health parity is going to become the law of the land before we adjourn, in a few days, this session of Congress.

I rise in strong support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, which, as I mentioned, is included in the tax extenders package. This is a very proud moment for millions of Americans who have fought for this but also who know, who are themselves, have family members, neighbors, friends, neighbors, coworkers affected by mental illness.

Let me begin by commending someone who is not here today, Senator TED KENNEDY, who we all know is recovering from a strong challenge himself at his home in Massachusetts. He asked me, along with BARBARA MIKULSKI, to take on a couple issues when he had to leave and go back home to try and get his health back. BARBARA MIKULSKI did a remarkable job in dealing with the higher education bill. Senator KENNEDY asked me to monitor and work with our Senate colleagues and our colleagues in the other body on the mental health parity bill. While it has not yet been adopted, we are about to do so in the Senate. It is a moment to congratulate our friend and colleague from Massachusetts who needs no further words from me about his commitment or his family's commitment, his remarkable sisters, Eunice Shriver, Jean Kennedy Smith, and his brothers over the years. This has been a family crusade, the issue of mental health parity, in addition to the work of Paul Wellstone and PETE DOMENICI.

This is also a great triumph. I know it is a matter of deep pride but also of relief as well that at long last we will recognize the importance of mental health. Let me mention PETE DOMENICI. PETE is a wonderful friend of mine. We are two people of opposite political parties who don't agree on a lot, looking back over the years we have been here together. We have taken different sides of many issues. But PETE and Nancy Domenici are remarkable people. He will be leaving the Senate in a few days after a distinguished career. I had the honor of being with PETE and Nancy in Las Cruces, NM, to speak at a dinner for him at the Pete Domenici Center for Public Policy, which is now going to be part of New Mexico State University. I had dinner with PETE and several colleagues, past and present, who have worked with him over the years. The Domenicis know about this issue, not just from an intellectual standpoint but a personal one as well. It is a matter of great pride to PETE and his family as well that our country, at least by the expression of this body and the other, recognizes the deep importance of this issue. We will hear shortly from my friend from Oregon who understands this matter very well indeed, personally, as well.

I thank all those involved. Paul Wellstone was a remarkable guy. What a tragedy to lose him a few years ago, him and his family, in that dreadful plane crash. No one cared more about this issue day in and day out than Paul Wellstone. The first day he arrived, he started talking about it and never stopped during his tenure. Today, we are recognizing him by calling this the Paul Wellstone and Pete Domenici mental health parity bill. His son Dave has been a champion on behalf of his father's cause. I wish to mention Dave and how proud his parents would be that he has carried this cause on to both Chambers. PATRICK KENNEDY as well has championed this issue on the House side, Senator TED KENNEDY's son, who is a distinguished Member in his own right of the House of Representatives and has done a great job on this issue. I know there are a lot of others who are part of this. I don't want to forget anyone.

I ask unanimous consent that a list of some 250 organizations that have been a part of this crusade be printed in the RECORD. I also ask unanimous consent that a statement by Mrs. Rosalynn Carter, Former First Lady of the United States and Chairwoman of the Carter Center's Mental Health Task Force, in support of passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 be printed in the RECORD.

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

MENTAL HEALTH LIAISON GROUP,
September 10, 2008.

Hon. NANCY PELOSI,
Speaker of the House,
House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SPEAKER PELOSI, LEADER BOEHNER, LEADER REID, AND LEADER MCCONNELL: We are writing to express our support for the mental health and addiction parity compromise developed by House and Senate negotiators. We urge Congress to pass this important legislation before adjourning in September.

Congress has taken a major step forward in developing this thoughtful and balanced bipartisan legislation. We applaud the long, hard work engaged in by you and your colleagues in approving and reconciling the bipartisan House and Senate parity bills (H.R. 1424, S. 558). We urge Congress to take the last, most important step by passing this legislation.

Passage of the balanced and bipartisan mental health and addiction parity legislation would represent the fruition of many years of work by members of Congress, advocates, employer organizations and health plans to build on the Mental Health Parity Act of 1996. This broad and diverse coalition stands united in support of the parity compromise. Now, Congress has the chance to reach the goal of enacting this consensus legislation, before a new administration and a new Congress take office, and broader health policy issues begin demanding policymakers' time and attention.

We ask Congress to pass federal mental health and addiction parity legislation now.

Sincerely,

Active Minds, Inc.; ADAP Advocacy Association; Aetna; AFL–CIO; Alliance for Children and Families; Alliance for Eating Disorders Awareness; America's Health Insurance Plans; American Academy of Child and Adolescent Psychiatry; American Academy of Cosmetic Surgery; American Academy of Family Physicians;

American Academy of Neurology Professional Association; American Academy of Pediatrics; American Academy of Physician Assistants; American Association for Geriatric Psychiatry; American Association for Marriage and Family Therapy; American Association of Children's Residential Centers; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Practicing Psychiatrists; American Association of Suicidology.

American Association on Intellectual and Developmental Disabilities; American Benefits Council; American Counseling Association; American Dance Therapy Association; American Federation of Teachers; American Foundation for Suicide Prevention; American Group Psychotherapy Association; American Hospital Association; American Humane Association; American Jail Association; American Mental

Health Counselors Association; American Music Therapy Association; American Nurses Association; American Occupational Therapy Association; American Orthopsychiatric Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Psychotherapy Association.

American Public Health Association; American School Health Association; American Society of Addiction Medicine; American Society of Plastic Surgeons; American Thoracic Society; Anxiety Disorders Association of America; Aspire of Western New York; Association for Ambulatory Behavioral Healthcare; Association for Behavioral Health and Wellness; Association for Psychological Science; Association for the Advancement of Psychology; Association of American Medical Colleges; Association of Jewish Family & Children's Agencies; Association of Recovery Schools; Association of University Centers on Disabilities; Association to Benefit Children; AstraZeneca Pharmaceuticals—US; Autism Society of America; Barbara Schneider Foundation; Bazelon Center for Mental Health Law.

Betty Ford Center; BlueCross BlueShield Association; Bradford Health Services; Brain Injury Association of America; Caron Treatment Centers; Carter Center Mental Health Program; Center for Clinical Social Work/ABE; Center for Policy, Advocacy and Education, Mental Health Association of NYC; CENTERSTONE Child, Adolescent and Family Division (Nashville, TN); Child and Family Guidance Center (Tacoma, WA); Child Neurology Society; Child Welfare League of America; Children & Families First (Wilmington, DE); Children and Adults with Attention Deficit/Hyperactivity Disorder; Children's Healthcare Is a Legal Duty; Children's Hospital Boston; Children's Aid and Family Services, Inc. (Paramus, NJ); Children's Defense Fund; Church Women United; Clinical Social Work Association.

Clinical Social Work Guild 49; College of Psychiatric and Neurologic Pharmacists; Community Anti-Drug Coalitions of America; Corporation for Supportive Housing; Council for Children with Behavior Disorders; Council for Exceptional Children; Council of Family and Child Caring Agencies (New York, NY); Council of State Administrators of Vocational Rehabilitation; County of Santa Clara, CA; CT Chapter National Alliance Methadone Advocates; Cumberland Heights; Davis Y. Ja and Associates, Inc.; DePelchin Children's Center; Depression and Bipolar Support Alliance; Disability Rights Education and Defense Fund; Easter Seals; Eating Disorder Hope; Eating Disorders Coalition for Research, Policy & Action; Emerge—Career Services (Minneapolis, MN); Emergency Nurses Association.

Empowered and Supporting Treatment of Eating Disorders (FEAST); Ensuring Solutions to Alcohol Problems; Epilepsy Foundation; Faces & Voices of Recovery; Families First; Families for Depression Awareness; Families USA; Family & Children First (Louisville, KY); Family & Community Service of Delaware County (PA); Family and Children's Center, Inc; (Mishawaka, IN);

Family Conservancy (Kansas City, KS); Family Counseling Service (Aurora, IL); Family Service Association (Langhorne, PA); Family Service Association (Moreno Valley, CA); Family Service Association of New Jersey; Family Service Centers, Inc. (Clearwater, FL); Family Service of Greater Baton Rouge; Family Services of Northeast Wisconsin; Family Services, Inc. (North Charleston, SC); Family Violence Prevention Fund; Family Voices.

Federation of American Hospitals; Feeling Blue Suicide Prevention Council; General Board of Church and Society of the United Methodist Church; Hazelden Foundation; Higher Education Consortium for Special Education; Human Rights Campaign; Jewish Family Service of Bergen County, Inc. (NJ); Jewish Family Service of Los Angeles; Jewish Family Services, Inc. (Milwaukee, WI); Jewish Federation of Metropolitan Chicago; Johnson Institute; Judson Center (Royal Oak, MI); Kids Hope United; Kids Project; Kristin Brooks Hope Center; Learning Disabilities Association of America; Legal Action Center; LifeSpan, Inc. (Hamilton, OH); Light For Life Foundation International.

McShin Foundation; Mental Health America; Methodist Home for Children (Philadelphia, PA); Metropolitan Family Service (Portland, OR); Metropolitan Family Services (Chicago, IL); Minnesota Council of Child Caring Agencies; Minnesota Indian Women's Resource Center; Missouri Recovery Network; NAADAC, The Association for Addiction Professionals; National Advocacy Center of the Sisters of the Good Shepherd; National Advocates for Pregnant Women; National African-American Drug Policy Coalition, Inc.; National Alliance for Hispanic Health; National Alliance for Research on Schizophrenia and Affective Disorders; National Alliance on Mental Illness; National Alliance to End Homelessness; National Asian American Pacific Islander Mental Health Association; National Association for Children of Alcoholics; National Association for Children's Behavioral Health; National Association for Rural Mental Health. National Association for the Dually Diagnosed; National Association of Addiction Treatment Providers; National Association of Anorexia Nervosa and Associated Disorders—ANAD; National Association of Councils on Developmental Disabilities; National Association of Counties; National Association of County and City Health Officials. National Association of County Behavioral Health and Developmental Disability Directors; National Association of Health Underwriters; National Association of Mental Health Planning and Advisory Councils; National Association of Pediatric Nurse Practitioners; National Association of Psychiatric Health Systems; National Association of School Psychologists; National Association of Social Workers; National Association of State Alcohol and Drug Abuse Directors; National Association of State Directors of Developmental Disabilities Services; National Association of State Directors of Special Education; National Association of State Mental Health Program Directors; National Coalition for the Homeless; National Coalition of Mental Health Consumer/Survivor Organizations; National Coalition of Mental Health Professionals and Consumers.

National Council for Community Behavioral Healthcare; National Council of Jewish Women; National Council on Alcoholism and Drug Dependence; National Council on Family Relations; National Council on Independent Living; National Council on Problem Gambling; National Disability Rights Network; National Down Syndrome Congress; National Down Syndrome Society; National Eating Disorders Association; National Education Association; National Empowerment Center; National Federation of Families for Children's Mental Health; National Foundation for Mental Health; National Law Center on Homelessness & Poverty; National Mental Health Awareness Campaign; National Organization of People of Color Against Suicide; National Partnership for Women & Families; National Physicians Alliance; National Research Center for Women & Families.

National Respite Coalition; National Retail Federation; National Spinal Cord Injury Association; Neighborhood House, Inc. (Columbus, OH); New Jersey Alliance for Children, Youth, and Families; NISH; Northamerican Association of Masters in Psychology; Obsessive Compulsive Foundation; Our Family Services (Tucson, AZ);

PACER Center; Paralyzed Veterans of America; Pennsylvania Educational Network for Eating Disorders; Presbyterian Church (USA) Washington Office; Remuda Ranch; Renfrew Center for Eating Disorders; RiverzEdge Arts Project (Woonsocket, RI); Rogers Behavioral Health System, Inc.; Rogers Memorial Hospital; Schizophrenia and Related Disorders Alliance of America; School Social Work Association of America.

Shaken Baby Alliance; Sjögren's Syndrome Foundation; Society for Adolescent Medicine; Society for Personality Assessment; Society for Research in Child Development; Society of Professors of Child and Adolescent Psychiatry; Specialized Alternatives for Families and Youth; State Associations of Addiction Services; Substance Abuse and Addiction Recovery Alliance of Northern Virginia; Suicide Awareness Voices of Education; Suicide Prevention Action Network USA; Teacher Education Division of the Council for Exceptional Children; The Advocacy Institute; The Arc of the United States; The Bridge, Inc. (Caldwell, NJ); The Emily Program; Therapeutic Communities of America; Title II Community AIDS National Network; Tourette Syndrome Association; U.S. Chamber of Commerce.

Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Church of Christ Mental Illness Network; United Church of Christ, Justice and Witness Ministries; United Jewish Communities; US Psychiatric Rehabilitation Association; Wellstone Action; White Fields, Inc. (Piedmont, OK); Wisconsin Association of Family & Children's Agencies; Witness Justice; Word of Hope Ministries, Inc. (Milwaukee, WI); Yellow Ribbon Suicide Prevention Program.

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACTION OF 2008, BY MRS. ROSALYNN CARTER, FORMER FIRST LADY OF THE UNITED STATES, CHAIRWOMAN, CARTER CENTER'S MENTAL HEALTH TASK FORCE, ATLANTA, GEORGIA

I am pleased to have the opportunity to express my strong support for the passage of a critical health issue facing millions of Americans: parity for the treatment of mental illnesses and substance use disorders.

I have been working on mental health issues for more than 35 years. When I began no one understood the brain or how to treat mental illnesses. Today everything has changed—except stigma, of course, which holds back progress in the field.

Because of research and our new knowledge of the brain, mental illnesses now can be diagnosed and treated effectively, and the overwhelming majority of those affected can lead normal lives—being contributing citizens in our communities.

I join many individuals and hundreds of national organizations calling for an end to the fundamental, stigmatizing inequity of providing far more limited insurance coverage for mental health care than for treatment of any other illnesses. Again, I join forces with my friend Betty Ford in urging action on this important issue.

Jimmy and I founded The Carter Center 25 years ago, and I have a very good mental health program there. Annually we bring together leaders to take action on major mental health issues of concern to the nation. We have focused many times on stigma and discrimination and the importance of insuring adequate, equitable coverage for people with mental illnesses.

To me, it is unconscionable in our country and morally unacceptable to treat 20 percent of our population (1 in every 5 people in our country will experience a mental illness this year) as though they were not worthy of care. We preach human rights and civil rights and yet we let people suffer because of an illness they didn't ask for and for which there is sound treatment. Then we pay the price for this folly in homelessness, lives lost, families torn apart, loss of productivity, and the costs of treatment in our prisons and jails.

I have always believed that if insurance covered mental illnesses, it would be all right to have them. This may be why the stigma has remained so pervasive—because these illnesses are treated differently from other health conditions.

All mental illnesses are potentially devastating. But today living a life in recovery from a mental illness is not only possible, but expected. We had an intern at The Carter Center this spring, for example, who has obsessive compulsive disorder and depression. While she was in high school, she once spent two solid weeks in her house, unable to leave or be with her friends. I am happy to say that she received treatment, is a college graduate with Phi Beta Kappa honors, and just got a job in Washington, DC. Without resources and support, she could still be sick and shut in her home, which is what happens to so many who do not get the help they need because of lack of the ability to pay for services. We as a country lose all the many contributions of these wonderful people.

I have the pleasure of being friends with Tom Johnson, the former publisher of the Los Angeles Times and former CEO of CNN and a person who has struggled with depression. He has been interested in the mental health benefits offered by employers in Atlanta. He and two other prominent CEOs in the Atlanta community—all of whom have suffered from severe depression and are now great leaders—have had an enormous impact on businesses in the area.

Through the research of people like Howard Goldman and Richard Frank, we know that parity in insurance benefits for behavioral health care has no significant increase in total costs when coupled with management of care. We also know that a number of enlightened companies such as AT&T, Delta Air Lines, Eastman Kodak, General Motors, and IBM have provided comprehensive coverage for their employees. (Report to the Office of Personnel Management, by Washington Business Group on Health)

Since the mental health commission we held during Jimmy's presidency, there have been several major reports released including the first Surgeon General's Report on Mental Health, President Bush's New Freedom Commission on Mental Health, and the Institute of Medicine included mental and substance use conditions in its series of reports on the quality of American health care. All of the reports reinforce the statement that effective treatments are available, but most people who need them do not get them.

The whole nation has learned a lot about the importance of mental health issues through the events of Hurricane Katrina and the needs of our returning soldiers and National Guard troops. We support our troops in the field, and it is critical that we continue to support them when they come home.

Finally, I would like to comment on the number of states that have moved ahead with parity. These have been long-fought battles with some states managing wonderful successes. It is so important that stronger state parity laws continue to improve the lives of people with mental illness and addiction. It is also critically important that plans not override the intent of this legislation by discriminating against those with certain diagnoses of mental illness and addiction in their coverage. I am glad to see that this legislation includes efforts to keep a close watch on this issue. The intent of this law is fairness, not discrimination.

After waiting for 15 years, we finally have mental health and addiction parity legislation in sight. If this legislation is passed, many of our citizens will be healthier, and our nation will be stronger, more resilient, and more productive.

On behalf of the millions of people affected by mental illnesses, I applaud your efforts to pass the mental health and addiction parity legislation. I know the work has been hard, but the benefits to our nation will be enormous.

Mr. DODD. I thank them and others who have been a part of this. Senator HARRY REID, the majority leader, doesn't often get recognized, but without him, none of this happens. While we associate mental health parity issues with Senator KENNEDY and Paul Wellstone and PETE DOMENICI and others, the majority leader makes all this possible. While he probably wouldn't say so himself on this issue, I can guarantee you we were not going to leave for this session of Congress without a chance to vote on this issue. HARRY REID made it a quiet, personal commitment that this body would have a chance to express itself on this issue. Without that kind of commitment from the distinguished majority leader, these matters often can slip away and disappear. To HARRY REID, the majority leader, the Senator from Nevada, to the millions of people affected by this issue as well, we thank him for his commitment.

This legislation has the potential to impact 1.8 million insured individuals from my home State of Connecticut, 150 million Americans in the United States, but with 1 in 5 American families directly affected by mental illness, the impact of this legislation will be much broader. Every one of us, every American knows a friend, has a relative, a neighbor, a coworker, colleague whose life has been touched by mental illness in one way or the other. With this legislation, we are saying that mental illness will no longer take a backseat to physical illness.

With this legislation, we are taking an important step toward tearing down the stigma that people with mental illness face every single day and have for decades. The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act will end health insurance discrimination between mental health and substance abuse disorders and medical and surgical conditions. Upon passage of this bill, health insurers will no longer be permitted to charge higher copays or limit the frequency of treatment for people with mental illness than what they would for a medical or surgical condition. The bill before us builds on what the Senate passed unanimously 1 year ago. The bill strengthens the requirements around out-of-network benefits for mental illness and improves the transparency of decisions made by insurance companies with respect to mental health coverage.

A component of the bill I wish to highlight is its protection of State laws that provide for greater consumer protection than what exists in Federal law. I take pride in the fact that I represent the small State of Connecticut. Yet my State recognized the disparity between insurance coverage for physical and mental illness years ago. They did so by taking a significant step to address mental illness by enacting strong mental health parity and consumer protection laws. These laws far exceed what currently exists in Federal law, and I believe the bill before us today will allow my State and others to maintain those strong laws in the future. The protection and preservation of State law is an issue I have fought long and hard for during Senate consideration of this bill. It is an issue of crucial importance to my State and will no doubt be a central issue next year, when I hope this body acts on legislation to finally make mental health care universal in this country as part of a universal health care effort.

Of all the health care issues I have worked on, it is a rarity to find an issue with as many diverse interests putting their full weight behind passage of a bill such as this. As I mentioned, more than 250 national organizations, representing consumers, family members, advocates, professionals, and providers have signed a letter urging Congress to pass this legislation

into law. It is so important that we have that kind of support. I will not go through all the organizations involved, but I wish to highlight the work of the Connecticut Psychological Association, Aetna, which is headquartered in Hartford, and the Connecticut Insurance Department and Office of Healthcare Advocacy. They have all played an important role in this legislation.

Again, I urge my colleagues to act now and pass this bill. We tip our hat to TED KENNEDY, Paul Wellstone, PETE DOMENICI, and all those who fought and care about this issue. It is a great moment for the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Madam President, I thank the Senator from Connecticut, Mr. DODD, for his statement on health parity. When I first began wrestling with this issue, he was unusually helpful to me in breaking the dam, this cause of mental health and suicide prevention. I thank him for that. I will never forget him for that. I think of Senator KENNEDY and of PETE DOMENICI and others who have been my allies to move not just the youth component but mental health parity as an essential ingredient, to help move it forward and put it on a basis that is equal with physical health. The truth is, if you have physical health and you don't have mental health, you do not have health. In fact, you may have something just as lethal as leukemia or any other dreaded disease.

America is taking a great step forward with the passage of this extenders package today. I suspect many of my colleagues are having their phones ring off the hook as we speak on the issue of financial insecurity that is leading the headlines of the papers and on all the news shows and talk shows. It is something that is deeply distressing to every American and certainly to this American.

What we have in this country that we are dealing with, at its root, is a crisis in confidence over credit. Right or wrong, like it or not, commerce in this country runs on credit. Small businesses without cashflow have to take out loans. As I evaluate this package—and I have made no decision on it—I am going to be looking to make sure there are no golden parachutes, to make sure this is not a bailout of fat cats but that this goes to Main Street in ways that help people who are already suffering the consequences. We can do things such as extending unemployment insurance, improving LIHEAP. We can even add additional funds to food stamps. But at the end of the day, what does matter to the people who have a job and go to work is to have employers who are creditworthy. If their banks are not creditworthy, if their banks have written their assets down so much that when you put your money in, they keep it, they don't lend it out—when that happens, commerce stops. Jobs are lost. The carnage spreads. That is what we are dealing with in this very difficult week in the Senate, to make sure we do the best we can in this deliberative body that the Constitution gives the purse strings.

We have to do it right. If it comes up wrong, we have to start over and do it better. There is no place for golden parachutes for those who have taken advantage of the rules on Wall Street in ways that have victimized many people. We have already put $300 billion toward the bailout of Fannie Mae and Freddie Mac. These are government-sponsored enterprises. In those institutions, apparently the leaders, the boards, were playing fast and loose with the terms Congress gave them in their charter in a way that is both deplorable and more than lamentable. There are people who need to be held accountable for what has happened. But Fannie and Freddie are the central plank in the problem of our credit. That is what started the dominos.

Having said that, I do wish to suggest that this extenders package is most worthy of passage, not just because of the mental health parity that is included, but I wish to talk about another feature that my colleague RON WYDEN and I have been working on ever since we have been in the Senate together. That is the secure rural schools extension. This has been most difficult because it has not been easy to explain to our colleagues all over the country who do not know what it is like to have the Federal Government own most of your State. When the Federal Government owns your State, the local governments cannot tax the Federal Government. So dating back to the beginning of statehood in Oregon in 1859, there was a relationship developed between the Congress and Oregon, and other similarly situated States, whereby they would receive 25 percent of what are called timber taxes or mining taxes or extraction taxes, these kinds of resources that come from public lands.

It is through that, because the counties don't have a tax base, that rural folks are able to have schools, streets, and neighborhoods that are safe, with police protection. That worked very well, even through a big reformation period under Teddy Roosevelt, when these things were redone. It has worked very well. But in the 1990s, there came a great effort to save the spotted owl. There came a change in forest policy with the Clinton administration. The purpose was to save the spotted owl. We learned now, decades later, that the spotted owl was not imperiled by logging. It is now imperiled by catastrophic wildfire. It is now imperiled by a nonnative owl called the bard owl, and the bard owl likes to eat the spotted owl. Nevertheless, the carnage has been done. At the end of the Clinton administration, the President was good enough to sign replacement revenues which are called county payments or secure rural schools funding.

It has been hard to get these funds reauthorized. We had it extended by one year last year. This package extends it 4 years. It needs to be extended. This is not a golden parachute. This is keeping the covenant with rural counties. This is vital if we are to keep faith with rural places and people in very vulnerable areas.

I am delighted this legislation is included in the package. The Senate has passed it before with huge majorities because Senator WYDEN and I—he has worked that side of the aisle and I have worked this side of the aisle—made sure we got it in, that we keep enough support on both sides that it could make it to the House of Representatives, where I hope and I pray it will be accepted.

But I would conclude my remarks by saying: I understand from some of my neighboring States that the formula had to be changed. This bill represents a declining interest to Oregon of 60 percent. The 60 percent is based on a cut to Oregon, which is based on a new formula. The new formula is not based on history. You see, the old formula was that the money goes to those counties where God put the trees. Now, it is distributed differently, so our neighboring States can get more, and Oregon gets less. I do not like that.

But I want to say there is a way to remedy that deficiency, and that is to go back to a balance on forest policy that allows for a sustainable yield, allows for the creation of timber jobs, allows for the development of American timber for American homes and American commerce. Instead of being a nation that imports lumber, we can once again be a self-sufficient country in lumber.

We need the help of the administration. We have had it with President Bush. We have not had it with the courts. But the courts, I hope, are changing because this is literally a matter of economic life and death for vulnerable rural communities. So what we have to have is this, which is the best we can get, and we need it for 4 years.

Then we need to make up this deficiency the old-fashioned way, by letting men and women in rural places go back to work, to manage our forests, these public lands that can be managed in a way that is consistent with the environment and creates the economic blessings Oregon and other places have known in the past. Those blessings, in short, are family-wage jobs, the kinds of jobs that pay property taxes, build schools, pave streets, and keep neighborhoods safe. If we can do that, all will be well and this day will represent a good day for the State of Oregon and particularly its rural parts and places.

With that, I thank the Presiding Officer for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Oregon for his support for the Paul Wellstone and

Pete Domenici mental health parity bill, something I am going to talk about in a minute.

Madam President, as we focus on the very serious and urgent challenge facing our financial system, we must not lose sight of the equally serious challenge of building a solid foundation for America's economy in the long term. Today, we have the opportunity to vote on a bipartisan bill—the Energy Improvement and Extension Act—which will help America build that long-term foundation.

I thank Senator GRASSLEY and Senator BAUCUS for their work on this bill. The bill we vote on today provides an opportunity for the first step to move America forward. The way we have been handling these energy incentives has been like a game of red light, green light: on again, off again, on again, off again. While our country develops so much of the technology for wind and solar, we have now been leapfrogged by other countries that have more long-term policies in place that encourage investment in these areas.

You can drive past hundreds of massive wind turbines along Buffalo Ridge in southwestern Minnesota. My State is the third leading producer of wind power, and that is because our State, on a bipartisan basis, has set some standards and put those incentives in place. On the Iron Range in northeastern Minnesota, a large mining company has just announced it will invest $15 million to build a facility to produce a renewable biofuel using a variety of sources, such as switchgrass, corn husks and stover, wood byproducts and oat hulls. This is about the future of energy.

When I get questions about this and how we need to move with energy, I always remind people of the first start of the computer age when we had those big computers in those big rooms and they were inefficient, and over time they got more and more efficient, so those computers can fit in the palm of someone's hand. But to do that, as a country we are going to have to have that individual focus and that determination to invest and set those standards.

Today is the first step. I think our energy challenge offers similar opportunities that we had when we put a man on the Moon. So we have to ask ourselves this: Will the United States be a leader in creating the clean energy technology jobs and industries of the future or are we just going to sit back and watch the opportunities pass us by with Japan and Europe and India leading the way? Today, with the bill before us, we have the opportunity to be that energy leader.

AMENDMENT NO. 5635

We also have a chance to be a better leader in an area of health care where we have come up short for far too long. I am referring to the mental health parity bill that is included in this package. We have tried to pass this legislation through the Senate over and over again. These efforts predate my time in the Senate, and they continue to this day.

My friend and our former colleague, the Senator from Minnesota, Paul Wellstone, fought for this law as a matter of justice and fairness. Senator DOMENICI, on the other side of the aisle, was right there with him and has continued to press for this legislation. Senator KENNEDY has been a champion for this legislation, and Senator DURBIN. In the House, there is PATRICK KENNEDY and one of my favorite Republican Congressmen, JIM RAMSTAD from Minnesota. He is stepping down this year, and he does not want to leave until this bill gets done.

As Paul Wellstone always insisted: A mental health parity law is about equality and fairness. It is also about human dignity. Although much has changed over the years, people who suffer from a mental illness continue to suffer from a deep social stigma—something that can be just as challenging to live with as their illness. Their families suffer too. This legislation is not just about health insurance. It is also about eliminating the stigma and affirming the dignity of the Americans who suffer from a mental illness or an addiction.

Paul knew about this and cared about this issue because of his brother Steven who had a mental illness. He was hospitalized. His family was thrown into debt. Paul would often talk about how, during those years, there was a darkness in their home. Paul's brother eventually got proper treatment and secured his dignity at great cost to their family. Paul did not want anyone else to go through what their family went through.

He also cared about this bill because he always cared about the underdog, the person for whom it seemed as though there was nothing else there for them. That is what Paul Wellstone was about: putting those people first in the Halls of the Senate.

Whenever I walk through the Senate and say I am a Senator from Minnesota, I hear stories from other Senators about Paul. But the stories I remember most are those I hear from the secretaries in the front offices or the tram drivers or the police officers who guard the front of the Capitol. They, too, tell me about Paul and how good he was to them and how he treated them with respect. That is what Paul brought to this job. That is why he cared so much about this legislation.

In 1995, Minnesota enacted a mental health parity law that is among the strongest in the Nation. In the past 10 to 15 years, other States have enacted some version of mental health parity. The problem is that despite these State laws, 82 million Americans do not benefit because their employers' self-insurance plans come under the jurisdiction of the Federal Employee Retirement Income Security Act, or ERISA. It is time for them to receive the same protection as Americans whose insurance does not come under ERISA.

I think about the legendary Supreme Court Justice, Justice Brandeis, who had a famous saying about States being the laboratories of democracy. He said:

> It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But Justice Brandeis did not mean that ''novel social and economic experiments'' must forever stay at the State level. If an experiment is successful at the State level—especially in many States—then it may very well be something that should be taken up on a larger national scale. Mental health parity has proven its value in State after State. Now it is time to take this well-tested innovation to the national level so our country has a uniform, equal standard of mental health parity that applies to self-insurance plans under the jurisdiction of ERISA.

There are so many good reasons for our Nation to have a mental health parity law: economic reasons, health reasons, criminal justice reasons, and reasons of basic fairness and human dignity. For me, there is one special reason why we must pass this legislation. That reason is Paul Wellstone. This legislation is about everything he stood for—about fighting for people who do not have power and do not have a voice, people who would rather hide than speak up because of the stigma and the shame, people who needlessly suffered because of discrimination and prejudice. This bill is about Paul. It is about his brother Steven. It is about his family. And it is about his determination to help bring justice and dignity to millions of Americans who live in the shadow of mental illness. When Paul was alive, many people in this Chamber said they wanted to pass this bill, and when Paul died, they said they wanted to pass this bill. Well, the time has come to pass this bill.

Senator KENNEDY, home watching everything that goes on in this Chamber, wants to get this done. Before he retires, JIM RAMSTAD wants to get this done. And Paul Wellstone's sons have been here day after day walking the halls of the Capitol, knocking on doors, trying to do this for their father's memory. We have waited too long.

We have the opportunity to finally get this bill into law. It is an opportunity to put aside all the excuses and, instead, to put front and center all of the many good reasons this law will serve our Nation well. I hope, when this vote comes up today, this bill will pass and it will pass by a large margin. It is a tribute to Paul and to all the people who have waited for so long to get their dignity.

I thank the chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this third amendment, which I hope we vote

on successfully very soon, addresses tax relief for American families and tax relief for American businesses. The amendment addresses jobs, families, disaster relief, and mental health parity.

I was particularly struck by the last speaker. She is right. The mental health parity provision is so important for so many reasons, especially for the people who deserve equal treatment, in addition to being in honor of Senator TED KENNEDY and also in honor of Paul Wellstone.

This amendment also prevents the alternative minimum tax from hitting millions more American families. Our economy is struggling, and so are America's working families. Markets are experiencing volatility. At times such as these, Americans need tax cuts that they have come to count on and that can help them get by. That is why this amendment includes a 1-year patch for the alternative minimum tax. This patch would protect more than 21 million Americans from falling victim to the AMT. We will not let more taxpayers fall into the alternative minimum tax.

In addition, the amendment would extend expiring individual and business tax provisions for 2 years. These provisions include the qualified tuition deduction to give families relief from high tuition costs. In my home State of Montana alone, almost 14,000 families would get help with high college tuition.

The amendment also includes the teacher expense deduction. This deduction gives back to teachers some of the money they spend on school supplies to educate America's children.

The amendment includes a State and local sales tax deduction for those States without an income tax.

The amendment covers several business incentives that help keep American businesses competitive and create jobs. The amendment includes incentives such as the research and development credit. This credit gives an incentive to businesses to invest in research. It helps to create and keep American jobs with good wages, and it helps to keep America competitive in the global economy.

This package does more than just extend expiring provisions. It expands the refundable child tax credit. By expanding this valuable credit, nearly 3 million more children will be eligible for this tax incentive.

This amendment would also help to improve health care for countless families dealing with mental illness. This mental health parity legislation would mandate equal assistance for those suffering from mental illness. This legislation has been championed by our late colleague, Paul Wellstone, and our colleagues TED KENNEDY and, of course, PETE DOMENICI. It has long been a goal in the Senate and it is a goal that we can finally meet today.

The amendment would provide much-needed relief to families and businesses that have been devastated by natural disasters.

Right now, our country is experiencing rough economic times. Congress should do more than just extend legislation; Congress needs to meet the needs of the American people.

Let us help to create jobs. Let us help working families make ends meet. Let us achieve mental health parity once and for all. Let us provide relief for those who have suffered from natural disasters.

I urge my colleagues to support the amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, I ask unanimous consent that at 4:45, all time be considered yielded back, and the Senate then proceed to vote in relation to the amendments and the motion to waive the Budget Act in the order in which offered; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be 10 minutes in duration, with the remaining provisions of the previous order governing consideration of H.R. 6049 still in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I further ask unanimous consent that upon disposition of H.R. 6049, the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BAUCUS. Madam President, a couple words on the first amendment to be voted on. The energy amendment would help create well-paid jobs in the growing field of new energy technology, help to secure our independence from high-priced foreign oil, and move us closer to addressing global warming. I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I speak in favor of the Baucus-Grassley amendment, which is an important step in our effort to free America from our addiction to foreign oil. The amendment converts tax incentives for conventional energy and, in turn, puts that as an incentive for alternative energy, as well as conservation.

The amendment continues the path to development of clean coal, hybrid vehicles, and biofuels. A vote for this amendment is a vote for a brighter American future for all families, for cleaner fuel. I ask that you all support the amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—93

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

NAYS—2

Crapo
Kyl

NOT VOTING—5

Biden	Kennedy	Obama
DeMint	McCain	

The amendment (No. 5633) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is made and laid on the table.

AMENDMENT NO. 5634

There will now be 2 minutes of debate equally divided on Conrad amendment No. 5634.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the amendment I have offered today is a fully paid for alternative minimum tax fix. To go down the road of fixing the alternative minimum tax without offset, without paying for it, will only

grow the debt dramatically. The 10-year fix for the alternative minimum tax costs $1.6 trillion, all of it added to the debt.

Yesterday, I say to my colleagues, the dollar dropped 2 percent in value in 1 day, after already falling 40 percent in value over the last 2 years. The key reason analysts gave was burgeoning debt in the United States that undermines the credibility of our national credit.

It is time to start paying for things. This is a fully paid for, fully offset alternative minimum tax, paid for in ways that are not controversial.

I thank the Chair, and I urge my colleagues to vote aye.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, everyone, of course, agrees with the Senator from North Dakota that the fiscal situation is unsustainable. So as an alternative—as the minority ought to offer a reasonable alternative—on this side, our leader a few weeks ago offered a deficit-neutral proposal on AMT and on extenders. That proposal would have reduced new above-baseline spending nondiscretionary appropriations for future years. That deficit-neutral proposal was rejected. In its place is this amendment, which insists that AMT relief be conditioned on a tax increase.

A vote for this amendment is a vote to hold AMT relief now, and in the future, hostage to a tax increase. That is not reasonable. I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5634.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—53

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

NAYS—42

Alexander	Crapo	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Warner
Craig	Kyl	Wicker

NOT VOTING—5

Biden	Kennedy	Obama
DeMint	McCain	

The PRESIDING OFFICER. Under the previous order, 60 votes being required to adopt the amendment, the amendment is withdrawn.

AMENDMENT NO. 5635

There is now 2 minutes of debate equally divided on the Baucus-Grassley perfecting amendment. Who seeks recognition?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, 53 Senators voted to pay for an alternative minimum tax fix. That is a majority. I am now raising the point of order, a budget point of order against an unpaid-for alternative minimum tax fix, again reminding our colleagues the cost to continue on this path to fix the alternative minimum tax for 10 years is $1.6 trillion, all added to the debt.

Yesterday the dollar went down 2 percent in value in 1 day. Colleagues, we simply have to begin to pay for things; otherwise, the creditworthiness of our country will be in question and at risk.

Therefore, I raise a point of order that the pending amendment violates the pay-go section 201 of the S. Con. Res. 21, a concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I move to waive the applicable budget provisions for the consideration of the Baucus-Grassley amendment No. 5635.

I might say, if this point of order is not waived, then the underlying extenders bill will not pass and AMT will be felt by millions of taxpayers next year. As much as we would like to pay for everything, we cannot pay for everything in this context at this time. Without this amendment, the tax extenders will not pass. The underlying bill for the AMT should pass for a year. It fixes the child tax credit, provides support for rural schools, the mental health parity provisions, as well as finally it provides disaster relief for families and businesses. I urge my colleagues to support the amendment and waive the point of order.

Mr. REID. Mr. President, if I could direct a question to my friend, the chairman of the Budget Committee. We already had this vote. Do we need another one? It is obvious it is not going to get it. I committed to the House we would have a vote. What purpose is there of this vote? We have already proven we cannot get 60 votes, so why do we need another vote?

Mr. CONRAD. We have raised the point of order. I made a commitment to our colleagues in the House to carry that out. I feel honor bound to have a vote.

The PRESIDING OFFICER. The Senator from Montana is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—84

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

NAYS—11

Brown	Corker	Sanders
Byrd	Feingold	Voinovich
Carper	Kerry	Whitehouse
Conrad	McCaskill	

NOT VOTING—5

Biden	Kennedy	Obama
DeMint	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Pursuant to the previous order, the amendment is agreed to and the motion to reconsider is considered made and laid on the table.

NATIONAL DISASTER RELIEF

Mrs. BOXER. I thank Senator BAUCUS, for joining me to discuss the Senate Finance Committee's substitute amendment to H.R. 6409.

Mr. BAUCUS. It is my understanding that the Senator would like to speak about an issue related to the national disaster relief section of the Finance Committee substitute to H.R. 6409.

Mrs. BOXER. The Senator is correct. Throughout the summer a swarm of dry lightning storms sparked more than 2,000 fires across drought-ridden land in California, burning over 900,000 acres of public and private land. These fires damaged and destroyed homes and businesses across the State.

As the Senator knows, his bill makes taxpayers in ''federally declared disaster'' areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act eligible for certain tax relief provisions.

Under the Stafford Act, the President has the ability to designate a disaster area under a ''major disaster declaration'' or an ''Emergency Declaration.'' Areas affected by wildfires in California this year were provided an ''Emergency Declaration'' by the President.

In the matter of what ''federally declared disaster'' areas are eligible under the bill on the floor, the Senator's Finance Committee staff and the Congressional Research Service have indicated that both categories of disaster declaration have historically been eligible for disaster tax relief purposes.

Is it the Senator's understanding that the term ''federally declared disaster'' includes both categories of disaster declarations, and that Californians affected by the 2008 wildfires are eligible under division B, title VII, subtitle B, sections 706–711 of the substitute to H.R. 6409?

Mr. BAUCUS. Yes, it is the committee's intention that Californians in federally declared disaster areas will be eligible for tax relief in the sections the Senator has referenced.

Mrs. BOXER. I thank the Senator.

Mr. COLEMAN. Mr. President, I rise today in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Enacting comprehensive parity legislation is long overdue. This is simply a matter of fairness and I hope the Senate will pass this compromise legislation so it can be sent to the House today. We owe nothing less to the more than 80 million Americans suffering with mental illness and addiction.

Thoughtful compromises were made so that the bill we are considering today provides mental health and addiction benefits on par with other medical and surgical conditions and, for the first time after 12 years, a compromise is supported by all of the business, insurer, addiction and mental health groups.

Throughout my time in office, I have been a strong advocate for ending the discrimination against people suffering from mental illness and addiction and ensuring those in need have access to effective treatment services. This passion was shaped by the many Minnesotans who have raised their voices to get us to where we are today in this important fight. In particular, I want to thank all the people at Hazelden Foundation, Kitty Westin from the Anna Westin Foundation, NAMI Minnesota, the Minnesota Psychological Association, Mental Health America's Minnesota advocates and others. Finally, this bill will not only be a living legacy to their tireless efforts, but also to the unwavering support from Senators Paul Wellstone and PETE DOMENICI, and Representative JIM RAMSTAD.

As a supporter of parity legislation since I arrived in the Senate, I know that passage of comprehensive parity legislation and ensuring access to treatment is long overdue. I know that effective mental health and addiction treatment can mean the difference between happiness and hopelessness and in some cases, even life and death. The good news is that those of us on both sides of the aisle and both wings of the Capitol finally recognized this and are coming together to send a strong bill to the White House.

The time is now. Let's end the discrimination by passing the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Mr. LEVIN. Mr. President, while this is far from being a perfect bill, I am pleased that the Senate is finally taking up this package of ''tax extenders'' after repeated filibusters of this effort by the minority.

I am a strong supporter of advanced and alternative energy technologies and believe that the tax incentives included in this bill are an essential component of bringing these technologies to the commercial market place. We need a balanced energy strategy that includes energy from a broad array of sources—renewable technologies such as solar, wind, and biomass, as well as more conventional sources such as clean coal and natural gas. We also need to reduce our consumption and dependence on petroleum by promoting expanded use of advanced, more fuel-efficient vehicle technologies and alternative fuels such as ethanol and other biofuels. Critical to the success of all of these advanced and alternative energy technologies are tax incentives, which will both spur development of these technologies and make them accessible and affordable to consumers.

The energy tax extender package was a long time in coming. The Senate considered it first in June 2007, again in December 2007, and then multiple times in this calendar year. This package extends many critical existing tax incentives—including those for renewable production of electricity from wind, solar, and biomass; it extends existing tax credits in the area of alternative fuels production and alternative fuel infrastructure; and it extends tax incentives for energy efficient appliances and residential home energy improvements. The package also includes new tax incentives for plug-in hybrid vehicles, small residential wind investments, and carbon capture and sequestration technologies.

This package of energy tax provisions will take important steps forward to develop and commercialize all of these technologies. Renewable technologies such as wind and solar are becoming more economical every year and our manufacturing sector can play a major role in the production of these technologies. Extension of these tax credits is critical to the development of these technologies and critical to our manufacturers ability to commit to projects that will utilize these technologies. Similarly, extension of the tax credit for alternative fuel pumps for ethanol and natural gas, and extension of tax credits for production of ethanol and other biofuels are essential to both the production and distribution of these fuels.

I am particularly pleased to see in this package establishment of a new tax credit for consumers for plug-in hybrid and all-electric vehicles. All of our auto manufacturers are working to develop new vehicle technologies that will use advanced batteries and will draw a greater percentage of their power from electricity. These technologies will revolutionize the way in which we drive and the distances that we can go without refueling. But the development and commercialization of these technologies are also expensive. Therefore, these tax incentives are key not only to the development of these technologies and but also to consumer acceptance and widespread use of these vehicles.

This bill also provides help to those affected by the numerous floods, tornadoes, and severe storms that occurred this summer in the Midwest. I am pleased that those individuals and businesses that suffered losses this past June in Michigan's declared disaster areas will be eligible for these benefits.

I am also glad that this bill extends the research and development tax credit. At a time of increasing globalization, America's prosperity depends more than ever on its capacity for innovation. For decades, our Nation's leadership in basic and applied research has led to discoveries that have dramatically improved living standards and given rise to new industries that have in turn created millions of high paying jobs in engineering, research and technology. Other countries are well aware of the significant economic benefits that flow from R&D activities, and many have created strong

tax incentives designed to increase levels of local R&D and attract R&D investment from around the world. Particularly for large multinational corporations, the question is often not whether to invest in R&D, but where. I hope that in the near future we can cement our commitment to this incentive by making the R&D credit permanent.

There are a number of other good policies that I am pleased are in this bill, including the IRA rollover provision which allows individuals over the age of 70½ to donate up to $100,000 from their individual retirement accounts to qualifying charitable organizations on a tax-free basis. This provision has contributed to a considerable increase in IRA donations to eligible charities across our country. Unfortunately, the provision was only temporary, and it expired at the end of 2007.

I am also glad that this bill extends the critically important adjustment to the alternative minimum tax. Relief from the AMT is needed to avoid imposing an unintended tax increase on millions of middle income families. But in order to have money for other priorities, AMT relief should be done without busting the budget. I wish that the amendment that would have paid for this provision had been adopted.

There is another part of this bill that deserves mention: the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. This critical piece of legislation will address inequities between health insurance coverage for medical and surgical benefits and coverage for mental health and substance abuse disorders for group health plans with more than 50 employees.

Under most health insurance plans, beneficiaries of mental health or substance abuse services do not receive the same level of coverage as medical and surgical services. An earlier piece of legislation, the Mental Health Parity Act of 1996—title VII of Public Law 104–204—sought to address this issue by providing limited parity for mental health coverage under employer-sponsored group plans. While the 1996 parity law prohibits insurers from establishing more restrictive annual and overall lifetime limits on mental health coverage than for other health coverage, it is far from adequate. For example, the Act did not require that mental health benefits be offered as part of a health insurance package. Additionally, it did not require parity in copayments or deductibles for mental health services nor does it require health plans to cover a minimum number of inpatient days or outpatient visits. As a result, many health plans have found ways to discourage the use of mental health care by setting higher copayments and deductibles, or by lowering limits on the number of hospital days and physician visits for which they would pay.

Under this new legislation, if such a group health plan provides both medical and surgical benefits as well as mental health or substance abuse benefits, the plan's requirements and limitations must not be more restrictive as applied to mental health or substance abuse benefits. For example, if such a plan provides out-of-network coverage for medical and surgical benefits, then it must also provide parity in out-of-network coverage for mental health or substance abuse disorder benefits. If the change leads to increases in cost for a particular plan, the legislation establishes a procedure whereby an employer can apply for 1-year exemptions.

Mental health parity is about basic fairness and equity. Individuals suffering from mental health illnesses deserve access to adequate and appropriate health care. I am glad that Congress is righting this wrong.

My concerns with this bill are not over what is included, but rather what is not. The main dispute in the long drawn-out battle over these extenders has been whether we could do this in a way that is fiscally responsible, so that we do not leave our children and our children's children to foot the bill. I am troubled by the fact that this bill pays for only $42 billion of the $161 billion 10-year cost of extending these incentives. Some of my colleagues argue that Congress should just add the $62 billion cost of the AMT fix to the deficit and leave it at that. But while taxpayers are given necessary relief, if we don't pay the cost, but merely increase the debt, the burden is shifted to our children and grandchildren.

Paying for these extenders does not need to be controversial, and we do not need to raise taxes on the middle class. It is estimated that the use of offshore tax havens by tax dodgers robs our Treasury of more than $100 billion in revenue each year, leaving honest taxpayers to foot the bill. Last year I introduced the Stop Tax Haven Abuse Act, S.681, which would provide important tools to combat offshore tax abuses and would bring in a significant amount of that lost revenue. I will continue to fight to enact that bill and other commonsense measures to close tax loopholes.

Mr. DOMENICI. Mr. President, as a Senator that not only represents a leader in renewable energy technology but also helps run the Energy and Natural Resources Committee, I am pleased that we have finally reached a compromise which will allow us to extend important tax credits for renewable energy.

History tells us that our most promising technologies frequently need government assistance in order to get off the ground and become economically viable. One of the most effective ways we can do this is through our Tax Code.

Our Nation is facing unprecedented challenges in our financial markets and in energy. I have spent much of my time over the last few months talking about the need to build a bridge toward our energy future. I believe that bridge consists of increased oil and gas production from American lands offshore. I am pleased to note that since the time I first introduced legislation to open up lands offshore in May, there has been a sea change in both public opinion and the opinions of my colleagues on this issue.

But the domestic oil and gas that I am talking about is not the entire solution. In fact, as I said, it is just a bridge to the ultimate solution, and that is the development of new technologies that will allow us to use far less oil. Those technologies include plug-in hybrid cars as well as renewable energy sources like wind, solar, biomass and geothermal.

In 2005, as chairman of the Energy Committee, I was pleased to lead the Senate to pass the largest and longest tax credits for renewable energy in history. We have renewed those tax credits several times since then, but these credits are once again set to expire. Every time they get close to expiring, investments in the industry begin to dry up, and the uncertainty hurts our Nation's ability to deploy these technologies in a timely and cost-effective manner.

We have struggled with the tax extensions during this Congress, because, frankly, the majority has decided to play politics with them. For the first time in history, they have demanded that they be offset through tax increases. Although the Senate voted 88–8 to extend them without those tax increases earlier this year, the House refused to consider our proposal, and the renewable energy industry has suffered as a result.

At last, there appears to be a light at the end of the tunnel if the House of Representatives doesn't seek to politicize this issue once again. A reasonable, commonsense agreement to extend the tax credits for renewable energy, as well as do several other important things like mental health parity and fixing the AMT problem, has been reached. I will address those subjects in greater detail, but it should be noted that the agreement now before us does offset much of the cost of the tax credit extensions, but it does so in a way that will not harm domestic production of energy.

I urge my colleagues to support this agreement in its totality, and I sincerely hope that the House will take up this entire package and pass it so that these essential tax credits will once again not be allowed to expire.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. I thank all my colleagues in the Senate and their staffs who have worked so long and hard and well to bring us to this historic day on mental health parity.

In particular, I recognize our late friend and colleague, Senator Paul Wellstone, who championed this fight for so many years. Without the leadership of Senator Wellstone and our colleague Senator DOMENICI, we would not be here today.

Americans believe we are all created equal. This legislation brings us closer to that ideal by ending a particularly invidious form of discrimination—discrimination in health insurance against tens of millions of Americans who suffer from mental illness.

One in five Americans will face mental illness this year. Today at least, the Senate can say to them loud and clear, you will no longer have to suffer in the shadows.

Through the miracle of modern medicine, mental illnesses are just as treatable as physical illnesses—but patients with mental illnesses are still treated very differently.

That difference is unfair and unacceptable. It makes no sense for health insurance companies to charge patients more for mental health care than they do for physical health services.

It is tragic when any family member is diagnosed with an illness; it is heartwrenching for a parent to watch their child suffer.

But the tragedy is even greater, when treatment is denied solely because the child's illness is a mental illness.

This discrimination can tear families apart, exactly when they should be coming together to support their loved one. The last thing any parent should have to worry about is whether insurance will pay for the needed care and treatment.

When mental illnesses of our fellow citizens are treated, they get their health back—and we get back our friends, our family members, and our coworkers.

The parity legislation before us is a landmark agreement after 10 years of stalemate, not only in Congress, but also with the mental health community, businesses, and the insurance industry.

Now, we have come together and agreed at long last to end the senseless discrimination at all levels of society that has plagued persons living with mental illness.

Together, we have worked to end injustice that has denied them the care and treatment they deserve. We have agreed that equal treatment of mental illness is not just an insurance issue—it is also an issue of civil rights.

At its heart, mental health parity is an issue of fundamental justice, and today that fundamental justice arrives in the lives of millions of our fellow Americans, and I thank all my colleagues on both sides of the aisle for making this day possible.●

● Mr. ENZI. Mr. President, for far too long, American workers and businesses have awakened each day to wave after wave of bad news: rising foreclosures, $4 gasoline, job losses, inflation, bank runs, credit crises, embassy bombings, triple-digit stock losses, devastating hurricanes . . . the bad news just keeps coming. The burden is heavy and Americans are tired.

But today, a ray of sunlight is peeking through the storm clouds. Today, I am happy to share some good news with you. It is good news when the Senate can rise above partisan politics and find solutions to tough problems. And it is very good news when that solution lets taxpayers keep more of their hard-earned money.

The legislation before us will provide much needed tax relief to individuals, families, and American industry and put us on the path towards recovery. It will spur the development of alternative energy sources and help free our dependence on foreign oil. It will protect working Americans from the overarching reach of the alternative minimum tax and expand the child tax credit to help low-income working families.

This bill also includes some very good news for Wyoming. It preserves the sales tax deduction on taxable income. This will enable residents of Wyoming and other States that have no State income tax to deduct their State sales taxes when filing their Federal income tax returns. Without it, Wyoming residents would shoulder an unfair share of the Federal tax burden.

This bill also enhances funding for rural schools. In States like Wyoming where a large percentage of land is federally owned, local and State governments lose property tax revenues which are traditionally used to fund education and other local government functions. Historically, the Federal Government shared timber sale produced receipts with rural counties with Federal forests but timber receipts have been inconsistent creating budget uncertainty for rural counties to provide for schools, roads, and other county needs. This tax extenders bill would reauthorize and expand the Secure Rural Schools and Community Self-Determination Act and provide additional support for Wyoming schools.

The bill also includes important tax provisions that promote charitable giving and reward the tireless volunteers who help rebuild our communities after natural disasters.

This legislation will encourage business research and development—the twin engines that power our economy by spurring the development of new technology and creating more jobs.

And for the first time, the Senate will establish health insurance parity between mental health coverage and medical surgery coverage.

The Presidential campaigns spend a lot of time engaged in endless volleys about reforming health care, but my colleagues Senators KENNEDY and DOMENICI—and I have actually done something about it. This is an accomplishment we have worked long and hard to achieve and I would like to take a moment and explain how important this is.

In 1996, Senator DOMENICI and the late Senator Paul Wellstone authored a law that provided parity specifically for annual and lifetime limits between mental health coverage and medical surgical coverage. Although it was a landmark accomplishment and an important step forward, it was just the first step in the effort to address this issue.

Our bill will improve upon the 1996 law by including deductibles, copayments, out-of-pocket expenses, out-of-network benefits, coinsurance, covered hospital days, and covered outpatient visits. Essentially, it will require health insurance plans that offer coverage for mental health to offer it in parity with their coverage for physical health. It will help ensure Americans with serious mental illnesses like schizophrenia and bipolar disorder are treated fairly and can receive appropriate care. It will not mandate mental health coverage, but it will improve coverage that is available to 113 million Americans.

Mental health parity has been a long time coming. We are here today because my colleagues and I worked together with business, insurance and mental health groups for thousands of hours over many years to forge a common solution. Instead of fighting for the same old positions, where one side wins and the other loses, we worked hard to find a third way to get it done.

I often say that on any given issue, people can agree on about 80 percent of it, and they will never agree on the other 20 percent. By focusing on the 80 percent we could agree on, instead of the 20 percent where we'll never reach agreement, we found common ground on mental health parity and a third way that addressed the concerns of stakeholders.

The broader tax extenders package before us today isn't perfect. It is expensive and some of the temporary tax credits are offset with permanent tax increases, but it's a start. I think Americans are tired of watching Congress pit the ''perfect'' against the ''pretty good'' so that both sides lose and nothing gets done. We have accomplished something today and makes today a good day.

Indeed, this bill is good news and I am happy to share it with the people of Wyoming and all hard-working Americans.●

● Mr. GRASSLEY. Mr. President, we are reaching the end of a long road. We are about to pass the compromise on the AMT patch, extenders, energy tax incentives, and disaster relief.

I urge my friends in the House leadership to take a careful look at the votes the Senate took this afternoon. Also, they should take a look at the White House policy statement. House Democrats will see $42 billion of revenue raisers. House Republicans will see an unoffset AMT patch, extenders and other items.

There must be a majority to match the supermajority here.

I thank Chairman BAUCUS, Leader REID, Leader MCCONNELL, and their staffs. I wish to single out Russ Sullivan, Bill Dauster, Cathy Koch, Josh Odinitz, Pat Bousilman, Tiffany Smith, Mary Baker, Bridget Mallon, and Ryan Abraham.

I also wish to thank the Senate legislative team led by Jim Fransen. Finally, the crew at Joint Tax went above and beyond the call of duty. Ed Kleinbard, Tom Barthold, and the Joint Tax team moved effectively and efficiently.●

●Mr. FEINGOLD. Mr. President, I will support this measure, but I do so reluctantly because in passing this bill the Senate is also passing its cost on to our children and grandchildren rather than paying for it. With the exception of the provisions relating to emergency disaster relief, the provisions of this measure were entirely predictable and as such could have been fully offset with spending cuts, revenue increases, or some combination of both. The emergency disaster relief provisions are another matter, and I do not suggest that they should have been offset, though it is always preferable to do so whenever possible. But the disaster relief provisions, which I strongly support, represent a tiny fraction of the entire cost of this bill. The bulk of the cost stems from one provision, namely the so-called 1-year patch of the alternative minimum tax to ensure that tax does not expand its reach to millions of average families. The need for this fix has been known for some time. Indeed, it has become almost an annual ritual to extend the AMT patch, and regrettably Congress has done so without paying for the fix. Instead, we have just added the cost to the debt. This year, the 10-year cost of that provision will amount to over $60 billion, every penny of it added to our already massive debt.

As I have noted frequently on this floor, every dollar that we add to the Federal debt is another dollar that we are forcing our children and grandchildren to pay back in higher taxes or fewer government benefits. When the government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. And that is not right.●

● Ms. SNOWE. Mr. President, although long overdue, I am very pleased that the Senate has come to an agreement to renew expiring tax provisions critical to families across America, as well as to provide incentives for the production of clean energy and conservation that could create 100,000 new jobs. As working families are struggling to put food on the table and gas in their cars, I am especially grateful that the package assists the least fortunate among us by including a proposal to lower the income threshold for the refundable child tax credit that Senator LINCOLN and I have championed.

I urge my colleagues to support this responsible and balanced package. And, I would like to especially thank Senators BAUCUS and GRASSLEY as well as their staffs for working days, nights, and weekends in forging this agreement. These two gentlemen exemplify the bipartisan tradition of this Senate and how this body can get its work done if Members are willing to reach across the aisle to find some middle ground.

Unfortunately, partisan gridlock too often ties the hands of even these Senate stalwarts. Frankly, it is unconscionable that in what could potentially be the closing hours of this Congress, we are only now moving a step closer to enacting this legislation. At a time when renewable energy projects are being mothballed because of this uncertainty and Americans are demanding action on energy policy, I cannot believe that we have been abrogating our duty to serve the American people by our inaction on this time-sensitive issue. It seems to me that these tax extensions should have been the low-hanging fruit that we could have done much sooner.

We could have unleashed sooner renewable energy projects creating jobs, provided targeted tax relief to low-income working families struggling to pay the high cost of food and fuel, encourage an infusion of capital into rural and urban communities, provide tax incentives for retail businesses looking to grow their business, and help keep the jobs associated with film production within our borders.

This is occurring at a time when our economy teeters on the brink of recession; when we have seen the collapse of a banking institution founded in 1850; when the U.S. government has seen no other way but to take over and buy the assets of other major financial institutions; when unemployment surged to 6.1 percent last month the highest rate since 2003; when gasoline at the pump is near $4 a gallon; when oil costs are have risen to over $120 per barrel; and when foreclosures have hit historic level, do we really want to say that we can't extend a renewable energy tax credit that caused 45 percent growth in wind energy production last year and that we can't adopt energy efficiency tax credits that create necessary incentives to reduce energy demand?

Consider the economic impact of inaction. Dr. Mark Cooper of the Consumer Federation of America estimates that from 2002 to 2008 annual household expenditures on energy increased from about $2600 to an astonishing $5300. In my state of Maine, where 80 percent of households use heating oil to get through winter, it is going to be even worse.

Last year at this time, heating oil prices were at a challenging $2.70 a gallon—for a Mainer who on average uses 850 gallons of oil that is $2,295. With current prices at $3.80 per gallon, the cost per Mainer just to stay warm will be $3230, and that is not even considering gasoline costs. That is the difference between a burden and a crisis.

Now is not the time to allow energy efficiency tax incentives and the renewable production tax credit to expire. But that is what we are doing unless we pass this bipartisan package today. Energy efficiency is by far the most effective investment that our country can make to address the calamity of an absent energy policy. It constitutes a dereliction of duty if Congress allows energy efficiency tax credits to expire. In fact, some tax credits already have expired, and as a result, there are currently no incentives to purchase efficient furnaces. At a time when Americans are worried about paying heating bills this winter, we must provide the assistance to encourage investment in energy efficient products that will reduce our collective demand for energy, and save Americans money.

Yet, we have jettisoned a $300 tax credit to purchase a high efficiency oil furnace, which would produce more than $430 in annual savings for an average home—according to calculations based on Department of Energy data and recent home heating prices. We have sidelined an extension of a tax credit for highly efficient natural gas furnaces that would save an individual $100 per year. However, this tax credit ended at the beginning of this year—when oil prices began their historic rise.

And for businesses that are competing against countries that subsidize oil, the situation is untenable. Earlier this summer, Katahdin Paper Company in my state announced that the cost of oil used to operate its boilers has caused the company to consider closing the mill's doors. Talks are under way to find alternative solutions to re-start the mill's operations and revive its 208 jobs, but it is undeniable that these jobs hang in the balance because of unprecedented energy costs.

One remedy would be to create more renewable energy jobs that would help right a listless economy and invest in a secure energy future. Indeed, more than 100,000 Americans could have been put to work this year if clean energy production tax credits had been extended.

We could have already unleashed renewable energy projects creating jobs, but instead, projects currently underway may soon be mothballed. Clean energy incentives for energy efficient buildings, appliances, and other technologies, as well as additional funding for weatherizing homes, would similarly serve to stimulate economic activity, reduce residential energy costs, and generate new manufacturing and construction jobs. It is irresponsible to allow a bright spot in our economy, the renewable energy industry and energy efficiency industries, to falter, when the output of these industries is so essential to the future of this country.

Extending these expiring clean energy tax credits will ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. I am encouraged by

the bipartisan agreement that is before us today. We must not lose yet another opportunity to raise the bar for future domestic energy systems and energy efficiencies, benefiting our economy, our health, our environment, and our national security. I hope that the House of Representatives will quickly take up and pass this package.

Some may argue this is an election year and we must lower our expectations for getting things accomplished. I couldn't disagree more. And I met a remarkable woman from Maine earlier this year who couldn't disagree more—because time is quickly running out on this Congress to take necessary steps to help Americans like her. She told me she had three jobs—the first to pay for the mortgage, the second to pay for heating oil, and the third to pay for gas to be able to drive to her other two jobs and this was back in April.

Solving this crisis isn't about party labels. It isn't about Republicans or Democrats—or red states or blue states. It is about what is good for America, and what unites us as Americans under the red, white, and blue. We must move in that direction as a country.

But, there is much more in this package beyond energy tax incentives. The legislation before us will extend the New Markets Tax Credit through 2009. Based on the New Markets Tax Credit Extension Act of 2007, which I introduced with Senator ROCKEFELLER, this provision will help to ensure that investment dollars continue to flow to underserved communities.

Additionally, the tax extenders package will enable retailers who own their properties to depreciate over 15 years, instead of 39 years, improvements to those structures. Based on my legislation, this Main Street-friendly provision levels the playing field between owner-occupied and leased retail space and will help to generate additional construction and renovations to stores nationwide by lowering the cost of capital in a tightening credit market.

Also included is a provision that will allow companies to claim accelerated depreciation for the purchase of recycling equipment. This provision is based on my Recycling Investment Saves Energy, RISE, Act and will save energy, create jobs, strengthen local recycling programs, and improve the quantity and quality of recycled materials.

So as you can see, this package is more than just extending expiring tax provisions. This legislation will create jobs, move us closer to energy independence, encourage investment in low-income communities, and provide much-needed relief to low-income families struggling to meet just their basic needs.

I would hope that when we finally adjourn, we can say we extended this critical tax relief. I would also hope that at the beginning of next year, when a new Congress is sworn in, we will commit ourselves to serving those who have entrusted us with their votes, where reaching across the aisle is the norm, not the exception—where looking for consensus is viewed as the answer, not an aberration.●

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, for the benefit of all Members, we are going to shortly have our last vote of the evening. The work we have accomplished today is historic. This is the ninth time we voted on renewing and extending the renewable tax credits. We finally did it.

We are going to send over to the House a package that is remarkably good, a 2-year extension of the business tax extensions that are so necessary. For the first time in a long time, it is not 1 year, it is 2 years. The business community thinks this is extremely important, as do I.

As I said earlier this morning, I hope the House accepts what we do. I do my very best to get along with the House, Democrats and Republicans. But everyone should understand we have had a very difficult time getting to the point where we are, in passing the final version of this bill. If the House does not pass this, the full responsibility of not passing this is theirs, not ours.

Now, people may say: Well, we want all the tax credits paid for. But I say to my friends in the House, AMT is not going to be paid for. Much of what we do around here is not paid for. It is nothing I necessarily like. But are we asking that the war be paid for? I ask what is more important, to extend these tax credits for 2 years and bring about some stability in the business community or have, out of the blue, the House telling us that everything has to be paid for? AMT is not going to be paid for. So how do they pick and choose what is right to be paid for?

So I would hope everyone understands the importance of this legislation, and all 100 Senators, if you would be good enough to call your counterparts in the House and tell them—I think if they had a vote in the House on our passage, it would pass overwhelmingly. I hope that can be arranged.

I would hope my friends will do that. We have not accomplished much this work period. That is an understatement. This would be an accomplishment for us. I hope we can do that.

Tomorrow we are going to come in and have morning business. We are moving to proceed to the Coburn matter. That is an effort so we have something on the floor to proceed to. We are not going to do anything on that piece of legislation. We are going to pass a few of the things tonight, I think 4. That will be 5 things we have passed when we are done. There are still 29 to go.

But tomorrow I hope Senators would take this opportunity, when we have a relatively free day, to come in and perhaps give statements about those Senators who are retiring and whatever else you wish to talk about.

Now, when we get things from the House, we will move to those as quickly as we can. The House, it is my understanding, is filing and going to order both tonight, filing and doing the order on the CR. We should get that maybe tomorrow, maybe Thursday. They are then going to do a stimulus. We will see what happens with that, an economic recovery package.

As we speak, we are trying to work something out on this financial crisis facing this country. Democrats and Republicans had some concern about this. I hope we can work to get this done. I am not giving a political speech here, but I am giving a factual speech the best I can.

None of us are happy about the situation we are in. I can direct blame just as well, and sometimes better, than a lot of people as to why we are here. But we are here. We have to figure out some way to move beyond where we are. I would hope the White House is listening. I would hope the Republicans are listening and Democrats are listening because a lot depends on what we do, and we have to do it right. I am not asking anyone to do anything fast; we have to do it right. Maybe we can do both, do it fast and do it right.

So there are meetings going on tomorrow that will hopefully help move us down the road. I got some good news in the last hour or so, that it appears Senator MCCAIN is going to come out for this. It would be a tremendous help if he would do this. As you know, Senator OBAMA has come out for this package, with basically the same thing that—I think he and MCCAIN are pretty well in line with this. Some of the statements coming out of the MCCAIN camp last night were not very good, but they have changed over the day. I certainly hope that is the case.

So we all want to work together. We want to do the best we can to move this forward. This week those are the things we need to do before we leave. I have talked about them on a number of occasions. We have to try to do something on economic stimulus. That is still a jump ball. The continuing resolution is pretty well, from our perspective, going to be filed tonight. We have been fortunate to work with Congressman OBEY. The latest word I got is that the Defense appropriations bill is going to be in the CR. That is extremely important.

We all know what is finally in it. It is not loaded down with a lot of extraneous material. Then we are going to work on the economic recovery package and try to make sure we have a vote on that sometime before we leave.

We got good news today. The Defense authorization conference has been completed. We are going to finish that before we leave. If it takes a number of cloture votes, then we will have to do it. But it is something that has been worked on long and hard. We have been through that.

Mr. WARNER. Will the distinguished leader yield? I hope to have a meeting

in the Vice President's Office with my Republican colleagues to explain the status of that bill. I think the distinguished chairman has set up a similar meeting for his colleagues.

Mr. REID. I think I have covered everything we need to do before we leave. Again, I would say it is not a question of us leaving on a given day or time, but it is a question of being able to complete our work before we go, and we have an opportunity to do that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a couple of words underlying what the leader said in his remarks. These are not only for our membership but also for the other body.

The underlying bill has mental health parity in it. The underlying bill is also 2-year extenders. We are wrapped around the axle too much in this body by having actual extenders every year. This is 2 years.

Third, this is a compromise between both bodies. They want everything paid for, this body does not. It is a compromise in the middle. For those reasons, I very much hope the other body supports this measure we are about to adopt.

I yield the floor.

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

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

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas, 93, nays 2, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—93

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

NAYS—2

Carper
Conrad

NOT VOTING—5

Biden	Kennedy	Obama
DeMint	McCain	

The bill (H.R. 6049) as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes.

The Senator from Idaho.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my remarks, the Senator from Illinois, Mr. DURBIN, be recognized.

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

TIMBER-DEPENDENT SCHOOL DISTRICTS

Mr. CRAIG. Mr. President, while I think most of us have been focused on H.R. 6049, as amended by the Senate, primarily on the tax extenders and some of the energy tax credits and provisions that we believe are critically important to our economy and to the American business sector that is, by any measure, having difficulty at the moment, something is also in this legislation that is phenomenally important to timber-dependent school districts throughout the United States but dominantly in the Pacific Northwest. That is a provision called the Secure Rural Schools and Community Self-Determination Program.

Now, if I were in Oregon, I would call it the Wyden-Craig bill. If I am in Idaho, I call it the Craig-Wyden bill. It is legislation that both Senator WYDEN and I, a good number of years ago, fashioned when I was chairing the Forestry and Public Lands Subcommittee and he was my ranking member, when we came to the Senate and said we have the rural schools of our timber-dependent communities and counties in crisis.

Through the decade of the 1990s, we saw a dramatic reduction in the allowable cut of timber on our public land forests for a variety of reasons. As a result, a 1908 policy, established by Gifford Pinchot and President Teddy Roosevelt, said if we are going to create these forest preserves, we have to connect the communities of interest with them. By that, I do not mean the Sierra Club. I mean that little community sitting out in the forest that is trying to make a living off our forests and to supply to its county its roads and bridges and to its citizens its schools. We will give them a piece of the stumpage or the fee the Federal Government is paid by a private logging company to cut that tree and turn it into lumber.

Down through the years, we did just that. We financed many of our counties and many of our schools in these dependent communities largely with the stumpage fee from public timber. In some counties, it was 50 or 60 percent of the county budget. In certain counties of Oregon, in the O&C lands of Oregon, it was oftentimes the near whole school budget and oftentimes a very large chunk of the county budget.

Well, when that timber went away, for a lot of different reasons, most of them environmental, so went the money. We saw that as a crisis in our school districts, looked at it, evaluated it, established a formula, came to the Senate, and said: We have to help these school districts that do not have fee land. They do not have private property to tax. They are all public lands.

I say to the Presiding Officer, I have counties in my State that are larger than your entire State, Mr. President, and most of them are 60 or 70 percent public lands. They don't pay taxes, but they produce product. We, a long time ago, nearly 100 years ago, decided that product the Government was selling ought to pay something back to the communities. So we established this legislation, Craig-Wyden. It lived its life. It secured our schools and our communities. It allowed some self-determination. It brought together regional advisory groups, issue groups who were warring amongst each other, and it brought common cause to the public concern on our national forested lands. It was highly successful, but it expired.

In a time of deficits and financial difficulties and finding all of the needed resources we need for our Government, it became very difficult to refinance, to reauthorize this program. I have school districts that were laying off essential educators, canceling programs that would provide for the quality education of the students simply because we could not pass this legislation.

Today, we passed the legislation. Today, we reauthorized, for a period of up to 4 years, this program. It is vastly important to hundreds of school districts across the Nation. When I say the Pacific Northwest—Idaho, Oregon, and Washington—it is Montana, it is California—northern California tremendously—it is Mississippi. I suspect

there are a few school districts in the State of Colorado and other places that are highly dependent upon this particular piece of legislation.

So I am here this evening to thank my colleagues for being sensitive to these public land-bound counties that simply do not have fee land to finance their essential needs—roads, bridges, schools—and they cannot ask the other taxpayers to assume their burden outside the counties within the State.

My State anticipated the difficulty of reauthorizing and created some contingency, but still it would not have funded the full school program. So tonight we have acted and sent a very clear message to these counties, to these schools that we take educating the young people of these school districts as a high priority, that we see the vitality of these communities as extremely important.

So tonight, in section 601, the Secure Rural Schools and Community Self-Determination Program, we have reauthorized Craig-Wyden. I thank my colleagues for allowing that to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I just have a few short remarks.

IMPROVED ADOPTION INCENTIVES AND RELATIVE GUARDIANSHIP SUPPORT ACT OF 2008

Mr. BROWN. Mr. President, I thank my friend from Montana, Senator BAUCUS, for the terrific work he did when I talked to him on the Senate floor in July and he made a point of speeding up and shepherding through the Improved Adoption Incentives and Relative Guardianship Support Act of 2008. It was his leadership that made such a difference. I am proud to be a cosponsor of that bill, which was introduced by Senator GRASSLEY in May and passed the Finance Committee unanimously earlier this month.

Since its enactment in 1998, the Adoption Incentives Program has helped nearly 450,000 children in all 50 States and the District of Columbia move from foster care to permanent homes. In my State of Ohio, more than 18,000 adoptions have been finalized through this program. It has helped incredible people such as Joe and Becky Puckett of Conover, OH. After raising children of their own, the Pucketts adopted four children with special needs out of the foster care system. Without reauthorization, this important program would have expired on September 30. Thankfully, this bill passed last night by unanimous consent.

I commend the senior Senator from Montana and others for their tireless support and the hard work they have done on behalf of adopted children and families who adopt in our great country. I thank the Senator from Montana.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT

Mr. DURBIN. Mr. President, something happened on the floor of the Senate moments ago which was a long time in the making. We passed a bill, the mental health parity bill, that has been debated in this Chamber for 10 years or more.

The reason I come to the floor today, after its passage, is to note one of the Members of the Senate who was an inspiration for this bill. His name was Paul Wellstone. Six years ago, he died in a plane crash, running for election in the State of Minnesota. He used to sit in the back row over here and at a corner desk. He had an especially long cord for his microphone, and he used to wander all up and down the aisle talking. It was a sight to behold—a short, little fellow, and because of his passion for college wrestling, his back was all beat up and he kind of hobbled around. But he had a heart of gold, and he was one of these people you loved to be serving with because he brought out the best in you.

The last time I ever saw him was here in the well of the Senate on the night of the vote authorizing the war in Iraq. He was one of 23 of us who voted against it.

I knew he was going home to Minnesota to face a tough election, and I said to him: I hope this doesn't cost you the election, Paul.

He said: It is all right if it does. This is what I believe. This is what Minnesota expects of me. And whatever happens, I am all right.

That was the last conversation I had with him. Within days, he died in a plane crash.

When we returned after a memorial service and a lot of heartfelt expressions of sympathy for him and his wife Sheila, who died, as well as members of their staff, there was always a question about, what is a fitting tribute to Paul Wellstone for a great, inspiring legislative career? Those of us who knew him knew the last thing in the world he would ever want is a statue or a bridge named after him or a post office—just not the kind of thing that would mean anything to Paul. But this bill, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, is the tribute Paul Wellstone would have wanted.

I thank Senator PETE DOMENICI, who was his partner in this effort for this mental health parity bill, for agreeing to allow Paul Wellstone's name to be the lead name on this legislation. It will be the Wellstone-Domenici bill for all of us, and both of them deserve praise for all the work they did. But when PETE DOMENICI said: Put his name first, it meant a lot to many of us. This was the fitting tribute we were hoping for for Paul Wellstone.

What does it mean? It means for Paul Wellstone's family and the families of millions of Americans that mental health will now be treated differently in their health insurance plan. For the longest time, we have languished in ignorance over mental health. We have fed our prejudices instead of learning about this illness. We have treated it not as an illness but a curse, and we have basically said that we officially give up on finding cures for mental illness.

That is just plain wrong on every count. Mental illness is an illness. For the vast majority of Americans, it is a curable illness. What those suffering from mental illness need is professional assistance and the right medication, and many of them will lead absolutely normal, happy, productive lives. But the health insurance companies refused to cover mental illness—most of them—so many people with family members who were suffering from mental illness had no place to turn, and many times they could not afford the medications, and many times their lives were compromised as a result.

Paul Wellstone and PETE DOMENICI said a long time ago that is just unfair and America is a better place. Thanks to their hard work and inspiration, thanks to the hard work of TEDDY KENNEDY, who should have been here today voting for it—his name belongs in this pantheon as well when it comes to mental health parity—TOM HARKIN, and MAX BAUCUS, who put this in this package to make sure it passed—I just want to say it is a great day for America, a great day for us to give so many millions of Americans who struggle with mental illness or have a member of their family struggling with mental illness a fighting chance. That is what this gives them: a fighting chance that their health insurance policies will cover this, for the first time in many instances. It is long overdue, and this tribute to Paul Wellstone is long overdue. But 6 years after he left this Chamber, 6 years after he died, we finally gave the right tribute to a great man who served us so well.

Mr. President, today is an important day for the U.S. Senate and the Nation.

With the passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, the Senate not only acknowledges the struggle for civil rights in our country, but also the fight of one man never neglected that struggle.

In 1992, the late Senator Paul Wellstone worked with Senator PETE DOMENICI to introduce the Mental Health Parity Act to correct the unfair burden placed on American families living with mental illness without access to mental health services.

For his entire public service career, our friend Paul fought valiantly for equal rights for all, regardless of their race, religion, socioeconomic status, or health status. He fought for parity as he fought for all civil rights—he fought to end discrimination against people with mental illness and addiction in insurance coverage.

For over a decade, the Wellstone name has been synonymous with the Democratic effort to push mental health parity.

Finally, with the passage of mental health parity legislation, we are assuring millions of Americans that mental illness deserves equal treatment as physical illness.

But we also honor our dear friend and his lifelong commitment to seeing parity enacted.

I only wish that Paul Wellstone could have lived to see this day.

Although Paul himself could not be here, his memory lives on in his two sons, David and Mark.

Paul would be proud of his sons and the great work of Wellstone Action, a national center for training and leadership development for the progressive movement with a mission to honor the legacy of Paul and Sheila Wellstone by continuing their great work.

And Paul would be proud of all of us for moving this important bill forward.

As Paul said, ''Politics isn't about big money or power games; it's about the improvement of people's lives.''

I am pleased to support this bill, in honor of Paul and Sheila, and the millions of people living with mental illness whose lives will hopefully be improved by its enactment.

I ask unanimous consent to have David Wellstone's written comments printed in the RECORD.

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

STATEMENT FOR THE RECORD IN SUPPORT OF THE PASSAGE OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

I am pleased to speak in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008. This legislation is critically important to the future of health care, and it is also very close to my heart. During his time in the Senate, my father never stopped fighting for fairness in coverage and treatment of mental illness and substance use disorders. My family and I are grateful for the effort in the Senate and the House to pay tribute to my father's legacy by naming the bill after him and his close colleague, Sen. Pete Domenici.

My brother and I founded Wellstone Action to carry on my father's work, and through this organization, thousands of people are trained each year to run for office and to develop grassroots skills in organizing and leadership. But nothing represents my father's passion and commitment more than his work to pass legislation that would end the discrimination against those with mental illness and substance use disorders. This legislation is a major achievement and will do so much to end that discrimination.

For some time, I have been coming to Washington to speak on behalf of this legislation, but the fight for parity has a long history with many milestones: the 1996 federal law; the 1999 Executive Order that gave federal employees mental health and addiction parity benefits; the many successes at the state level to strengthen their parity laws; the times that Congress came very close to passing the expansion of the federal law; and the endorsement by President Bush in 2002. For my father, these milestones were very personal. His dedication stemmed from his personal observations of the terrible conditions in psychiatric institutions when his brother was hospitalized in the 1950s. These conditions, and the eventual catastrophic financial toll that my grandparents had to bear, inspired my father to do everything he could to make things right for those in similar circumstances.

The legislation that my father and Sen. Domenici passed in 1996 was groundbreaking and important, for it established in law an important first principle of parity: that those with mental illness should not be discriminated against in insurance coverage. But my father knew that it was not enough, and that is why this legislation is so necessary. It is the critically important next step toward ending the persistent discrimination against people who suffer from mental illness and addiction.

In the Senate, the tireless leadership of Senator Edward Kennedy and Senator Pete Domenici on this effort has been extraordinary, especially with their efforts to bring together the coalition of business and advocates to work to get this bill completed. They and the Senate Leadership, especially Senator Harry Reid and Senator Dick Durbin, should be proud of their efforts to make this legislation one that will strongly protect the needs of millions of Americans who have mental illness and substance use disorders. In the Senate, the efforts by Senator Chris Dodd, Senator Tom Harkin, Senator Max Baucus, Senator Barbara Boxer, and Senator Amy Klobuchar also did so much to bring this bill to final passage. And, as I know well, nothing is accomplished without the unflagging commitment of hundreds of dedicated staff and advocates who have worked so hard to right the wrong of discrimination that has existed for so long in our country. I also want to extend my deep gratitude to former First Lady Rosalynn Carter for her many years of leadership on this issue and many other problems related to mental illness. She and my father worked closely together on parity for many years, and he was always grateful for her support and leadership.

We know that mental illness is a real, painful, and sometimes fatal disease. It is also a treatable disease. My father used to say that the gap between what we know and what we do is lethal. Available medications and psychological treatments, alone or in combination, can help most people who suffer from mental illness and addiction. But without adequate treatment, these illnesses can continue or worsen in severity. Suicide is the third leading cause of death of young people in the U.S. Each year, 32,000 Americans take their lives, hundreds of thousands attempt to do so, and in 90 percent of these situations, the cause is untreated mental illness. This legislation will save lives. It will also go a long way toward ending the stigma that is behind the discrimination.

People have asked me why I am so involved in this issue. My first response is, ''Because of my father, of course''. I loved him and I miss him, and I have learned that many others here in Washington and throughout the country miss him too, especially his courage and his compassion. He fought hard for those who had no voice, and he had a strong personal commitment to helping those with mental illness and addiction. After he died, Congressional members honored him and my family by promising to name the parity bill after him, and this meant a great deal to my family. But I also knew the kind of man my father was, and the kind of parity bill he would have wanted finally passed into law, and I wanted to help ensure that the final bill was one worthy of his name. The safeguards for patients that have been included in this final bill, such as protections of stronger state laws, out of network benefits, oversight of diagnosis coverage, and transparency of medical necessity, are essential to a strong law. This Congress can be remembered as the one that had the courage and leadership to pass a strong parity bill, one where everyone's voices had a chance to be heard.

I, along with millions of Americans, look forward to the day when people with mental illness and substance use disorder receive decent, humane, and timely care. The passage of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 brings us closer to this day.

THE ECONOMY

Mr. DURBIN. Mr. President, this is a hard week around here because we are being asked to consider something that is historic. This question of bailing out financial institutions because of a struggling economy has called into question a lot of very basics about the way we govern this Nation.

I think most people understand the economy is in trouble. For working families, they have known it a long time. They have been falling behind for 8 years. Their incomes do not keep up with the cost of living. The expenses they face grow dramatically, whether we are talking about mortgage payments, utility bills, groceries or gasoline or health care costs. They know the economy is weak. No matter how hard they work, they cannot keep up with it. They are the ones who have been wondering when Congress was going to understand this and do something about it.

It took a tragedy in another sector of the economy for Congress to act, and that tragedy is in the credit institutions. You see, what happened to the credit institutions in America was totally avoidable. What happened was we created a parallel credit operation, parallel to the banks and other regulated institutions—investment banks and other Wall Street entities—which had basically no rules. They played by their own rules. They were not regulated. There was no Government oversight, very little transparency. They loaned money in ways and with terms that were not publicly disclosed on a regular basis.

The attitude for the longest time around Washington was: Keep your hands off of them. These are the dynamos of capitalism. Give them a chance.

They will just create wealth and opportunity in every direction. Well, that sounds too good to be true, and it turned out it was. They started making loans that were careless, negligent, and wrong.

They started loaning money, for example, on mortgages to people under terms that were unreasonable, to people who could not afford them in some instances, and started collapsing. They just counted on the fact that the default rate would be low when it came to mortgages, even if the mortgage was full of tricks and traps. They counted on the fact that real estate would always appreciate in value. Eventually, the house of cards tumbled and they ended up holding the mortgage securities and other mortgages that were worthless. Nobody wants to buy them. They are called illiquid assets.

As the portfolios of these investment banks got loaded up with worthless securities and paper, they started struggling to survive. Some of them didn't. Bear Stearns was about to go out of business, and the Federal Government stepped in. This administration said: We will keep you going. Lehman Brothers was about to go out of business, and they said: We won't step in. But for the portion rescued by Barclays, thousands of jobs were lost.

I think the net result of this is very clear. First, what we are facing today was avoidable. If we had not bought into the economic philosophy of those who argued that regulation is inherently evil, we could have avoided some of these mistakes and tragedies. But we didn't. Voices in the Senate, like former Senator Phil Gramm of Texas, argued with vigor: Get out of the way. Capitalism will work just fine. All the Government can do is mess it up.

Well, we saw what happened. In the last several weeks, some of the giants of Wall Street and some of the major institutions in Washington have either been compromised or perished. In some instances, the Federal Government stepped in. In stepping in, it has created new obligations for our Government and our taxpayers.

I think this chart I put together is fairly close to what we are facing. The current national debt of the United States of America is $9.73 trillion. That represents the accumulated debt of every administration in the history of the United States, from George Washington through George W. Bush. That is $9.73 trillion.

Look what happened in the last several weeks: First, we had the Treasury Secretary step in and say that we are going to keep Bear Stearns afloat. So they did that by allocating some $30 billion. Then they came in and said: We are going to stand behind—guarantee—the mortgages being held by Fannie Mae and Freddie Mac to the tune of $5.3 trillion.

Admittedly, there are security and collateral behind these, but we are on the hook now for $5.3 trillion.

AIG, the biggest insurance company in America, was about to go out of business. It would have been catastrophic. We stepped in and, for $80 billion, said we would stand behind them and purchase a share of AIG and expect to be paid back. I hope we are.

Money market insurance, money market mutual funds are those cash options for people who don't want to invest in securities and, at some point last week they could not pay a dollar on a dollar given to them. So we stepped in to provide insurance for them, an exposure of $3.35 trillion. Then comes President Bush's bailout plan that Secretary Paulson brought to us, to the tune of $700 billion.

So in the last several weeks, we now have a new exposure to taxpayers of this country, a liability of $9.46 trillion. The accumulated debt of America, from its beginning to today is $9.73 trillion, and the new exposure is $9.46 trillion. This is a dramatic and, in many ways, troubling scenario that has unfolded.

Lack of regulation, lack of accountability, lack of transparency led to terrible decisions based on greed and on the fact that no one was looking. Many people got rich in the process. Some of them went away with millions of dollars in income as executives, and others from the investments that did pay off, and some with golden parachutes did quite well.

Most of the American taxpayers didn't realize any gains from that, but now they are on the hook for this proposal of $700 billion. What does that come out to for every man, woman, and child? It is $2,300 in new liability that every man, woman, and child in America will have as a result of the Bush bailout proposal.

Many of us have serious problems with the President's bailout proposal. I don't question that we need to do something and do it in an expeditious way. But we should do as much as we need to do and not more. We should make certain we are not subsidizing the compensation of executives of these failed companies. These men and women who ran these companies into the ground, who bought these rotten portfolios we are now rescuing, don't deserve a gold watch or a million dollars as they leave the office. Certainly, the taxpayers should not have to pay it. That is No. 1.

Executive compensation ought to be off the table. If they want to play with taxpayer money, let them be restrained and restricted in terms of their income to the highest salary paid in the Federal Government, which is a generous $400,000. That is enough, nothing more—not a million-dollar going-away gift for incompetent and failed corporate executives.

Secondly, we have to make sure whatever we do is not torn apart by conflicts of interest. Whatever allocation of money is given to the Treasury Department is going to be spent on companies, and we have to make certain it doesn't go to buddies and friends but to the companies that can make a difference in the economy.

When the Treasury Secretary gave us this three-page bill asking for $700 billion, he specifically said none of the decisions or actions taken under that bill would be subject to review by any court in America, any administrative agency, and the rules he would draw up for the conduct of this activity would not be subject to the ordinary course of business and laws of America. I am sorry. I will never vote for that. I cannot.

How can the Secretary of the Treasury be above the law? Why wouldn't he be held accountable for conflicts of interest?

I believe Henry Paulson is an honorable man. I don't think he is out to do anything wrong. But what of those who work for him? There can be a lot of people spending taxpayer dollars. I want them to know they are held to the same standards of ethical and legal conduct as anybody doing business or anybody involved in our Government. So that is something I insist on.

The third point I want to make is this: If we are going to come to the rescue of some of these companies and buy their illiquid assets that nobody wants to buy—if the taxpayers are going to put that money on the line, I want them protected. If those companies survive and succeed, the American taxpayers should reap at least some of the profits. That is not unreasonable. Why should we be left holding the bag for $700 million for their mistakes, and when they get well, they will basically stand around and complain about Government getting in their way again. I would insist on that as well.

The other element is one that I authored and is included in both the House and Senate versions of the Democratic alternatives to the Bush bailout. This really goes to the heart of it. This economic mess started because of subprime mortgages—mortgages that were basically predatory lending, where people were being taken advantage of. We see what has happened. People were drawn into mortgages they could not pay, and they are about to lose their homes. Foreclosures are at the highest level since the Great Depression.

If we are going to get this economy moving forward again—and we should do it quickly—we have to go to the heart of the problem. The rot at the bottom of the pyramid is foreclosures. As long as mortgages are being foreclosed in record numbers, people will not only lose their homes, but every one of us suffers. I recently had an appraisal on my home in Springfield, and the value is down 20 percent. We made our payments. We didn't do anything wrong. That is the real estate market in Springfield, IL. That is what is affecting homes across America. Until we staunch the bleeding of this mortgage foreclosure crisis, I am afraid we are not going to get well.

One of the provisions in this bill relates to bankruptcy. It says if someone owns a home and goes into bankruptcy

facing foreclosure, the Bankruptcy Court has the right to rewrite the terms of the mortgage so if it is possible, that person can stay in their home.

This is not a radical idea. It applies now to all second homes, vacation homes, farms, and ranches—just not your primary residence, for no good reason. It should apply. If we put this provision in the law, trust me, those institutions that are issuing the mortgages are going to be much more open to renegotiating the terms and making them more reasonable. Unless we put it in, they will continue to say let that homeowner lose their home. That is an outcome that doesn't help anyone.

I hope we can see a balanced package come through when this is all over. I hope we can see some equity and fairness for the taxpayers in this country. Lord knows, they have paid enough. To ask them to pay another $2,300 deeper into our national debt is unreasonable if we don't have safeguards to stop excessive executive compensation, to give the taxpayers the upside of these businesses, if they do get well; to make sure that we police against conflicts of interest and wasting of taxpayer dollars and, finally, make sure we do something about the homeowners who are at the root cause of the economic downturn we are now facing.

We need to do it and do it quickly. I know banks will hate this provision on bankruptcy. They have made up so many stories about what this will do to them. They talk about interest rates going up on mortgages across the board. But there was an analysis done by Adam Levitin, a Georgetown law professor. He said:

> Taken as a whole, our analysis of the current and historical data suggests that permitting bankruptcy modification of mortgages would have no or little impact on mortgage markets.

I agree. It is just a smokescreen. The same banks that want to be bailed out don't want to be held accountable. They created this mess, and they want to continue to profit from it. They want the taxpayers to subsidize it, and they don't want to step up to the table and work with families and homeowners to keep them in their homes.

That is not the way we do business in America. I hope we have learned a bitter lesson. Those who were champions of deregulation—JOHN MCCAIN used to talk about that being his mantra. He was opposed to regulation. He was all for Senator Phil Gramm's attitude toward keeping your hands off the economy. Look where it brought us today: the mess that we face.

In just a matter of a couple weeks we will see an exposure of liability to our Federal Government almost equal to the combined national debt accumulated in the United States since its inception. That is poor management. It reflects poor thinking. It reflects an economic philosophy that needs to be tossed onto the dustbin of history.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. HATCH. Mr. President, I rise today concerned about the current crisis in our financial markets and the state of our economy. I am also concerned about the course that is being laid out by both the administration and the congressional leadership.

Specifically, I fear that the magnitude of what we are undertaking is being swallowed by the concerns of an election campaign and, quite frankly, I don't believe that is any way to govern. Of course, the sense of urgency being expressed by my colleagues is warranted given the circumstances.

In the last year, price increases, particularly in food and energy, have exceeded our income growth. The unemployment rates have edged up. Already we have lost some 700,000 jobs. Obviously, the fallout was particularly severe in the housing sector. But it should be noted that some of the slowdown is due to the aging of the economic expansion and the completion of the capital investment spurred by the 2001 and 2003 tax cuts. Clearly, these need to be renewed and expanded to encourage growth in the economy at large.

However, we are dealing with more than a sputtering in our economy. Losses on mortgage-backed securities, coupled with the loss of confidence in the financial sector, threaten to turn a predictable economic slowdown into something far worse. Indeed, we are in the grips of a financial panic of monumental proportions.

The sharp decline in confidence has led to runs on many institutions, most apparently among our investment banks that operated largely on borrowed money at high rates of leverage. Most of these institutions have either sought merger partners or are being sold to stronger firms. Others are reconstituting themselves as commercial banks in order to obtain additional Federal deposit protection and regulation.

Many investment banks were too shaky to survive, unable to absorb losses on housing-related securities that exceeded their capital and having insufficient time to obtain an infusion of capital from new investors.

Most financial institutions here and around the world have suffered manageable losses. Except for the uncertainty which has made our banks reluctant to deal with one another or to issue new loans, they are otherwise in good condition.

Banks and other financial institutions around the world have considerable assets but cannot access them. Normally, an institution in need of cash would sell some of its assets to others. But at the current time, entire classes of assets cannot be valued properly and, as a result, there is no functioning market for them. These institutions cannot wait for the market values to be sorted out because they owe money now that is due for repayment.

We have to buy the banks enough time to properly sort out their assets. When the sorting is complete, they will likely find that their assets still have considerable value, perhaps between 70 cents and 90 cents on the dollar. Delinquency rates on mortgages are significantly up from a year ago, from about 2.4 percent to a bit over 8 percent as of the end of June. However, the homes and the land are still in existence and have retained much of their intrinsic real value. Most of the borrowers are paying their mortgages, and most of the mortgage-backed bonds are still paying interest. Unfortunately, if the bonds have to be resold today in this unstable, panicky market, they will yield far less than their real value. If the bonds can be held until the crisis is sorted out, the losses will be greatly decreased. Certainly, the losses will be substantial and inconvenient for many institutions and for a number of individual investors, but they will be manageable.

These are not insurmountable problems. We have dealt with financial crises before. We overcame the devastating stagflation of the 1970s, halting inflation and renewing economic growth through a mix of new monetary tax-and-spend policies enacted in 1981. We solved the savings and loan crisis of the mid-1980s, even as income and unemployment rose rapidly, without resorting to renewed inflation.

In short, our greatest fear should not be the crisis itself but the possibility of an inappropriate response to the crisis.

In order to determine the best course going forward, we need to examine what got us here. While it would be easy, especially during the campaign season, to lay the blame at the feet of certain individuals, the actual problems we face are simply too complex to be pinned on a single actor or party.

Right now, we are seeing the consequences of a long series of policy errors, both in the private and public sectors, which combined to create a perfect storm of financial instability. Many of our problems stem from our monetary policy at the Federal Reserve. From 1988 to 1999, the Fed pursued a relatively stable monetary policy. However, in anticipation of serious problems with the financial sector's computer systems as the year 2000 approached, the Fed flooded the system with money in 1999. This contributed to the ''dot com'' bubble, and subsequent efforts to take out the excess cash contributed to the recession of 2001.

In order to spur the economy, the Federal Reserve held short-term interest rates too low for too long, well

below the expected rate of inflation. The money that subsequently poured into housing and commodities created excessive demand, contributing to the housing and commodity price bubbles, both of which burst due to the most recent efforts of the Fed to return to a less-inflationary stance.

The easy credit made available from these policies was quickly steered into the housing sector, facilitated by increased availability of adjustable rate mortgages, rising demand for mortgage-backed securities, and the globalization of financial markets.

The proverbial plot thickened as loan origination companies and many banks continually borrowed at the prevailing low rates and resold the mortgages to Fannie Mae and Freddie Mac or other firms generating mortgage-backed securities, all of which planned to sell the mortgages rather than keep them on their books. So they had little reason to be concerned with the quality of loans or the borrowers' ability to repay.

As a result, lending standards fell. Subprime loans were given to many debtors who could not, under normal conditions, qualify for or afford the debt they were taking on. These people were offered adjustable rate mortgages with low teaser rates, borrowing on the assumption that they could always refinance at the same low rates later on. In effect, low-income buyers became speculators in the midst of a bubble. Borrowers and lenders assumed that real estate prices would rise indefinitely. Therefore, many assumed that, even if they could not refinance, they would be able to sell their houses later on at a profit.

The infusion of money into the housing market increased demand and drove up housing prices, leading to overconstruction. Eventually, the prices had to come down to Earth, leading to the losses and defaults that we are facing today.

Make no mistake, we are facing difficult times. But I must urge my colleagues to maintain some perspective about the overall state of our economy. True enough, these were unprecedented challenges, but given what is at stake, the American people need an accurate portrayal of the obstacles we face. Once again, our current problems are difficult but not fatal, and contrary to the claims of some of my colleagues, this is not 1929 and America has not become a country of Tom Joads.

While, once again, the financial failures have placed us in an extremely tenuous position, the overall economy has not collapsed. As a result of the reduction in tax rates beginning in 2001 and 2003, we saw more than 4 years of strong economic growth. After a single quarter of negative growth at the end of 2007, our economy has continued to grow this year, though at a slower rate. Productivity has been on the rise and inflation has been on the decline. Of course, these facts are not likely to comfort those in our country who are struggling through the uncertainties, but they should give us cause to believe we can weather this storm.

Yet what we hear from some Democrats regarding these matters are more partisan attacks and fingerpointing. The country is in shambles, and President Bush and JOHN MCCAIN, they say, are entirely to blame. Of course, these attacks are simply ridiculous, just as it would be ridiculous for me to stand here and lay the blame entirely on Democratic congressional leaders. The stakes are simply too high on this issue for our response to be muddled by campaign rhetoric or election-related agendas. I sincerely hope we can move past any partisan wrangling and address these matters in a sensible, bipartisan fashion.

This week we are working on, and are likely to pass, an economic relief package that, if it resembles what has been advertised, will put the American taxpayers on the hook for about $700 billion—$700 billion—and the American taxpayers will become the proud owners of a mountain of questionable mortgages. The fact that this gargantuan number can be discussed in these Chambers without causing all of us to shudder says a lot about how detached from reality many of us have become.

The Secretary of the Treasury, Henry Paulson, whom I greatly respect and admire, announced a proposed bailout last Friday. According to the current agenda discussed among congressional leaders, they hope to be able to finalize the package and have it on the President's desk by the end of the week.

To sum up, we are preparing to authorize $700 billion in new spending and to fundamentally alter the balance between the Government and the private sector, and we will not take longer than a week to debate and discuss the legislation.

I know many of my colleagues are anxious to get back on the campaign trail so they can blame President Bush, Senator MCCAIN, or anyone with an ''R'' next to their name for the financial crisis. But I think the American people expect more out of us. Indeed, if we are going to spend $700 billion of their money, we had better be certain it is the right thing to do.

The proposal clearly has the potential to work. Under the plan, the Secretary will be given authority to spend up to $700 billion to acquire large quantities of questionable mortgage-related debt that have caused the financial markets to freeze. Fortunately, from what we have been told, that $700 billion figure is only the gross cost of the program. The assets acquired by the Treasury will eventually be sold. If—and this is a big if—all goes according to plan and the assets are purchased at appropriate discounts, there is a chance the Treasury will recoup the taxpayers' investment or even turn a profit.

As we heard from Secretary Paulson and Chairman Bernanke on Tuesday, this outcome cannot be guaranteed and, at this point, much uncertainty remains. However, as we all know, the cost of doing nothing could be much greater. By failing to act, we may inflict even greater hardship on the working people, small business owners, and retirees throughout the country.

In addition to the inherent risks in the program, a number of other factors must be considered. First of all, we need to remember that Secretary Paulson will not be running the Treasury for much longer. That is a possibility. In fact, it is a probability. Given the sheer size of this proposal, passage of this bill, coupled with the start of a new administration in January, the choice regarding the next Treasury Secretary will suddenly become one of the most important political appointments in a generation. We would be passing on to an unknown administration unprecedented powers over the financial markets and the private sector. While I have great confidence in the leadership and abilities of Secretary Paulson, such uncertainty gives me pauses.

Second, there is a conspicuous lack of transparency, oversight or accountability in the Secretary's proposal. Instead, it contains explicit provisions exempting his decisions from any kind of review. No consultation is required for any purchase, nor is there a requirement that either his decision-making process or his decisions themselves be made public. The shudder I feel over the $700 billion price tag grows exponentially if there is going to be no accountability.

If Congress is to approve a bailout of this magnitude, we must take proper precautions to ensure we do not compound the inherent uncertainty of the plan with more uncertainty in the legislation. We need to include some sort of guidelines or oversight in order to ensure that this administration and the next one do not abuse or misuse such a huge grant of trust.

Finally, we need to consider any response to the current crisis in the context of our long-term economic needs. While the proposed bailout may hold off an impending economic meltdown, any action we take now will be meaningless if it is not followed up with decisive action on our part.

Foremost, we need to change the way the financial sector works. The Federal Reserve needs to rethink its definition of good monetary policy and determine whether its existing policy tools—such as reserve requirements, oversight capabilities, and reporting rules—are adequate. In addition, Congress must reconsider what it has charged the Federal Reserve to do. The Fed has been charged with two goals: No. 1, providing a sound currency with stable purchasing power; and, No. 2, maintaining steady economic growth with low unemployment. At this point, it is obvious that an aggressive, excessively easy monetary policy in pursuit of short-term growth is self-destructive in

the long run. It leads only to inflation and speculative excesses in the credit markets that might harm the economy, and probably will. Only by focusing on a stable currency can the Federal Reserve achieve both its objectives.

We also need to completely rethink Fannie Mae and Freddie Mac. As we have heard countless times over the last few weeks, in creating these two government-sponsored enterprises, we have made sure the benefits of their investments are private while all the risks are public. Put simply: This is bad policy with considerable moral hazard.

Fannie Mae and Freddie Mac together represent an immense government-created and government-coddled duopoly. In the years since their creation, they have focused mainly on their own expansion, recklessly urged on by many in Congress who believed this was the way to make home ownership more affordable for low-income families. However, as a recent Fed study has demonstrated, most of the benefit of the previously implicit—now explicit—Federal guarantee of their debt has gone to their shareholders as higher earnings, not to reducing costs for new homeowners. In their efforts to expand, Fannie and Freddie took too many unwarranted risks. They needed an ever-expanding supply of new mortgages to package and resell and to hold for income. Others fed this expansion effort with unsound lending.

The recent Federal bailout of these institutions requires an immediate step: an end to their lobbying to Congress. It is a little late in coming, but as of right now, it is essential. We need to stop insisting that Fannie and Freddie have an ever-expanding role in the housing market. We should also consider breaking each of them into separate pieces to promote more competition and to ensure that no one part of them will ever again be too big to be allowed to fail.

The regulatory and rating agencies also need to be reviewed. We need to ask whether they have enough resources for adequate supervision and whether they have failed to recognize the evolutionary changes in the credit markets and the new business arrangements that reduced transparency in financing. These and other questions will have to be explored as we move forward.

Congress must also recognize its responsibility to help the economy grow. I, for one, would like to see some willingness among the Democratic leaders to enact policies that are actually intended to spur long-term economic growth in our country. It is simply appalling that the United States has the second highest corporate tax rate in the industrialized world. Yet it is almost sacrilegious among Democrats to consider reducing those rates in order to spur growth among our Nation's businesses and employers. Capital gains in this country are taxed at a higher rate than they are in many countries throughout the world, and all we hear from Democrats are proposals to increase taxes on capital gains and dividends, which, as history has shown, creates disincentives for investment. During these months of slow economic growth, it has been our exports that have kept our economy afloat. One would think this should incentivize Congress to promote free trade with our allies throughout the world. Yet we have consistently seen efforts to open our exports to foreign markets stalled by the Democrats in Congress.

Finally, we spend $700 billion a year to purchase oil from outside the United States. But if you looked at any of the so-called energy bills we have considered in Congress, they do not contain any provisions that will actually increase oil production at home, except the bill we Republicans offered here a month or so ago.

We clearly need to reform our financial markets and refine the powers of the Federal Reserve in order to ensure crises such as this don't happen again. And though I hesitate to support the idea, it is not unreasonable to conclude that the proposed bailout can provide immediate relief and prevent any more catastrophic losses in the near future and give the financial market time to sort out the mess. But if we don't adopt policies that are pro-growth, pro-business, and pro-job creation, we won't be able to ensure long-term economic security for our country, no matter how many bad mortgages we purchase with the taxpayers' money.

These are indeed difficult times for our financial markets and the housing sector of our economy. I agree with my colleagues that we need to act fast. I only hope that, as we work toward a solution, we do so according to a timetable that is appropriate to the problems we face and not one based on election year expediency. I also hope that we can consider the long-term implications of our actions and consider the future as well as the present.

INTELLIGENCE OVERSIGHT

Mr. INOUYE. Mr. President, on September 11, the senior Senator from Missouri, Mr. BOND, came to the floor to introduce a resolution which suggests that the Appropriations Committee should establish an Intelligence Subcommittee. While I don't agree that this would be beneficial to either the Senate or the Nation, the Senator, of course, has a right to his opinion.

I would inform my colleagues that the leaders of the Appropriations Committees, Senators BYRD and COCHRAN, who are responsible for the division of labor on the committee addressed this matter in a letter they sent to Senators REID and MCCONNELL earlier this year.

Rather than debating this matter I would just point out that the chairman and ranking member make a very compelling case in opposition to this proposal articulating the significant damage to intelligence oversight that could result from the proposal offered by Senator BOND. I would like to highlight one observation from their letter. They point out that the proposal that the Senator makes would have the effect of further limiting the number of members who have access to the details of intelligence programs. It would put all decisionmaking into fewer hands. They suggest that for intelligence programs in which the general public, the watchdog groups, and the press must be denied access to the information, the absolutely worst thing the Congress could do would be to further constrain oversight and eliminate the benefits that come from having more individuals share responsibility in the decisionmaking process. I share their view that the proposal made by the Senator from Missouri would not improve congressional oversight of intelligence.

My colleague from Missouri spoke eloquently and passionately about the tragedy of 9/11 and the impact it had on him and this institution. On a personal note, I would like to thank him for the kind words he expressed about me and my role as chairman of the Defense Subcommittee. Senator BOND and I have served together on the Appropriations Committee since he joined us in 1991. He has served the committee in a number of key areas including on our Defense Subcommittee, but most notably as chairman of the former VA-HUD Subcommittee and currently as the ranking member of the Transportation-HUD Subcommittee. On the Appropriations Committee we have come to count on him for his expertise and sound judgment in these areas. As such, I must say I was surprised by some of the characterizations he made regarding action on classified programs.

Senator BOND noted that billions of dollars has been spent on technology programs which, as he described, ''never get off the ground.'' I concur with this description and share his concern. He rightly blamed executive branch officials for many failures. But in so doing he failed to note that the Congress, including the Intelligence Committee, reviewed these programs for several years and authorized funding for them.

He discussed a program that he referred to as a ''silver bullet.'' If I am right in assuming which program that is, I would point out that the Intelligence Committees, Appropriations Committees, and the intelligence community all originally supported the program. While the Senate Intelligence Committee soured on the program a few years ago, it remained supported by the House oversight committees, the Senate Appropriations Committee, the Director of National Intelligence, the Secretary of Defense, the Under Secretary of Defense for Intelligence, and the Chairman of the Strategic Command. But, yes, it was expensive. When a new DNI, new Secretary, and

new Under Secretary assumed their posts, they determined that it simply wasn't affordable.

The Senator from Missouri postulates that it didn't work. Since it was not completed, we will never really know, but no one involved in the program in DoD and the intelligence community ever contended it wouldn't work. It was cancelled because the executive branch determined it wasn't worth the continued investment. By cancelling the program as urged by the Intelligence Committee, the Government did, to use the Senator's word, ''waste'' billions of dollars. But this is not the only example of problems in this community.

One notable program that was finally killed by the administration in the past few years on which significantly more funding had been spent was strongly supported by the Intelligence Committee from the program's inception. The committee had even suggested that this program could partially serve as an alternative to the program referred to above. It had been behind schedule and overbudget for years, but it continued to be supported by the executive branch and the Congress with the hope that it could be saved. Eventually, the administration realized that technically it could not be made to work, and it was cancelled.

For the Senator to claim that it is the appropriations process which is so disconnected from the workings of the Intelligence Committee that billions of dollars come to naught puts the blame squarely on our committee for the failures which have occurred. This is not only unfair, but it is completely inaccurate.

Mr. President, while the Senator and I may disagree on the relative merits of programs, and while I am not particularly proud of the Government's record in recent years, the responsibility for wasting of billions of dollars is shared by all of us, the executive branch, the Appropriations Committees, and the Intelligence Committees.

The Senator attempted to link these past failures to a particular program which he advocates which was not funded by the Appropriations Committee this year. I would point out that the administration did not request funding for the program and that the Director of National Intelligence opposes funding the program. The funding sought by Senator BOND was not authorized by the House oversight committee. It was not recommended by the Intelligence oversight panel of the House Appropriations Committee.

Moreover, I would disagree with his characterization of the action by the Defense Subcommittee on this subject. We recognize that several members of the Intelligence Committee feel this would be a worthwhile program. Senators STEVENS, COCHRAN, and I considered the actions by the Intelligence Committee on this and many other programs very carefully. To address the concerns of the Intelligence Committee, we reallocated a substantial sum of money from other programs and provided an amount with which the intelligence community could fully fund the program that Senator BOND advocates. However, we didn't mandate that outcome. There is disagreement within the community about the proper approach which should be taken. In recognition that a new administration will be taking office, we requested that the program supported by Senator BOND be analyzed along with those of other contractors and the best option or options be selected next year.

We felt we met the Senator halfway. We recommended sufficient funding which could be used for this program even though it was funded by neither the other intelligence oversight committees nor the intelligence community.

We are familiar with the program in question. We believe it may have merit. We have confidence in individuals associated with the program, but we also are aware of those with great technical expertise who argue that the program will not work for technical reasons which I cannot discuss in unclassified session. We believed locking the intelligence community into another multibillion-dollar sole source contract when there are legitimate questions about its potential is probably a mistake. To imply that this program has broad-based support and that it is the Appropriations Committee which is out of step is categorically inaccurate.

It is somewhat ironic that the Senator from Missouri is urging support for responding to the recommendations of the 9/11 Commission while at the same time he is telling the Senate to ignore the judgment of the Director of National Intelligence who was established and empowered to make such decisions as the principal recommendation of the 9/11 Commission.

Finally, I would note that the Senator claimed that the root problem is that the Appropriations Committee simply does not have enough staff to pay adequate attention to intelligence.

The Defense Subcommittee has a small staff and the Intelligence Committee staff is fairly large. But I would point out that the Intelligence Committee has one professional staff member on the majority staff who reviews the budget for the National Reconnaissance Office; so do we. The Intelligence Committee has one professional staff member on the majority staff who reviews the budget for the National Security Agency; so do we. Moreover, the staff which the Defense Subcommittee devotes to overseeing the intelligence budget has far greater experience in reviewing budgets than does the staff of the Intelligence Committee for such programs. I would also point out that several other subcommittees on the Appropriations Committee have jurisdiction over portions of the intelligence budget. To single out the Defense Subcommittee misses one of the key points of the appropriations process: that many individuals have oversight over these matters.

I don't want to stir up passions on this issue any more than I may already have. I have the greatest respect for the workings of the Intelligence Committee. Many of my younger colleagues may not be aware that I served as the first chairman of the Intelligence Committee. I am proud of my service on that committee. I believe the work that Senators ROCKEFELLER and BOND do is extremely important to the Senate. I believe they have a very competent staff. Since I resumed the chairmanship of the Defense Subcommittee last year, I have directed my staff to work closely with the staff of the Intelligence Committee to ensure that we have the benefit of their expertise and to minimize any disagreements between our two panels, and they have done so. Our staffs attend many briefings together. Members of our staffs have traveled together to review programs. I believe we have established a good relationship that strengthens Senate oversight.

For example, there are literally thousands of line items in the intelligence budget. Our staffs spend countless hours discussing items which one committee or the other believes should be adjusted. We carefully review the classified annex of the Intelligence Committee and provide recommendations to the Appropriations Committee which are very close to those of the Intelligence Committee. This year we had two issues out of hundreds of items under review on which we disagreed. On one we were able to reach an agreement easily. The other has been described in vague terms above.

Last year, Chairmen BYRD and ROCKEFELLER, Ranking Members COCHRAN and STEVENS, and I signed a significant memorandum of agreement between our two committees pledging greater cooperation. Senator BOND chose not to be party to that agreement. Since that time the signers and their staffs have tried to live up to the letter and the spirit of that pact. I believe we have been generally successful and the Senate is better served that two separate panels are continuing to review the intelligence budget but working together and generally resolving our differences amicably.

It is rare for me to openly disagree with another Member. I want to assure all my colleagues that I do not mean anything personally by my statements today. However, the assertions and implications that were levied against the Appropriations Committee earlier this month were simply untrue. At times all of us can become passionate on matters which we care about. Perhaps that explains why such inaccuracies were offered as facts. Regardless of the reason, I felt it was my duty to come to the floor today and correct the record.

HONORING OUR ARMED FORCES

MASTER SERGEANT KENNETH NATHANIEL MACK

Mr. CORNYN. Mr. President, I wish today to honor the life and service of a dedicated marine, MSG Kenneth Nathaniel Mack. On May 5th, 2007, Master Sergeant Mack gave his life in service to his country fighting in Iraq. In his 23 years of service to the U.S. Marine Corps, Master Sergeant Mack proved himself a dedicated marine and a trusted colleague to all who served by his side.

Born in Goldsboro, NC, on December 18, 1964, Kenneth's family soon moved to Texas, where he graduated from Southwest High School in 1982 and attended Tarrant County Junior College in Fort Worth.

While still in college, Master Sergeant Mack joined the Marine Corps Reserves, following his love of country, as well as his interest in automotive repair work. While many of his fellow students considered weekends simply a time to relax, Kenneth chose to spend many of those weekends at military drill in Abilene. In 1991, Kenneth was called upon to serve his country in combat during Operation Desert Storm. It would not be the last time he served on a far-away field of battle.

Following the conclusion of the first gulf war, Kenneth returned home, married his wife Peggie, and started his family. Like so many members of our Nation's Reserve forces, Kenneth worked hard to balance his military service and civilian job with his family life. He succeeded, as evidenced by the lasting legacy of love and compassion that he left behind with his family. He cherished his time with them and was known for always bringing the family together.

In 2004, Kenneth was once again called to serve overseas and deployed in support of Operation Iraqi Freedom. After helping to liberate the Iraqi people from an oppressive government regime, Master Sergeant Mack returned home. In March of 2007, he answered his country's call for the third time, returning to serve in Iraq. Sadly, just a few short months later, Master Sergeant Mack was killed by an improvised explosive device while conducting combat operations there.

In honor of his service and his selfless sacrifice, Congress passed legislation earlier this year naming the Wedgwood Station Post Office the ''Master Sergeant Kenneth N. Mack Post Office Building.'' Master Sergeant Mack will be remembered across Texas for his generosity and loving attitude towards children, which extended well beyond his own family. He will also be remembered for his enthusiasm for hobbies such as scuba diving, skydiving, and motorcycle riding; and his love for the U.S. Marine Corps.

MSG Kenneth Mack is survived by his wife, Peggie; his children, Candace, Courtney, Shyquadra, and Nathaniel; his mother, Mahalia S. Mack; and his brothers, Timothy and Robert. It is my honor today to share Kenneth's story, and pay tribute to his remarkable service and sacrifice for this country, which shall be forever indebted to him.

FEDERAL STUDENT LOANS

Mr. HARKIN. Mr. President, just last week Congress passed a 1-year extension of the Department of Education initiative to buy back student loans from lenders who have difficulties accessing capital in the tight financial market. I was pleased to support the extension of this program which has injected more than $1 billion in capital to lenders and has had a hand in ensuring students have access to federally guaranteed student loans in the 2008–2009 school year.

However, the continued need for the Federal Government to prop up student lenders, many of which already operate at a profit, concerns me. Companies making loans through the federally guaranteed program already receive generous subsidies and a guarantee of 95 percent of the value of the loan. While extending the buyback program for another year will provide stability in the student lending market for the 2009–2010 school year, it raises the question of how much Federal funding is too much when there is a cheaper alternative that offers the same Federal loans to students.

That alternative is the direct loan program which issues the same federally guaranteed student loans without reliance on banks and lenders. In addition to cutting out the middleman, the direct loan program is far cheaper for the government to administer. According to the President's most recent budget, the cost to the taxpayer per loan through the direct loan program is $.77 compared to $5.25 through the FFEL program.

Iowa State University, the University of Iowa, University of Northern Iowa, Kirkwood Community College, Des Moines Area Community College, and many other Iowa colleges, all issue loans through the direct loan program. I continue to hear from students and financial aid administrators at those schools that the program serves them well. An added benefit of the direct loan program is that in these troubled economic times students at direct loan schools receive their student loans without the worry of whether their lender will be there for them next year. Any college worried about loan availability for their students should immediately sign up for the direct loan program.

But the problem is deeper than any one school or lender. As our economy continues to falter and the cost of college rises, we owe it to our young people and their parents to provide student aid that is reliable, efficient and comprehensive. The Federal student loan program is one of the best investments our country can make. It should be a priority to provide those loans in the most fiscally responsible way possible.

CHINA'S DOUBLE TEN NATIONAL DAY

Mr. CRAIG. Mr. President, I rise today to congratulate Taiwan President Ma Ying-jeou and Ambassador Jason Yuan on celebrating China's Double Ten National Day.

The people of Taiwan should be proud of their freedom, their political system, and Taiwan's strong economy. With good schools, excellent health facilities, and a sophisticated transit system, Taiwan is a model of development for the region. National Day affords us the opportunity to reflect on those successes.

In addition, I want to recognize Taiwan's ongoing efforts to strengthen its ties with China and its continual commitment to constructive relationships with democratic nations throughout the world. Taiwan and the United States have enjoyed a very positive partnership through the years—a relationship that I am confident will continue to benefit our respective citizens.

On this Chinese National Day, I again offer my congratulations to the Taiwanese government and people for their past success and send my best wishes for this year's celebration.

TRIBUTE TO BILL GATES, SR.

Mrs. MURRAY. Mr. President, I rise today to recognize Bill Gates, Sr.'s contributions to civic programs and initiatives that have changed the lives of many in our home State of Washington and across the country. On Friday September 26, 2008, the University of Washington will be holding an event to honor Bill Gates, Sr. and it is my pleasure to share my sincere gratitude to Bill Gates, Sr. for his extensive civic engagement and accomplishments.

Bill Gates, Sr. has a long history of serving others. First as an Eagle Scout and later serving in the U.S. Army during World War II, Bill Gates, Sr. made a conscious choice to lead by example. Bill Gates, Sr. has dedicated his time and efforts to numerous organizations that strive to improve the lives of individuals and families across the Nation and world. His active leadership roles in organizations such as the United Way of King County and the United Way of America; local and national boards of Planned Parenthood; and the Bill and Melinda Gates Foundation are just a few examples of his passion and commitment to helping others.

As a fellow education advocate, I appreciate the work Bill Gates, Sr. has done to increase the ability of our youth to access and afford a quality education. Bill Gates, Sr. clearly understands the importance of education and he has worked on this issue from many angles: as a chair of a Seattle Public School Levy Campaign, a member of the Board of Regents for the University of Washington, and as cochair of the Bill and Melinda Gates Foundation, Bill Gates, Sr. is an integral part of decisions made about influential

education initiatives. Recently, Bill Gates, Sr. chaired a $2 billion capital campaign for the University of Washington that included funding for the Husky Promise, which supports an endowment to help lower income students access higher education and attend the University of Washington.

Bill Gates, Sr. has also worked to advance projects that provide support for individuals and families in need around the world. As chair of the Bill and Melinda Gates Foundation, Bill Gates, Sr. has helped launch initiatives that tackle major health and poverty issues for the developing world. The initiatives have focused on practical solutions that empower international communities and help save lives.

I would like to thank Bill Gates, Sr. for both his past activities and his current pursuits to help create healthier and happier communities. I am sure Bill Gates, Sr. will continue to embrace the opportunities and challenges of tomorrow through his work with many charitable organizations, and I am pleased he is being honored for his years of dedication to helping others.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thank you for your vote to stop the cap and trade thing, but it will come back with [a new president. We would be better off to be] drilling the deep reserves of the Williston Basin (more oil than Saudi Arabia in Dakota farmers fields) or the ANWR 5,000 acres or 5 million acres, or off shore where the Chinese will soon have rigs. We would be gearing up like the moon landing to get oil out of our coal whose estimated reserves are five times all the oil ever pulled out of the Middle East. . . . or the even more vast oil shales of Colorado or the tar sands. We would be building nuclear reactors and starting up those on moth balls right now . . . or better building refineries or making the hydrogen car that GM already has. Or how about this: All Of The Above.

But we are stuck [because of money influence] and nothing will change.

DENNIS.

Will It Ever End?

I have several examples of how the energy cost is driving my life.

1. High propane cost has increased my heating cost to an increase of over $600 more this year. Propane has had a large increase and now is over $3 per gallon. Five years ago it was under .60 cents per gallon. Propane is a by product of gas exploration. I feel this is a very large price for a by-product.

2. The government rating for mileage rate is at 50.5 per mile. Why have they not raised this? Gas prices soar, but the rate stays the same.

3. Thanks for the stimulus check. I just wish I could have used it to buy something extra.

4. Diesel prices are out of control. Why is diesel almost a dollar more a gallon than gas?

5. Just about the time you feel you are getting somewhere, someone takes more of your income. It is no wonder people are losing houses and entering into get rich adventures. (Lottery, gambling)

B.

This is the third email that I have sent over the past few months on this subject, and my message this time will be short and succinct—reducing speed limits is among the quickest solutions to help us in addressing the current issues with fuel pricing. Highway fuel consumption can be cut considerably (perhaps by as much as 20%—depending on the engine) by lowering speed limits. This is only a part of the solution. We also need to step up efforts on many fronts including utilizing more domestic resources, pushing the development of renewable energy sources and providing incentives to reduce energy consumption (i.e.—building smaller, more energy efficient homes that utilize solar/wind/geothermal energy). It is a complex challenge requiring strong leadership.

This brand of leadership will require some to act without regard for political ramifications (courage)—We are looking to you to provide your share of that leadership.

RICH.

You and your fellow congressman are a little late to help with this energy problem as we are at peak oil and prices will continue to rise. I am totally amazed at Congress's lack of action on coming forth with a sensible energy program.

JAMES.

Thank you for this opportunity to discuss my concerns. Higher gas prices have forced my family to reduce times spent together. We have to drive, because of very little public transportation. I would support your efforts for the oil companies to build more refineries. Every time one goes down for ''maintenance,'' we get burned. Let them use their profits to build them. I think we need to force auto companies to build more efficient cars. We need more good choices for higher mpg autos, not just one per auto company. As a side note, we need to start a federal public works program. Get people employed and get our bridges/roads, schools, libraries, etc. rebuilt. This would stimulate our economy more than Bush's tax break plan. We need authority to install toll booths on our interstate highways to help keep them maintained. I think we are ready for nuclear energy at INL. The time is right. We need leaders in Congress, not Republicans or Democrats. Can you be one? Thanks again for this opportunity.

JOHN, *Boise*.

I had to take a medical disability from my job of 24 years as my health was getting so bad. My husband is 69 years old and I am 64. We find when we go to the grocery store we have to decide whether we should buy groceries or put gas in our tank so we can get home if we can buy groceries. We cannot afford to sell our house and move into town. We have no public transportation for five miles, I am trying to help my daughter with her children as she had to go back to work and I can get them to the Mall on public transportation but we would have to walk the five or six miles to get the rest of the way to my house. Our utilities are getting out of sight also and just the necessities in food are more than our Social Security and other bills allow. And then they want to give our Social Security to illegal aliens who have never worked and paid into it. My Grandmother had worked for years and when she applied they told her she was a quarter short to collect S.S., but we can give it to people who have never worked or paid into it? What are we supposed to do when we have our hands tied and no one wants to help back there and you are our only hope because you pass the laws and we have to live with them. Please help us as there are so many things they can use as alternative fuel and they seem to drag their feet about it. We have all kinds of weeds we will donate for the purpose of alternative fuel.

NANCY.

The cost of energy is devastating to seniors on a fixed income such as me.

JERRY, *Idaho Falls*.

I want to thank you for the opportunity to address my views on the situation we are in, not only in Idaho, the United States but the entire world. The affects of high energy prices will continue until Wall Street speculators are stopped. The auto manufacturers here in the United States and abroad have been given every opportunity to produce high efficient automobiles for decades. They have failed. Congress has [not acted to create] mass transit high speed transportation from coast to coast. The technology has been here for many decades with nothing being done in Washington D.C.

What are we to do with the waste from nuclear energy plants? I believe that technologies for coal, wind and solar should be explored. We should be exploring technologies of our ocean's salt water as a useful solution to our energy situation. We need qualified people to manage our water and other natural recourses here in Idaho and throughout the world.

If Congress would only work together for the betterment of mankind. These are but a few of our hopes and dreams for the future of our existence.

Thank you, Senator Crapo, for your efforts in Congress and for this consideration.

GREG, *Pocatello*.

Sorry Mr. Crapo, but I do not agree with you about your vote against the climate change legislation.

In 2000, I recall paying between $.99 and $1.09 for gas for many months in Boise, occasionally a little more, but in that range. Now, eight years later, we are paying 400% more. The administration has refused during this time to get involved in the Kyoto agreements and only just in the last year or so acknowledged that climate change was even real, but attacked and prevented the science that warned us of it throughout his term. Gasoline prices going up 400% in Boise in the past eight years is painful, but it is caused by many factors, mostly, I believe, due to rich people getting insanely richer at the expense of the rest of the world. Meanwhile, we still do very little to protect against the disastrous consequences of global warming.

So, if we are going to be subjected to 400% increases and do nothing but make the rich

richer, how can you be unwilling to vote for a bill that might make us pay 12.5% more, but will take huge strides toward protecting the future of our planet and safeguarding against additional enormous energy costs in the future. Penny wise and pound foolish. What we should do is get to the bottom of exactly why prices have gone up 400% in eight years.

I feel angry that our society is willing to mortgage our future almost completely for slight increases in personal luxury and benefit in the present (consider the gas tax reprieve that [was] proposed this summer as one tiny example). Where are our values for providing for the future of our children and our planet? I believe we need to prioritize much greater efforts on green and renewable resource R&D. I believe that if we put our innovation behind solutions that the entire world needs, we can more than offset the upfront costs. This is the strength of capitalism and I believe we ought to focus on our strengths. I do not want us to emphasize further oil exploration and drilling and opening up of our protected public lands (such as ANWR).

SCOT, *Boise*.

P.S. Please have the courage and honesty to include critical comments like mine as well when you compile comments from the public. Thank you.

Our farm has been severely impacted by high energy prices and the price of corn, which is a by-product of the energy crisis. We have gone from 100 employees down to 34. We are currently liquidating our calves because we can no longer make money raising them. We will soon be down to 12 employees. We could hang on a little longer if Congress would do something about drilling in ANWR and Bakken. We need refineries! We need oil! Oil is 1000% more efficient than these ''alternative'' fuels and drilling and refining our own oil is proven to work, while these other fuels are not. There is too much energy used to make ethanol to make it efficient. I believe that the mere announcement of drilling and building refineries will drastically help our economy. Just think of the excitement of jobs. The excitement of better times to come. Anyone can hang on if they have hope. There are no downsides to drilling in our own country. Drilling is not environmentally hazardous and even if it was, people come first.

Please, please get this message out. Call news conferences with your fellow conservative Senators. Shout it from the housetops. And for the sake of our economy and country's freedom, [support conservative efforts to govern].

ELIZABETH, *Kuna*.

You ask how the fuel prices are affecting us personally; it is very simple—in every way.

As fuel prices rise, food costs increase, the cost of every basic need jumps up, the distances to functions become critical, we all have to make choices about what is most important. Unfortunately, for many of us, our lives become a struggle to get the dollar to buy the foods to keep going, pay our property taxes for homes we cannot afford to sell, get the fuel to get us to the place to make that dollar which is worth less every day and employers cannot afford to pay more in wages and the cycle goes on and on.

Everyone says ''Oh, let us just raise the minimum wage. That will fix it.'' Think again. The average small business man is one step away from sinking in this quicksand himself. He cannot afford health or dental insurance or retirement for him or his family, but he cannot have much of a business without employees, either. So he gives a raise to his employees and has to cut somewhere else, quality or quantity of goods sold and then the purchaser suffers. It all affects every one of us.

Transportation, fuel costs, value of the dollar, energy costs, making ends meet becomes increasingly difficult and our situations look increasingly dismal. Our society, like it or not, is tied to the umbilical cord of fuel oil pricing and something needs to be done to remove the grip on that cord that is choking out the life-giving fluids our nation needs to function. We need to control our own supplies of energy, provide for ourselves everything this nation needs to not just survive, but to thrive. We have oil supplies of our own under our own soil and off our own coasts; use them. That is what they are there for. As you use them, develop new sources, require more renewable energy implementation, but use what you've got. Stop letting the nation get the life strangled out of it. Make renewable energy more affordable, for one thing. It was going to cost me over $40,000 to put in a wind generator to power my home. That would never ever pay for itself before it self destructed. It is ridiculous to have solar power and wind power devices so overpriced to make them unattainable. They would help the economy. Subsidize alternative energy and educate people on ways to stretch their dollar before it is too late.

Things are bad everywhere, but if we do not do something very soon, it is going to get much worse. Overcrowded, underfed, unhappy people, unable to care for their loved ones, will turn angry, bitter, and dangerous after years of being taught ''me first philosophy.'' We have created a monster and that monster drinks crude oil. You better keep feeding it.

JANELLE, *Hayden*.

Thanks for your interest in doing something about high gas prices. Here in Rexburg, I have found that at age 56, I can still ride a bike to work. I may even start doing groceries and other errands with my bike. I am getting in good shape, although I already was in good shape. My family and I find that we consolidate errands. Instead of going to town for one thing, we make sure it is for three or more things. If it is not, we just wait until we have more to do downtown or elsewhere. I have aging parents who need help, and gas prices have not made getting to their house very easy, but what we can do, we have to go. So we go without a lot of things. We pass by the treats and other not so important purchases (we were doing that before anyway). I think where this really hits us the hardest is in going to see our grandkids far away, or taking a simple trip like to Mt. Rushmore or even Yellowstone Park. The gas prices have eaten those options up pretty fast. It is too bad that we sit around as a nation and let the oil rich countries dictate to us how we can live our lives. We should have started doing something about these fifty years ago, but apparently, nobody had that much far sight into the potential problem. We'll survive and we do not feel bad for ourselves, but it is not easy.

FERRON.

ADDITIONAL STATEMENTS

TRIBUTE TO DEAN STONE

• Mr. ALEXANDER. Mr. President, today marks the 84th birthday of Dean Stone, who has lived in my hometown of Maryville, TN, his entire life. This year also marks the 125th anniversary of The Daily Times, Maryville's hometown newspaper where Dean has worked for the last half century.

I extend my warmest wishes to both of these Maryville institutions, and ask that a letter I wrote to Dean be printed in the RECORD.

The material follows.

SEPTEMBER 10, 2008.

Mr. DEAN STONE,
The Daily Times,
Maryville, Tennessee.

DEAR DEAN, It is an especially good idea to celebrate your birthday and that of The Daily Times all at once, because for me, and I am sure for most Blount Countians, it is hard to separate the two.

That was true when I was a Maryville High School student years ago and you hired me to contribute to the Times' school news page.

But it is even more true today because for the last half century I have so much enjoyed your photographs, your stories, and your opinions about Blount County. No one has ever done a better or more complete job of covering our families and communities.

Years from now, when anyone looks back to try to understand Blount County—its history, its people, and its mountains—the first place to go will be to a Dean Stone photograph of Cades Cove, or ''Bits of stone'' about some family, or a carefully reasoned editorial about why we should think now about what our county's landscape will look like later.

Happy birthday, Dean—and Maryville-Alcoa's The Daily Times—from a grateful former paperboy and school news correspondent.

Sincerely,

LAMAR ALEXANDER,
U.S. Senator.•

HEROES OF THE OREGON TRAIL FIRE

• Mr. CRAPO. Mr. President, on August 25, 2008, Idahoans residing on the Boise bench in the area of the Oregon Trail and Columbia Village subdivisions experienced immense devastation caused by a brush fire that became a residential nightmare. With the combination of 50 m.p.h. winds, dry sage brush, high heat, sloped terrain and homes with cedar shake shingles and wooden decks, a small grassfire exploded, claiming the life of one woman, destroying 10 homes and causing extensive damage to nine others. Mary Ellen Ryder, a professor at Boise State University, beloved wife of Peter Ryder and a friend to the community, was the single fatality. My thoughts and prayers and those of many Idahoans are with the Ryder family.

Although the fire caused great devastation, many lives and homes were saved because of the efforts of several courageous Idahoans. I would like to formally recognize one homeowner, two Boise police officers, one firefighter and one local humanitarian. Without their selfless service and personal sacrifices of physical safety, expense and time away from families and careers, the outcome and aftermath of the fire would have been much harder to endure. Thanks to homeowner Kent

Hallamore, a survivor of the fire, my office gained key insight into the contributions of these five citizens.

The first Idahoan I would like to acknowledge is Rod Poe. When the fire reached Rod's subdivision, he quickly alerted neighbors and evacuated the surrounding homes. Even before emergency assistance arrived, Rod was hosing down houses within the fire's path and putting out new blazes as they emerged. He stayed on the scene for the entire night and for many subsequent evenings inspecting the area for hot spots and patrolling for looters. His leadership in the community extended beyond physical service. He comforted the suffering, acquired household goods for those who had none, and contacted Boise's mayor to discuss future fire prevention solutions for the bench area.

Like Poe, officers Jason Rose and Chris Davis of the Boise Police Department were among the first to begin working at the location of the fire. These two men ran door-to-door urging residents to leave their homes. As homes ignited, the inferno-like conditions worsened and took their toll on the men. Their clothing caught fire; their vision blurred; and both suffered from smoke inhalation. Yet they faced these risks with valor, persisted in their duties and saved the lives of many residents.

Firefighter Charlie Ruffing is the sole coordinator of the Firefighters Burn-out Fund, a collection fund for the immediate needs of fire victims. In the aftermath of the Oregon Trail Fire, Ruffing responded on his personal cell phone around the clock. He worked diligently to collect cash and household goods and distribute them. To date, he has collected over $110,000 in cash and gift-card donations. He displayed tremendous compassion and individual care for each family he assisted. He exceeded his responsibilities and earned the trust and respect of those he sought to assist.

Finally, Pattie Wagstaff organized an assistance network and coordinated a community donation event which amassed even more personal and household goods than the fire victims needed. Since the coordinator of her church's disaster relief program was among the victims of the fire, Wagstaff heroically filled the void. Taking 2 weeks off from her job to help in the relief efforts, Wagstaff quickly came to play an integral part in helping the affected families begin to return to normal life. Her presence inspired many during times of great shock and emotional upheaval.

Many hands played valuable roles in quelling the flames and caring for the people who survived the Oregon Trail Fire. To these five individuals and members of the Boise Police and Fire Departments as well as the others who so selflessly served their community, I join with family, friends and neighbors to offer my sincere gratitude.●

TRIBUTE TO ROBERT FISCH AND EUGENE LANSING

● Mr. HARKIN. Mr. President, I would like to share with my colleagues a remarkable story of generosity and public spiritedness.

Twenty years ago, in October 1988, I opened an official office in Dubuque in order to better serve people in that part of Iowa. Almost immediately, two wonderful citizens—Robert Fisch and Eugene Lansing—came forward to be of service to me and to the staffers in my new Dubuque office.

Both of them were retired Army veterans. Bob, who was 67 at the time, was a veteran of World War II. Gene, who was 57, was a veteran of the Korean war.

We eagerly accepted their offers of assistance. But little did we know that this initial act of kindness and generosity would extend for another two decades.

Over the years, Bob and Gene have been faithful friends and valued helping hands to my Dubuque staff. They have pitched in answering phones, taking messages, and helping out with many of the mundane but necessary tasks that keep an office running efficiently.

Bob usually comes into the office twice a week. Gene comes in once a week, driving 50 miles round trip from his home in Dyersville.

They have given their time and energy. But they have given much more: their wisdom and experience, their enthusiasm, and their amazing generosity of spirit. Bob Fisch and Gene Lansing are outstanding examples of the old saying that ''you don't have to be on the public payroll to be an outstanding public servant.''

Bob Fisch, after leaving the Army, worked for 42 years at Dubuque Packing Company and 14 years at the 4th Street Elevator. He is involved in many civic and volunteer organizations, and he founded an organization of community activists called the 11th Street Neighborhood Group. He and his beloved wife Marion, who died in 1999, were married for half a century. They have five adult children—four daughters and one son.

Gene Lansing and his wife, Marvel, have been married for 36 years. They have two sons and one daughter. After the Korean war, Gene worked on a tanker on the Great Lakes for 10 years, then went on to work at Wickes Lumber and, later, in the Dubuque City Parks Department. He is active in his church, Trinity Lutheran. He is also active in American Legion Post 136, the Disabled American Veterans, and the Veterans of Foreign Wars.

Mr. President, as you can imagine, Bob Fisch and Gene Lansing have become dear friends to my Dubuque staff over the years. I have gotten to know them, as well, and I have tremendous respect and admiration for both of them. That is why I wanted to take this opportunity, here in the Senate, to salute these two exceptional Iowans. I want to publicly thank them for two decades of selfless service to my staff and me, and to the people of Iowa.●

FORT DODGE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Fort Dodge Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Fort Dodge Community School District received a 1999 Harkin grant totaling $750,000 which it used to help build Butler Elementary School. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 2005 fire safety grant totaling $100,000 to upgrade install fire alarms systems at Riverside, Cooper and Feelhaver Schools.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Fort Dodge Community School District. In particular, I would like to recognize the leadership of the board of education—president Stuart Cochrane, Jerry Schnurr, Janice Merz, Brian Forsythe, Craig Jarrard, Bill Kent and Kevin Rogers and former board members Steve Schwendeman, Ernest Kersten, Clark Fletcher, Jeri Green, Dennis Milefchick and Steve Lindeberg. I would also like to recognize superintendent Linda Brock, former superintendent Dr. David Haggard, former Butler principal Jerry Spittal, business manager Jack Christensen, director of operations

Chris Darling and former director of operations Sherwood Johnson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Fort Dodge Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

HINTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Hinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Hinton Community School District received a 2003 Harkin grant totaling $234,475 which it used to help build an addition to the elementary school for preschool and child care programs. The Federal grant has made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Hinton Community School District. In particular, I would like to recognize the leadership of the board of education—Steve Eddy, Ed Vondrak, Rob Held, Lynette Blanchard and Randy Riediger and former board members Michelle Rodgers and Kenneth Hoefling. I would also like to recognize superintendent Allen Steen and curriculum director and principal Jane Krehbiel.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Hinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

NORTHWOOD-KENSETT COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Northwood-Kensett Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Northwood-Kensett Community School District received a 2002 Harkin grant totaling $112,500 which it used to help replace the roof at the elementary school. The district also received two fire safety grants totaling $66,280 to install a fire alarm system and to make other repairs at the elementary school and to install heat detectors and to make other safety improvements at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Northwood-Kensett Community School District. In particular, I would like to recognize the leadership of the board of education—John Anderson, Larry Hovey, Cindy Pangburn, Don Pangburn and Keith Braun and former board members Deanna Madsen, Dan Block and Mike Dierenfeld. I would also like to recognize superintendent Thomas Nugent, former superintendent Arnie Snook and business manager Karen Abrahams.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Northwood-Kensett Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SOUTHEAST WARREN COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Southeast Warren Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Southeast Warren Community School District received a 2002 Harkin grant totaling $39,360 which it used to help renovate a classroom and replace windows and siding for the gymnasium in Lacona. The district also received a fire safety grant totaling $50,000 for electrical upgrades, door closures and emergency and exit lighting at the junior/senior high school in Liberty Center. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Southeast Warren Community School District. In particular, I would like to recognize the leadership of the board of education—Ron Miller, Jennifer Mihalovich, Paul Mead, Larrie Williams and Marianne Lester and former board members John Burrell, Gerald Judkins, Thomas Farley, Greg Davis, Debbie Miller and Kevin Smith. I would also like to recognize former superintendent Susan Garton, custodian Silas Andersen and business manager Julie Wilson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Southeast Warren Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

REMEMBERING SPECIALIST SHAVONTE DONTRELL FIELDS

● Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SPC Shavonte Dontrell Fields from Fort Wayne, IN. Shavonte was 22 years old when he lost his life on September 7, 2008, from injuries sustained when his vehicle, also carrying his 2-year-old son Ladaryion Shavonte Fields, overturned in Indianapolis shortly after he returned from active duty in Iraq.

Today, I join Shavonte and Ladaryion's family and friends in mourning their deaths. Shavonte, who was known to many as Dontrell, will forever be remembered as a loving father, son, brother, and friend to many. Shavonte is survived by his parents Anita M. Davis Fields and Robert Lee Fields, Jr.; his stepfather Detrick Eley; his siblings Robert Lee Fields, III, Detrick Tubbs and Demetria Eley; his grandparents, John and Margurite Davis, Frank and Betty Cochran, Robert and Mary Fields and Deborah Andrew; and his great-grandparents Tom and Lena Lofton. He was preceded in death by his grandmother, Carlotta Joann Cochran.

Shavonte served a 14-month deployment in Iraq as a petroleum specialist with the Army National Guard. Those who knew him best recall a devout man who loved making people smile. Shavonte's family said he had an ''energetic personality and an infectious sense of humor that spread to all those in his vicinity.'' He was a member of the Progressive Baptist Church of Fort Wayne. At the time of the accident, Shavonte was moving back into civilian life, set to start a new job as a customer service representative with AT&T the next day.

While we struggle to express our sorrow over this loss, we can take pride in the example Shavonte set as both a soldier and a father. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Shavonte Dontrell Fields in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Shavonte's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shavonte.●

TRIBUTE TO MIKE CRITELLI

● Mr. LIEBERMAN. Mr. President, today I pay tribute to someone I have known for many years, both because of his guidance of a major company in Connecticut as well as his leadership in the mailing industry—Mike Critelli, executive chairman of Pitney Bowes Inc.—which is headquartered in Stamford, CT. Mike will be retiring late this year, after dedicating 30 years to both Pitney and the mailing industry.

Mike and I have come to know each other not only because Pitney Bowes is headquartered in my home State of Connecticut but also because he has been the chairman of the Mailing Industry CEO Council, an organization of chief executive officers of companies in the mailing industry.

The Mailing Industry CEO Council, under Mike's able leadership, has been at the forefront of educating policymakers about the mailing industry for years. Although those of us who follow mailing industry issues know by heart now the key statistics—a $900 billion industry representing over 8 percent of the gross domestic product and employing 9 million workers—there was a time when the impact of the industry was less well known. Mike Critelli and the Mailing Industry CEO Council helped to change that. The CEO Council came to town several times a year to meet with me and others in Congress to provide support for the postal reform legislative effort. They helped to spread the word to many of my colleagues who are not on the Senate Homeland Security and Governmental Affairs Committee, which has jurisdiction over postal issues, about the importance of the mailing industry and the impact of the industry on jobs in each of their States. As we moved forward with postal reform legislation in the 109th Congress, having others in Congress actively supporting the mailing industry proved very helpful.

As we worked together on the Postal Accountability and Enhancement Act, my staff and I were always impressed by the attention and care Mike gave to every detail. As a lawyer, Mike took the time to read the various versions of postal reform legislation page by page. He got into the details and commented on specific provisions—and the final outcome was better as a result. He was critically important in brokering some agreements with interested parties that helped get us over the final hurdles towards enactment. In the final days of the 109th Congress, the Postal Accountability and Enhancement Act passed the House and Senate and was signed into law. Mike Critelli played an essential role in helping to educate others about the importance of the mailing industry and the need for the legislation that enabled it to get done.

He began his career at Pitney Bowes as a staff attorney and rose through various leadership positions over the years. He served as general counsel, chief personnel officer, and then became president of Pitney Bowes Financial Services. He was then CEO and chairman and now serves as executive chairman of the board. He has brought the company through many changes—acquisitions and transformations. He has also served as an effective ambassador for the mailing industry. After the deadly anthrax attacks of fall 2001, Mike wasted no time in working with the U.S. Postal Service to advocate on its behalf so that our mailstream would quickly regain the confidence of the American people.

Under Mike's leadership, Pitney Bowes has been a leader as well on health care issues. The company invests heavily in the health of its employees and has found that the focus on prevention, wellness, early diagnosis and treatment, and chronic disease management has improved health and minimized costs for employees as well as the company. This has helped to make Pitney Bowes a model for other companies.

Mike has also demonstrated a strong commitment to diversity. Under his tenure, Pitney Bowes has been consistently recognized as one of the best corporations in America for diversity. Although this record began before Mike took the helm as CEO, he continued to grow the diversity efforts within the company. Outside of the office, Mike served for several years in a Connecticut chapter of the Urban League and as chairman of the National Urban League Board.

As I wish Mike Critelli well as he begins a well deserved retirement, I can't help but be disappointed that Connecticut's business community is losing a great leader. For our sake, I hope he continues in some capacity assisting us with public policy issues of concern to our State.●

TRIBUTE TO ANTHONY J. HARDING

● Mr. MENENDEZ. Mr. President, I wish today to honor Anthony J. Harding for his leadership, integrity, and many accomplishments at United Water, one of the Nation's largest private water companies. During the past 5 years, Tony has been the chief executive officer of United Water, and he was responsible for the success of the company's water and wastewater operations of both regulated and nonregulated businesses. Last month, Tony was named chairman of the board at United Water, a subsidiary of Paris-based Suez Environment.

Tony has over 35 years of experience in engineering and operations including management of major water businesses in Europe and Asia. Prior to joining United Water, he was president of Suez Environment in the Asia Pacific Region, with overall responsibility for water operations in the Philippines, Malaysia, Vietnam, Australia, and New Zealand. He also enjoyed a long and distinguished career managing water operations for two of England's most prestigious water companies: Essex and Suffolk Water Plc. and Northumbrian Water Plc.

In 2003, Tony was named chief executive officer at United Water and he immediately made an impressive impact in the United States water services industry, making the company the respected and sought-after institution it is today. As CEO, Tony has made great strides in improving the water services to people in cities and towns across the country. As a result of his remarkable skills, United Water now provides water services to customers in the 48 continental States as opposed to 21 States when Tony took over as CEO.

In 2005 Tony worked with then-Governor Kempthorne of Idaho to install high-tech membrane water filtration technology at a brandnew water treatment plant in Boise. In 2006 he worked with Pennsylvania Congressman TIM HOLDEN to bring similar technology to the people in the Harrisburg community. In 2007, Tony launched an aggressive $110 million project in northern New Jersey, utilizing the latest water filtration technology to improve water quality for nearly 1 million residents in the State.

Additionally, Tony has provided his wealth of experience to the National Association of Water Companies and the American Water Works Association. He is also on the board of directors for the United Way in northern New Jersey. Dedicated to both his community and his family, Tony and his wife, Christine, have two daughters, Rhyan and Bethan.

Tony received his bachelor of science degree in civil engineering from the University of Glamorgan in Wales. He was also a contributing author to the textbook ''Instrumentation and Computer Integration in Water Utility Operations,'' a joint project between the American and Japanese Water Associations.

There is no doubt that Anthony J. Harding exhibits all the qualities of an exemplary leader who has greatly impacted this Nation's water and wastewater industry. Therefore, I am pleased to pay tribute to Anthony J. Harding and know my colleagues will join in wishing him continued success.●

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1907. An act to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities.

H.R. 3299. An act to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.

H.R. 3336. An act to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System.

H.R. 3849. An act to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah.

H.R. 5335. An act to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes.

H.R. 5853. An act to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes.

H.R. 6159. An act to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes.

H.R. 6176. An act to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes.

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

H.R. 6524. An act to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

H.R. 6685. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

H.R. 6853. An act to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes.

H.R. 6984. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House agrees to the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 1315. An act to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed the following bills, previously signed by the Speaker of the House:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide,

in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

Under the authority of the order of the Senate of September 16, 2008, the following enrolled bill, previously signed by the Speaker of the House, was signed by the Acting President pro tempore (Mr. HARKIN).

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 45. Joint resolution expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

At 3:34 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6897. An act to authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II.

At 7:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6983. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 23, 2008, she had presented to the President of the United States the following enrolled bills:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lexington, OK'' ((Docket No. FAA–2008–0003)(Airspace Docket No. 08–ASW–1)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oil City, PA'' ((Docket No. FAA–2007–0104)(Airspace Docket No. 07–AEA–10)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Pagosa Springs, CO'' ((Docket No. FAA–2007–29164)(Airspace Docket No. 07–ANM–14)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Canon, GA'' ((Docket No. FAA–2008–0154)(Airspace Docket No. 08–ASO–10)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Cranberry Township, PA; Confirmation of Effective Date'' ((Docket No. FAA–2007–0278)(Airspace Docket No. 07–AEA–18)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Skowhegan, ME; Confirmation of Effective Date'' ((Docket No. FAA–2007–0244)(Airspace Docket No. 07–ANE–94)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hinton, OK'' ((Docket No. FAA–2008–0328)(Airspace Docket No. 08–ASW–4)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marienville, PA; Confirmation of Effective Date'' ((Docket No. FAA–2007–0162)(Airspace Docket No. 07–AEA–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lady Lake, FL; Withdrawal'' ((Docket No. FAA–2008–0072)(Airspace Docket No. 08–ASO–03)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Vinalhaven, ME'' ((Docket No. FAA–2008–0061)(Airspace Docket No. 08–ANE–92)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Emporium, PA; Confirmation of Effective Date; Correction'' ((Docket No. FAA–2007–0275)(Airspace Docket No. 07–AEA–15)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; La Pointe, WI'' ((Docket No. FAA–2008–0025)(Airspace Docket No. 08–AGL–3)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewisburg, PA'' ((Docket No. FAA–2007–0276)(Airspace Docket No. 07–AEA–16)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Sunbury, PA; Confirmation of Effective Date'' ((Docket No. FAA–2008–0162)(Airspace Docket No. 08–AEA–15)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marienville, PA; Confirmation of Effective Date; Correction'' ((Docket No. FAA–2007–0162)(Airspace Docket No. 07–AEA–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Susquehanna, PA'' ((Docket No. FAA–2008–0161)(Airspace Docket No. 08–AEA–14)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Indianapolis, IN'' ((Docket No. FAA–2008–026)(Airspace Docket No. 08–AGL–2)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Standard Instrument Approach Procedures; Amendment No. 3255'' ((RIN2120–AA65)(Docket No. 30592)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amendment No. 3246'' ((RIN2120–AA65)(Docket No. 30581)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amendment No. 3248'' ((RIN2120–AA65)(Docket No. 30584)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3263'' ((RIN2120–AA65)(Docket No. 30601)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3266'' ((RIN2120–AA65)(Docket No. 30604)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3278'' ((RIN2120–AA65)(Docket No. 30618)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3275'' ((RIN2120–AA65)(Docket No. 30614)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3279'' ((RIN2120–AA65)(Docket No. 30619)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7761. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3274'' ((RIN2120–AA65)(Docket No. 30613)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7762. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3277'' ((RIN2120–AA65)(Docket No. 30617)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7763. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment No. 3276'' ((RIN2120–AA65)(Docket No. 30616)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7764. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 471'' ((RIN2120–AA63)(Docket No. 30582)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7765. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 474'' ((RIN2120–AA63)(Docket No. 30606)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7766. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Amendment No. 475'' ((RIN2120–AA63)(Docket No. 30615)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7767. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Area Navigation Jet Routes J–888R and J–996R: Alaska'' ((RIN2120–AA66)(Airspace Docket No. 08–AAL–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7768. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Routes (T-Routes); Sacramento and San Francisco, CA'' ((RIN2120 09AA66)(Airspace Docket No. 07–AWP–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7769. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Restricted Area 2204; Oliktok Point, AK'' ((RIN2120–AA66)(Airspace Docket No. 08–AAL–7)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7770. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Restricted Areas R–5314A, B, C, D, E, F, H, and J; and Revocation of Restricted Area R–5314G; Dare County Range, NC'' ((RIN2120–AA66)(Airspace Docket No. 08–ASO–6)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7771. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Independence, KS'' ((RIN2120–AA66)(Airspace Docket No. 07–ACE–7)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7772. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change in Extinguishing Agent Container Requirements'' ((RIN2120–AI99)(Docket No. FAA–2007–26969) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7773. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Damage Tolerance Data for Repairs and Alterations'' ((RIN2120–AI32)(Docket No. FAA–2005–21693)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Federal Aviation Regulation No. 108—Mitsubishi MU–2B Series Airplane Special Training, Experience, and Operating Requirements; Notice of OMB Approval for Information Collection'' ((RIN2120–AI82)(Docket No. FAA–2006–24981)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Robinson R–22/R–44 Special Training and Experience Requirements'' ((RIN2120–AJ25)(Docket No. FAA–2002–13744)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0024)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–29333)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MORAVAN a.s. Model Z–143L Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0426)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0300)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ and EMB–145XR Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0292)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA00404AT'' ((RIN2120–AA64)(Docket No. FAA–2008–0135)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates'' ((RIN2120–AA64)(Docket No. FAA–2007–0089)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. AT–200, AT–300, AT–400, AT–500, AT–600, and AT–800 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0247)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme GmbH & Co. KG Model S10–VT Powered Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0598)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cirrus Design Corporation Model SR20 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0284)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) RB211 Trent 500 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2007–27955)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) Models Trent 768–60, 772–60, 772B–60, and 772C–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–0597)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28598)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28748)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes; Model DC–9–10 Series Airplanes; Model DC–9–20 Series Airplanes; Model DC–9–30 Series Airplanes; Model DC–9–40 Series Airplanes; Model DC–9–50 Series Airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; Model MD–88 Airplanes; and Model MD–90–30 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0032)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0231)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 and –300 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0544)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200, –200LR, –300, and –300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28389)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0554)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0372)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11, MD–11F, DC–10–30 and DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, and MD–10–30F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–28531)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–0524)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727–200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM'' ((RIN2120–AA64)(Docket No. FAA–2008–0013)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0412)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB–135 Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0516)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. DODD, from the Committee on Foreign Relations:

[Treaty Doc. 110–20 Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia with 1 declaration and 1 condition for each Protocol (Ex. Rept. 110–27)];

[Treaty Doc. 108–5 (Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva, 1992) with declarations and reservations (Ex. Rept. 110–28)];

[Treaty Doc. 109–11 2002 Amendments to the ITU Constitution and Convention with declarations and reservations (Ex. Rept. 110–28)]; and

[Treaty Doc. 110–16 Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) with declarations and reservations (Ex. Rept. 110–28)].

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

110–20: Protocols to the North Atlantic Treaty of 1949 on Accession of Albania and Croatia.

VII. RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Presidential certification

Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

1. The inclusion of the Republic of Albania in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO; and

2. The inclusion of the Republic of Albania in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of the Republic of Croatia, adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 110–20), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

(a) Article 10 of the North Atlantic Treaty provides that Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area to accede to the North Atlantic Treaty, and thus become a member of the North Atlantic Treaty Organization (''NATO'').

(b) The Bucharest Summit Declaration, issued by the Heads of States and Governments participating in the meeting of the North Atlantic Council in Bucharest on April 3, 2008, states that NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. The Bucharest Summit Declaration additionally states that it was ''agreed today that these countries will become members of NATO.''

(c) The Senate declares that it is important that NATO keep its door open to all European democracies willing and able to assume the responsibilities and obligations of membership.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

108–5: Amendments to Constitution and Convention of International Telecommunication Union (ITU) (Geneva, 1992).

VIII. RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

1998 Amendments to the Constitution and the Convention of the International Telecommunication Union

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), signed by the United States at Minneapolis on November 6, 1998, as contained in the Final Acts of the Plenipotentiary Conference (Minneapolis 1998) (the ''1998 Final Acts'') (Treaty Doc. 108–5), subject to declarations and reservations Nos. 90 (second paragraph), 90 (third paragraph), 101, 102, and 111 of the 1998 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

109–11: Amendments to the Constitution and Convention.

2002 Amendments to the Constitution and the Convention of the International Telecommunication Union

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994) and the Plenipotentiary Conference (Minneapolis 1998), signed by the United States at Marrakesh on October 18, 2002, as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh 2002) (the ''2002 Final Acts'') (Treaty Doc. 109–11), subject to declarations and reservations Nos. 70 (second paragraph), 70 (third paragraph), 71, 79, 80, and 101 of the 2002 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

110–16: Amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

2006 Amendments to the Constitution and the Convention of the International Telecommunication Union

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva 1992), as amended by the Plenipotentiary Conference (Kyoto 1994), the Plenipotentiary Conference (Minneapolis 1998), and the Plenipotentiary Conference (Marrakesh 2002), signed by the United States at Antalya on November 24, 2006, as contained in the Final Acts of the Plenipotentiary Conference (Antalya 2006) (the ''2006 Final Acts'') (Treaty Doc. 110–16), subject to declarations and reservations Nos. 70(1) (second paragraph), 70(1) (third paragraph), 70(2), 104, and 106 of the 2006 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2292. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes (Rept. No. 110-481).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. No. 110-482).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

H.R. 390. A bill to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases.

By Mr. DODD, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 598. A resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

By Mr. DODD, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1007. A bill to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic

relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment.

By Mr. DODD, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes.

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station.

S. 3426. A bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

S. 3548. An original bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Foreign Relations.

*Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs).

*Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs).

*Gregori Lebedev, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Gregori Lebedev, of Virginia, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

*C. Steven McGann, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Nominee: C. Steven McGann.

Post: Fiji.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: N/A.
2. Spouse: Bertra B. McGann: N/A.
3. Children and Spouses: Bethany L. McGann: N/A.

Bradford W. McGann: N/A.

Benjamin V. S. McGann: N/A.

Leyland S. McGann: N/A.

4. Parents: Evangeline H. McGann, N/A; Clarence D. McGann—Whereabouts and activities unknown.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

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*Carol Ann Rodley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: Carol Rodley.

Post: Ambassador to Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, date, and donee:

1. Self: none.
2. Spouse: David Newhall: none.
3. Children and Spouses' Names: Alice Newhall: none; Steven Newhall: none; and Niles Lashway: none.
4. Parents' Names: James Rodley: none; and Claire Rodley: none.
5. Grandparents' Names: James Rodley (deceased); Lillian Rodley (deceased); Edmund Connor (deceased); and Evelyn Connor (deceased).

Brothers and Spouses' Names: James Rodley: none; Laura Rodley: none; John Rodley: none; Heather Clark: none; Edward Rodley: none; and Jennifer Hogue: none.

Sisters and Spouses' Names: Susana Rodley: none.

*Sung Y. Kim, of California, a Foreign Service Officer of Class One, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

*Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Clifford D. May, of Maryland, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2009, to which position she was appointed during the last recess of the Senate.

*Thomas M. Beck, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2010.

*Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission for the term expiring November 22, 2014.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. KOHL, Mr. CASEY, Mr. FEINGOLD, Mr. LEAHY, Mr. CRAIG, Mr. BROWN, Ms. STABENOW, Mr. CRAPO, Mr. COLEMAN, Ms. COLLINS, Mrs. CLINTON, Mrs. DOLE, and Mr. BAUCUS):

S. 3538. A bill to amend the Food, Conservation, and Energy Act of 2008 to suspend a prohibition on payments to certain farms with limited base acres for the 2008 and 2009 crop years, to extend the signup for direct payments and counter-cyclical payments for the 2008 crop year, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. HUTCHISON, Ms. STABENOW, Mrs. LINCOLN, Ms. LANDRIEU, and Mrs. BOXER):

S. 3539. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 3540. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mrs. CLINTON:

S. 3541. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself, Mrs. BOXER, Mr. ROBERTS, Mr. PRYOR, Mr. ISAKSON, and Mr. SALAZAR):

S. 3542. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3543. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mrs. BOXER, Mr. LAUTENBERG, Mr. CARDIN, Mr. OBAMA, Mr. BIDEN, Mr. NELSON of Florida, Mr. WYDEN, and Mr. DODD):

S. 3544. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 3545. A bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 3546. A bill to establish the National Center for Strategic Communication to advise the President regarding public diplomacy and international broadcasting to promote democracy and human rights, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 3547. A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 3548. An original bill to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3549. A bill to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BAYH, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. VITTER, and Mr. WHITEHOUSE):

S. Res. 678. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. Con. Res. 101. A concurrent resolution honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education; considered and agreed to.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 394

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 449

At the request of Mr. REID, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 449, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 625

At the request of Mr. REID, his name was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1232

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1398

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1846

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2609

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2609, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2728

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2728, a bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

S. 2858

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 3187

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3187, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 3325

At the request of Mr. SPECTER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Tennessee (Mr. ALEXANDER) were

added as cosponsors of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3325, supra.

S. 3398

At the request of Mr. JOHNSON, 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.

S. 3403

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3403, a bill to amend title 49, United States Code, to require determination of the maximum feasible fuel economy level achievable for cars and light trucks for a year based on a projected fuel gasoline price that is not less than the applicable high gasoline price projection issued by the Energy Information Administration.

S. 3416

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3507

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3509

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3509, a bill to address the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries.

S. 3525

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 3525, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes.

S. 3532

At the request of Mr. CARDIN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Mr. LEVIN), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mr. BURR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3532, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income.

S. 3537

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3537, a bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes.

S. RES. 551

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 659

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 659, a resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day.

S. RES. 660

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 660, supra.

S. RES. 662

At the request of Mr. REID, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

S. RES. 665

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 665, a resolution designating October 3, 2008, as ''National Alternative Fuel Vehicle Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself and Mr. NELSON of Florida):

S. 3543. A bill to improve the administration of the Minerals Management Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MENENDEZ. Mr. President, I have come to the floor today to introduce legislation intended to bring much needed reform to the Minerals Management Service. After recent reports of the widespread corruption at the agency, I came together with my colleague Senator NELSON from Florida to work on legislative solutions that will address the complete and total lack of ethics at this agency. I would also like to take this time to thank Senator NELSON for his outstanding work on this bill. I know there are few people out there that show as much dedication and clear vision on this issue as he does.

The cries of Drill! Drill! Drill! have reached a fevered pitch and proponents of drilling say that a profitable relationship between the Government and the oil industry will benefit everyone involved.

However, as we have recently learned from reports released by the Department of Interior Inspector General's Office, the influence of Big Oil corrupts absolutely. Honestly, we have been learning that lesson over and over again since we sent an oil man to the White House. The influence of Big Oil has led us to make policy decisions that are diametrically opposed to the best interests of this country. With barrels of Big Oil lobbying money, this administration has led us all head first into policies that benefit Big Oil and almost no one else. We are more addicted to oil than ever before and we continue with this addiction to the detriment of our economy, our energy infrastructure, our environment, and even our national security.

Once Big Oil is involved, it is as if all reason flies out the window. Nowhere has this become clearer than at the Minerals Management Service. The most recent reports from the Inspector General's office describe corruption at MMS on a level difficult to believe. The descriptions of drug use and sexual activity between oil company representatives and MMS employees are not suitable for network television, much less the floor of the United States Senate. This is the agency tasked with leasing Federal lands to oil companies and ensuring the adequate compensation of such leasing and yet their employees behaved like oil company lackeys with complete disregard for the interests of the American taxpayer.

I am sure no one is surprised by the increased influence of the oil industry since we elected a former oil man to the White House, but this is truly beyond the pale. The Inspector General's report concludes that MMS is plagued by ''a culture of ethical failure.'' This is an agency where conflict of interest is not only the norm, but where officials do not think the rules even apply to them. This is an agency with a complete free-for-all atmosphere where employees go on golf and ski outings, concerts, and sporting events all paid for by oil executives. This is an agency whose culture is ''devoid of both ethical standards and internal controls'' where officials are LITERALLY and figuratively in bed with industry.

This is the agency that we want to trust with our shorelines. This is the agency we want to trust to lease thousands of miles of our beaches to the oil industry and then collect compensation for use of that public land—OUR LAND—with oil and gas. The Government Accountability Office has already released reports that concluded that MMS has no idea if they are collecting the right amount of oil through the Royalty-in-Kind program. Not only that, but the agency has refused to institute the reforms recommended by GAO in order to collect the correct amount of compensation from the oil industry. Of course, considering the Inspector General's report, their lack of reform is not surprising as they were too busy living the high life on the oil industry's dime.

This agency is clearly in desperate need of regulation. If the officials at MMS believe that the rules do not apply to them, then clearly we need tougher rules. That is why I rise today with my colleague Senator NELSON from Florida to introduce legislation that will dramatically toughen the ethics rules for employees at the Minerals Management Service.

First, this legislation holds MMS employees to the same standards as federal procurement officials and addresses the revolving door between the agency and industry. There would be a one year ban on agency employees taking any private sector job for companies the employee worked with while a federal employee. This means ANY job, not just ''representational activities'' such as lobbying. Any real first crack at reform has to be stopping this revolving door.

Second, this legislation requires that MMS employees divest all industry investments before working at MMS. Currently, the law only requires that employees recuse themselves from working on a matter specifically having to do with a particular company in which they have a financial stake. Needless to say, trusting MMS employees who believe the rules do not apply to them and that the agency is here to serve the needs of industry seems unrealistic at best and downright dangerous at worst.

Third, we would increase the number of MMS employees required to file public financial disclosure forms and forms revealing past employment. Those who earn incomes at the base level of a G–13 employee or higher will now have to reveal this information.

Currently, only employees compensated at 120 percent of GS15 level or more must disclose. However, as this report makes clear, the extreme influence of industry on the agency means that employees beyond merely the top officials need to be held to a higher standard of objectivity.

Of course, as I mentioned, the issues at MMS do not end with the ethical standards, or lack thereof, among agency employees. The Royalty-In-Kind Program is broken and the Federal Government is not being compensated for the leasing of land to the oil industry. This program is part of the second largest source of revenue for the Federal Government, yet it currently operates on what basically amounts to an honor system. We are supposed to trust the oil companies to pay the right amount and for the employees to see that the Government receives compensation.

Therefore, our legislation would suspend the Royalty-In-Kind program until the following conditions are met. First, the MMS must conduct a comprehensive review to determine if it has been accurately collecting royalties and report its finding to Congress. We all know the oil industry is flush with cash, so there is absolutely no excuse for them to use OUR LAND to make a profit and not pay for it.

Second, the MMS must conduct a thorough review to ensure that metering equipment properly measure what royalties are owed to the Federal Government and report those findings to Congress. In addition, they will be required to perform no less than 550 audits of oil and gas leases each fiscal year to assure adequate royalties are being collected. There needs to be a real process in place to ensure adequate compensation.

Third, they must also have a robust training program for their employees ending with a signed certification that MMS employees understand ethics laws and regulations. It needs to be abundantly clear to all agency employees and officials that no matter who is in the White House the rules most definitely apply to them.

Last, the MMS must create a position for an ombudsman that will monitor the agency's progress in carrying out all these reforms. This ombudsman must be hired by and report exclusively to the Department of Interior Inspector General's office because there must be an objective outside source to protect us from this type of corruption happening again. The Inspector General will also be tasked with determining whether the Royalty-In-Kind program is even saving the taxpayers money at all.

Clearly, some type of reform at MMS is desperately needed. I believe the bill Senator NELSON and I are introducing will go a long way towards addressing these concerns. No matter what, I do not see how we can in good conscience open up thousands of miles of our precious coastlines to the oil industry without being able to trust the agency tasked with protecting our interests.

Mr. NELSON of Florida. Mr. President, today Senator ROBERT MENENDEZ and I filed legislation that would address the morass of ethical problems that have besieged the Minerals Management Service, MMS.

I have warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor could we trust the Federal watchdogs charged with keeping a watchful eye over them. We have seen proof in report after report detailing mismanagement, a lack of control, and inappropriate, even possibly criminal, behavior.

I have voiced serious doubts about the integrity and cost effectiveness of this Royalty-In-Kind program, where oil companies pay the Federal Government with mineral, oil, or gas they produce on public lands, rather than cash. This program was authorized in the 2005 Energy bill, which I opposed for many reasons.

The bill that we introduced today seeks to restore integrity in managing our offshore energy resources.

Specifically, our bill requires employees of the Minerals Management Service to adhere to the same ethical guidelines that other Federal employees abide by. This means no gifts from industry, the filing of financial disclosure forms for some higher level employees, and the divestment of all industry investments before working at MMS.

The bill suspends the scandal-plagued Royalty-in-Kind program until these conditions are met. Additionally, MMS must review the accuracy of its royalty collection program with an independent watchdog to monitor its progress. Finally, MMS is required to conduct extensive audits of the Royalty-In-Kind program to ensure the government is receiving fair compensation for use of public lands.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will only serve to further enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed at the Department of the Interior. I hope the Senate will consider our legislation expeditiously.

By Mr. BROWNBACK:

S. 3546. A bill to establish the National Center for Strategic Communication to advise the President regarding public diplomacy and international broadcasting to promote democracy and human rights, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, one might conclude from the last 7 years without a successful al Qaeda attack in America either that we have crippled our enemies or that the terrorist threat is overstated. Unfortunately, neither is true: violence is rising in Afghanistan, Pakistan and elsewhere, and the ideas behind this violence continue to proliferate from Europe to Asia and across the World Wide Web. But while we spend a great deal of time discussing tactics and troop deployments, we rarely analyze the broader ideological struggle.

Military force may sometimes be necessary in the war on terrorism, but force alone cannot defeat the threat posed by violent Islamist extremism. Recognizing this fact, Secretary of Defense Robert Gates worries about the

state of the ''war of ideas'' and rightly points out that it is ''plain embarrassing'' that al Qaeda communicates more effectively than we do.

The answer to this problem is not more money. We have spent billions since 9/11 on a wide array of public diplomacy initiatives, international broadcasts and information and exchange programs. Some succeeded, others failed, but none were developed in accordance with a national strategy overseen by an official who is accountable for making strategic communications work.

The U.S. Information Agency focused on strategic communications during the Cold War. After the defeat of communism, USIA's mission seemed fulfilled, and I supported its dismantlement. Today's ideological threats, however, demand the same focus on strategic communications that the USIA provided a generation ago. Today, I am introducing legislation that would establish a new National Center for Strategic Communications to correct a number of deficiencies and meet 21st century challenges.

There are several reasons why I believe major reforms are necessary. First, fundamentally, we are not on offense. Seven years after September 11, we have only begun to acknowledge the existence of a war of ideas. We need to move from merely informing the world about America to countering those who support terrorism and violence. We also need to enable moderate voices around the world to help us in opposing violent extremism.

Second, we need to separate official diplomacy—by which I mean the act of communicating with foreign governments—from public diplomacy—which means talking to foreign publics. When we dismantled USIA, we thought the result would be better coordination between official and public diplomacy. We now know that this arrangement has relegated public diplomacy to second-tier status. We need to ensure that such a crucial part of the war on terrorism receives the attention and priority level that it deserves.

Third, our strategic communications programs lack transparency and accountability. Despite spending hundreds of millions per year on international broadcasting, it is unclear how these broadcasts fit into a national strategic communications plan or how the Broadcasting Board of Governors makes decisions on allocating the resources Congress appropriates. The same could be said of the State Department's Educational and Cultural Affairs programs. Moreover, it is nearly impossible to determine how much the Department of Defense is spending on strategic communications activities and how many of those functions might be performed—or at least better supported—by other parts of the government.

Beyond government programs, it is clear that the U.S. Government does not effectively leverage the resources of the private sector and nonprofit groups. We should be able to promote our values and oppose violence and extremism alongside organizations that already work along the same lines. And there is no question that there are times when these outside voices will be more persuasive than the messages linked to Washington, DC.

These problems call for something beyond a bigger budget or the generic cry for better coordination among departments and agencies. We need to realign authorities so that the President has a single individual responsible for ensuring that the Nation's strategic communications goals are being met. We need that individual to be responsible for an agency that has a clear mission to fight and win the war of ideas and the budgetary authority and flexibility to match.

My proposal abolishes the existing Undersecretary for Public Diplomacy at the State Department and the Broadcasting Board of Governors, transferring their functions to the new National Center for Strategic Communications where they would be managed by single director. The Director would report to the President as the Nation's top strategic communications official and oversee the creation of a new national strategic communications strategy. Just as important, the Director will oversee an interagency panel of representatives from other Federal agencies and departments, including the Department of Defense, whose missions inherently involve strategic communications with foreign publics.

More than providing information about America, the goal of strategic communications should be nothing less than the ability to persuade individuals all over the world to choose freedom, human rights and the rule of law over any challenging ideologies or philosophies. My legislation would correct a number of deficiencies in our current structure in support of this objective.

First, the new Center would separate public diplomacy—speaking to foreign publics—from official diplomacy—speaking to foreign governments. We should not let public diplomacy be held hostage to the official priority of the moment, nor should public diplomacy budgets compete with official diplomatic priorities.

Second, the Center would manage U.S. international broadcasts directly. Too often in the last few years, taxpayer-funded broadcasts have been kept at arms length from government oversight and undermined rather than affirmed U.S. policies and values. My legislation makes our broadcasts more transparent and focused on the national mission by giving the Center close oversight of our broadcasts and abolishing outdated Smith-Mundt Act provisions that keep the American public from knowing what the government is saying abroad.

Third, the Center enlists the support of private, non-profit and non-governmental organizations. There is no reason to believe the U.S. Government must always deliver key messages, and outside groups may have the best ability to counter ideological support for extremism. My proposal enables the new Center to make grants to such groups and places representatives of the Center in key countries around the globe to implement our national strategy on a local level.

Our vision of a free, prosperous and peaceful world is under attack from extremists who propose endless violence and fear. Military force may keep these extremists at bay for a time, but ultimate victory depends on winning the war of ideas. Though some would throw more money at our strategic communications problems or settle for smaller, marginal reforms, I believe major reforms are necessary for us to succeed. I look forward to developing this proposal with the next administration and the new Congress. No matter who ends up in power, we will have a share in reforms that can help win the war on terror without just relying on more bullets.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 678—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BAYH, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Ms. COLLINS, Mr. VITTER, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 678

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and

play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2008 has been designated by the President as National Ovarian Cancer Awareness Month: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

SENATE CONCURRENT RESOLUTION 101—HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA FOR ITS 100 YEARS OF COMMITMENT TO HIGHER EDUCATION

Mr. HAGEL (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 101

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house, library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5633. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

SA 5634. Mr. CONRAD proposed an amendment to the bill H.R. 6049, supra.

SA 5635. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, supra.

SA 5636. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, supra; which was ordered to lie on the table.

SA 5637. Mr. REID (for himself, Mr. WARNER, Mr. BARRASSO, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BURR, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. CRAPO, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. GRAHAM, Mr. HAGEL, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. MARTINEZ, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. THUNE, Mr. VOINOVICH, Mr. WEBB, Mr. AKAKA, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BROWN, Mr. BUNNING, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. NELSON, of Florida, Mr. PRYOR, Mr. SANDERS, Mr. SESSIONS, Ms. SNOWE, Mr. STEVENS, Mr. TESTER, Mr. VITTER, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

SA 5638. Mr. MENENDEZ (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority.

SA 5639. Mr. MENENDEZ (for Mrs. MURRAY (for herself and Mr. BURR)) proposed an amendment to the bill S. 2932, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

SA 5640. Mr. MENENDEZ (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

SA 5641. Mr. MENENDEZ (for Mr. REID) proposed an amendment to the bill H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

TEXT OF AMENDMENTS

SA 5633. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Improvement and Extension Act of 2008''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.

Sec. 103. Energy credit.

Sec. 104. Energy credit for small wind property.

Sec. 105. Energy credit for geothermal heat pump systems.
Sec. 106. Credit for residential energy efficient property.
Sec. 107. New clean renewable energy bonds.
Sec. 108. Credit for steel industry fuel.
Sec. 109. Special rule to implement FERC and State electric restructuring policy.
Subtitle B—Carbon Mitigation and Coal Provisions
Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Certain income and gains relating to industrial source carbon dioxide treated as qualifying income for publicly traded partnerships.
Sec. 117. Carbon audit of the tax code.
TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS
Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Extension and modification of alternative fuel credit.
Sec. 205. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Alternative fuel vehicle refueling property credit.
Sec. 208. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 209. Extension and modification of election to expense certain refineries.
Sec. 210. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 211. Transportation fringe benefit to bicycle commuters.
TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS
Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.
TITLE IV—REVENUE PROVISIONS
Sec. 401. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 402. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 403. Broker reporting of customer's basis in securities transactions.
Sec. 404. 0.2 percent FUTA surtax.
Sec. 405. Increase and extension of Oil Spill Liability Trust Fund tax.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND AND REFINED COAL FACILITIES.—Paragraphs (1) and (8) of section 45(d) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 2-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2011'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A)(i) (defining refined coal), as amended by section 108, is amended—

(A) by striking subclause (IV),

(B) by adding ''and'' at the end of subclause (II), and

(C) by striking '', and'' at the end of subclause (III) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold from facilities placed in service after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary

structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (vi) as clause (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.

(2) TECHNICAL AMENDMENT.—Clause (vi) of section 38(c)(4)(B), as redesignated by paragraph (1), is amended by striking ''section 47 to the extent attributable to'' and inserting ''section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

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

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(3) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. ENERGY CREDIT FOR SMALL WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by section 103, is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c), as amended by section 103, is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to all such property of the taxpayer shall not exceed $4,000.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which has a nameplate capacity of not more than 100 kilowatts.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1), as amended by section 103, is amended by striking ''paragraphs (1)(B), (2)(B), and

(3)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 105. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 106. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) REMOVAL OF LIMITATION FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1), as amended by subsections (c) and (d), is amended—

(A) by striking subparagraph (A), and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A), as amended by subsections (c) and (d), is amended—

(A) by striking clause (i), and

(B) by redesignating clauses (ii) through (v) as clauses (i) and (iv), respectively.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) SOLAR ELECTRIC PROPERTY LIMITATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2008.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 107. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $800,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 108. CREDIT FOR STEEL INDUSTRY FUEL.

(a) TREATMENT AS REFINED COAL.—

(1) IN GENERAL.—Subparagraph (A) of section 45(c)(7) of the Internal Revenue Code of 1986 (relating to refined coal), as amended by this Act, is amended to read as follows:

''(A) IN GENERAL.—The term 'refined coal' means a fuel—

''(i) which—

''(I) is a liquid, gaseous, or solid fuel produced from coal (including lignite) or high carbon fly ash, including such fuel used as a feedstock,

''(II) is sold by the taxpayer with the reasonable expectation that it will be used for purpose of producing steam,

''(III) is certified by the taxpayer as resulting (when used in the production of steam) in a qualified emission reduction, and

''(IV) is produced in such a manner as to result in an increase of at least 50 percent in the market value of the refined coal (excluding any increase caused by materials combined or added during the production process), as compared to the value of the feedstock coal, or

''(ii) which is steel industry fuel.''.

(2) STEEL INDUSTRY FUEL DEFINED.—Paragraph (7) of section 45(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—The term 'steel industry fuel' means a fuel which—

''(I) is produced through a process of liquifying coal waste sludge and distributing it on coal, and

''(II) is used as a feedstock for the manufacture of coke.

''(ii) COAL WASTE SLUDGE.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process, including such materials that have been stored in ground, in tanks and in lagoons, that have been treated as hazardous wastes under applicable Federal environmental rules absent liquefaction and processing with coal into a feedstock for the manufacture of coke.''.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—Paragraph (8) of section 45(e) of the Internal Revenue Code of 1986 (relating to refined coal production facilities) is amended by adding at the end the following new subparagraph

''(D) SPECIAL RULE FOR STEEL INDUSTRY FUEL.—

''(i) IN GENERAL.—In the case of a taxpayer who produces steel industry fuel—

''(I) this paragraph shall be applied separately with respect to steel industry fuel and other refined coal, and

''(II) in applying this paragraph to steel industry fuel, the modifications in clause (ii) shall apply.

''(ii) MODIFICATIONS.—

''(I) CREDIT AMOUNT.—Subparagraph (A) shall be applied by substituting '$2 per barrel-of-oil equivalent' for '$4.375 per ton'.

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the later of the date such facility was originally placed in service, the date the modifications described in clause (iii) were placed in service, or October 1, 2008, and ending on the later of December 31, 2009, or the date which is 1 year after the date such facility or the modifications described in clause (iii) were placed in service.

''(III) NO PHASEOUT.—Subparagraph (B) shall not apply.

''(iii) MODIFICATIONS.—The modifications described in this clause are modifications to an existing facility which allow such facility to produce steel industry fuel.

''(iv) BARREL-OF-OIL EQUIVALENT.—For purposes of this subparagraph, a barrel-of-oil equivalent is the amount of steel industry fuel that has a Btu content of 5,800,000 Btus.''.

(2) INFLATION ADJUSTMENT.—Paragraph (2) of section 45(b) of such Code is amended by inserting ''the $3 amount in subsection (e)(8)(D)(ii)(I),'' after ''subsection (e)(8)(A),''.

(c) TERMINATION.—Paragraph (8) of section 45(d) of the Internal Revenue Code of 1986 (relating to refined coal production facility), as amended by this Act, is amended to read as follows:

''(8) REFINED COAL PRODUCTION FACILITY.—In the case of a facility that produces refined coal, the term 'refined coal production facility' means—

''(A) with respect to a facility producing steel industry fuel, any facility (or any modification to a facility) which is placed in service before January 1, 2010, and

''(B) with respect to any other facility producing refined coal, any facility placed in service after the date of the enactment of the American Jobs Creation Act of 2004 and before January 1, 2010.''.

(d) COORDINATION WITH CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(e)(9) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term'', and

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

''(ii) EXCEPTION FOR STEEL INDUSTRY COAL.—In the case of a facility producing steel industry fuel, clause (i) shall not apply to so much of the refined coal produced at such facility as is steel industry fuel.''.

(2) NO DOUBLE BENEFIT.—Section 45K(g)(2) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH SECTION 45.—No credit shall be allowed with respect to any qualified fuel which is steel industry fuel (as defined in section 45(c)(7)) if a credit is allowed to the taxpayer for such fuel under section 45.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced and sold after September 30, 2008.

SEC. 109. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

Subtitle B—Carbon Mitigation and Coal Provisions

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,550,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) ELIGIBLE PROJECTS INCLUDE TRANSPORTATION GRADE LIQUID FUELS.—Section 48B(c)(7) (defining eligible entity) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting '', and'', and by adding at the end the following new subparagraph:

''(H) transportation grade liquid fuels.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CERTAIN INCOME AND GAINS RELATING TO INDUSTRIAL SOURCE CARBON DIOXIDE TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) (defining qualifying income) is amended by inserting ''or industrial source carbon dioxide'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 117. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by inserting '', or other equivalent standard approved by the Secretary'' after ''D396''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new sentences: ''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last 3 sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) MODIFICATION RELATING TO DEFINITION OF AGRI-BIODIESEL.—Paragraph (2) of section 40A(d) (relating to agri-biodiesel) is amended by striking ''and mustard seeds'' and inserting ''mustard seeds, and camelina''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendment made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 204. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2009''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied gas derived from biomass (as defined in section 45K(c)(3)), and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after September 30, 2009, and on or before December 30, 2009, and

''(ii) 75 percent in the case of fuel produced after December 30, 2009.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 205. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $417 for each kilowatt hour of traction battery capacity in excess of 4 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2008, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion using a traction battery with at least 4 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 106, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 106, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked

or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 207. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 208. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1), as amended by this Act, is amended by striking ''or industrial source carbon dioxide'' and inserting '', industrial source carbon dioxide, or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 210. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''for any taxable year'' and all that follows and inserting ''for any taxable year—

''(i) beginning after December 31, 1997, and before January 1, 2008, or

''(ii) beginning after December 31, 2008, and before January 1, 2010.''.

SEC. 211. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 107, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $800,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2009.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which—

''(i) is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property which—

''(i) is used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services, and

''(ii) does not have a class life (determined without regard to subsection (e)) of less than 10 years.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to

any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this paragraph, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) PRIMARY PRODUCT.—For purposes of this paragraph, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 402. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Improvement and Extension Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Improvement and Extension Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Improvement and Extension Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2011, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2012, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2013, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2013.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any customer, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

(3) by adding at the end the following new subsections:

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO CERTAIN FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock for which an average basis method is permissible under section 1012 which is acquired before January 1, 2012, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION FUND FOR TREATMENT AS SINGLE ACCOUNT.—If a fund described in subparagraph (A) elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding such stock as a nominee.

''(3) DEFINITIONS.—For purposes of this section, the terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the

methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2011.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 404. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking ''through 2008'' in paragraph (1) and inserting ''through 2009'', and

(2) by striking ''calendar year 2009'' in paragraph (2) and inserting ''calendar year 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2008.

SEC. 405. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''is 5 cents a barrel.'' and inserting ''is—

''(i) in the case of crude oil received or petroleum products entered before January 1, 2017, 8 cents a barrel, and

''(ii) in the case of crude oil received or petroleum products entered after December 31, 2016, 9 cents a barrel.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SA 5634. Mr. CONRAD proposed an amendment to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

At the end add the following:

DIVISION B—ALTERNATIVE MINIMUM TAX RELIEF

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Alternative Minimum Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION B—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 102. Extension of increased alternative minimum tax exemption amount.

Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—REVENUE PROVISIONS

Subtitle A—General Provisions

Sec. 201. Tax on crude oil and natural gas produced from the outer Continental Shelf in the Gulf of Mexico.

Sec. 202. Nonqualified deferred compensation from certain tax indifferent parties.

Sec. 203. Delay in application of worldwide allocation of interest.

Subtitle B—Economic Substance Doctrine

Sec. 211. Clarification of economic substance doctrine.

Sec. 212. Penalty for understatements attributable to transactions lacking economic substance, etc.

Sec. 213. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

TITLE II—REVENUE PROVISIONS

Subtitle A—General Provisions

SEC. 201. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5896. Imposition of tax.

''Sec. 5897. Taxable crude oil or natural gas and removal price.

''Sec. 5898. Special rules and definitions.

''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

''SEC. 5897. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''SEC. 5898. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5896 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5896.

''(b) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The tax imposed by section 5896(a) (after application of section 5896(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2008.

SEC. 202. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 203. DELAY IN APPLICATION OF WORLD-WIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f), as amended by the Housing Assistance Tax Act of 2008, are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2016''.

(b) FIRST YEAR LIMITATION.—Paragraph (7) of section 864(f), as added by Housing Assistance Tax Act of 2008, is amended by striking ''30 percent'' and inserting ''50 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

Subtitle B—Economic Substance Doctrine

SEC. 211. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) subject to clause (iii), the taxpayer has a substantial purpose (other than a Federal tax purpose) for entering into such transaction.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance solely by reason of having a potential for profit unless the present value of the reasonably expected pre-Federal tax profit from the transaction is substantial in relation to the present value of the expected net Federal tax benefits that would be allowed if the transaction were respected. In determining pre-Federal tax profit, there shall be taken into account fees and other transaction expenses and to the extent provided by the Secretary, foreign taxes.

''(iii) SPECIAL RULES FOR DETERMINING WHETHER NON-FEDERAL TAX PURPOSE.—For purposes of clause (i)(II)—

''(I) a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial purpose (other than a Federal tax purpose) if the origin of such financial accounting benefit is a reduction of Federal tax, and

''(II) the taxpayer shall not be treated as having a substantial purpose (other than a Federal tax purpose) with respect to a transaction if the only such purpose is the reduction of non-Federal taxes and the transaction will result in a reduction of Federal taxes substantially equal to, or greater than, the reduction in non-Federal taxes because of similarities between the laws imposing the taxes.

''(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(3) OTHER PROVISIONS NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law or provision of this title, and the requirements of this subsection shall be construed as being in addition to any such other rule of law or provision of this title.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 212. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 30 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '30 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if there is a lack of economic substance (within the meaning of section 7701(p)(1)(B)) for the transaction giving rise to the claimed benefit.

''(d) RULES APPLICABLE TO ASSERTION, COMPROMISE, AND COLLECTION OF PENALTY.—

''(1) IN GENERAL.—Only the Chief Counsel for the Internal Revenue Service may assert a penalty imposed under this section or may compromise all or any portion of such penalty. The Chief Counsel may delegate the authority under this paragraph only to an individual holding the position of chief of a branch within the Office of the Chief Counsel for the Internal Revenue Service.

''(2) SPECIFIC REQUIREMENTS.—

''(A) ASSERTION OF PENALTY.—The Chief Counsel for the Internal Revenue Service (or the Chief Counsel's delegate under paragraph (1)) shall not assert a penalty imposed under this section unless, before the assertion of the penalty, the taxpayer is provided—

''(i) a notice of intent to assert the penalty, and

''(ii) an opportunity to provide to the Commissioner (or the Chief Counsel's delegate under paragraph (1)) a written response to the proposed penalty within a reasonable period of time after such notice.

''(B) COMPROMISE OF PENALTY.—A compromise shall not result in a reduction in the penalty imposed by this section in an amount greater than the amount which bears the same ratio to the amount of the penalty determined without regard to the compromise as—

''(i) the reduction under the compromise in the noneconomic substance transaction understatement to which the penalty relates, bears to

''(ii) the amount of the noneconomic substance transaction understatement determined without regard to the compromise.

''(3) RULES RELATING TO RELEVANCY REQUIREMENT.—

''(A) DETERMINATION OF RELEVANCE BY CHIEF COUNSEL.—The Chief Counsel for the Internal Revenue Service (or the Chief Counsel's delegate under paragraph (1)) may assert, compromise, or collect a penalty imposed by this section with respect to a noneconomic substance transaction even if there has not been a court determination that the economic substance doctrine was relevant for purposes of this title to the transaction if the Chief Counsel (or delegate) determines that either was so relevant.

''(B) FINAL ORDER OF COURT.—If there is a final order of a court that determines that the economic substance doctrine was not relevant for purposes of this title to a transaction (or series of transactions), any penalty imposed under this section with respect to the transaction (or series of transactions) shall be rescinded.

''(4) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply to a compromise under paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A)—

(i) by inserting ''6662B or'' before ''6663'' in the text, and

(ii) by striking ''**PENALTY**'' in the heading and inserting ''**AND ECONOMIC SUBSTANCE PENALTIES**'',

(C) in paragraph (2)(B)—

(i) by inserting ''and section 6662B'' after ''This section'', and

(ii) by striking ''**PENALTY**'' in the heading and inserting ''**AND ECONOMIC SUBSTANCE PENALTIES**'',

(D) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

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

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

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

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(B)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or to penalty under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 213. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''**AND NONECONOMIC SUBSTANCE TRANSACTIONS**'' in the heading thereof after ''**TRANSACTIONS**''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 5635. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) proposed an amendment to amendment SA 5633 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. REID) to the bill H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; as follows:

At the end, insert the following:

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Tax Extenders and Alternative Minimum Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION B—TAX EXTENDERS AND ALTERNATIVE MINIMUM TAX RELIEF

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

Sec. 201. Deduction for State and local sales taxes.
Sec. 202. Deduction of qualified tuition and related expenses.
Sec. 203. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 204. Additional standard deduction for real property taxes for nonitemizers.
Sec. 205. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 206. Treatment of certain dividends of regulated investment companies.
Sec. 207. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 208. Qualified investment entities.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

Sec. 301. Extension and modification of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 306. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 307. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 308. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 309. Extension of economic development credit for American Samoa.
Sec. 310. Extension of mine rescue team training credit.
Sec. 311. Extension of election to expense advanced mine safety equipment.
Sec. 312. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 313. Qualified zone academy bonds.
Sec. 314. Indian employment credit.
Sec. 315. Accelerated depreciation for business property on Indian reservations.
Sec. 316. Railroad track maintenance.
Sec. 317. Seven-year cost recovery period for motorsports racing track facility.
Sec. 318. Expensing of environmental remediation costs.
Sec. 319. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 320. Extension of increased rehabilitation credit for structures in the Gulf Opportunity Zone.
Sec. 321. Enhanced deduction for qualified computer contributions.
Sec. 322. Tax incentives for investment in the District of Columbia.
Sec. 323. Enhanced charitable deductions for contributions of food inventory.
Sec. 324. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 325. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

Sec. 401. Permanent authority for undercover operations.
Sec. 402. Permanent authority for disclosure of information relating to terrorist activities.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

Sec. 501. $8,500 income threshold used to calculate refundable portion of child tax credit.
Sec. 502. Provisions related to film and television productions.
Sec. 503. Exemption from excise tax for certain wooden arrows designed for use by children.
Sec. 504. Income averaging for amounts received in connection with the Exxon Valdez litigation.
Sec. 505. Certain farming business machinery and equipment treated as 5-year property.
Sec. 506. Modification of penalty on understatement of taxpayer's liability by tax return preparer.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

Sec. 511. Short title.
Sec. 512. Mental health parity.

TITLE VI—OTHER PROVISIONS

Sec. 601. Secure rural schools and community self-determination program.
Sec. 602. Transfer to abandoned mine reclamation fund.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

Sec. 701. Short title.
Sec. 702. Temporary tax relief for areas damaged by 2008 Midwestern severe storms, tornados, and flooding.
Sec. 703. Reporting requirements relating to disaster relief contributions.
Sec. 704. Temporary tax-exempt bond financing and low-income housing tax relief for areas damaged by Hurricane Ike.

Subtitle B—National Disaster Relief

Sec. 706. Losses attributable to federally declared disasters.
Sec. 707. Expensing of Qualified Disaster Expenses.
Sec. 708. Net operating losses attributable to federally declared disasters.

Sec. 709. Waiver of certain mortgage revenue bond requirements following federally declared disasters.
Sec. 710. Special depreciation allowance for qualified disaster property.
Sec. 711. Increased expensing for qualified disaster assistance property.
Sec. 712. Coordination with Heartland disaster relief.
TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY
Sec. 801. Nonqualified deferred compensation from certain tax indifferent parties.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

''(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).''.

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

''(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

''(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008, and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment, is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

''(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1), as added by subsection (b), shall take effect on the date of the enactment of this Act.

TITLE II—EXTENSION OF INDIVIDUAL TAX PROVISIONS

SEC. 201. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1), as added by the Housing Assistance Tax Act of 2008, is amended by inserting ''or 2009'' after ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 205. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 206. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 207. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 208. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

TITLE III—EXTENSION OF BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B).

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''after December 31, 2007'' and inserting ''after December 31, 2009''.

(b) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Section 41(h) is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to taxable years beginning after December 31, 2008.''.

(c) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended by striking ''12 percent'' and inserting ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)''.

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

''(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

''(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

''(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified restaurant property' means any section 1250 property which is—

''(i) a building, if such building is placed in service after December 31, 2008, and before January 1, 2010, or

''(ii) an improvement to a building,

if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.

''(B) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2008.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting '', and'', and by adding at the end the following new clause:

''(ix) any qualified retail improvement property placed in service after December 31, 2008, and before January 1, 2010.''.

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

''(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

''(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefitting a common area, or

''(iv) the internal structural framework of the building.

''(D) EXCLUSION FROM BONUS DEPRECIATION.—Property described in this paragraph shall not be considered qualified property for purposes of subsection (k).

''(E) TERMINATION.—Such term shall not include any improvement placed in service after December 31, 2009.''.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

''(I) Qualified retail improvement property described in subsection (e)(8).''.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 39''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008.

SEC. 306. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 307. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 308. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 309. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 310. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 311. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 312. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.

''(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

''(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

''(3) the issuer—

''(A) designates such bond for purposes of this section,

''(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

''(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

''(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008 and 2009, and, except as provided in paragraph (4), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a

calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

''(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

''(4) CARRYOVER OF UNUSED LIMITATION.—

''(A) IN GENERAL.—If for any calendar year—

''(i) the limitation amount for any State, exceeds

''(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

''(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

''(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 or 2009 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

''(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

''(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

''(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

''(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

''(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

''(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

''(A) rehabilitating or repairing the public school facility in which the academy is established,

''(B) providing equipment for use at such academy,

''(C) developing course materials for education to be provided at such academy, and

''(D) training teachers and other school personnel in such academy.

''(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

''(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

''(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

''(C) services of employees as volunteer mentors,

''(D) internships, field trips, or other educational opportunities outside the academy for students, or

''(E) any other property or service specified by the eligible local education agency.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (B), by inserting ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) a qualified zone academy bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).''.

(3) Section 1397E is amended by adding at the end the following new subsection:

''(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.''.

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54E. Qualified zone academy bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 314. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 315. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 316. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by redesignating clauses (v), (vi), and (vii) as clauses (vi), (vii), and (viii), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45G,''.

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

SEC. 317. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 318. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 319. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 320. EXTENSION OF INCREASED REHABILITATION CREDIT FOR STRUCTURES IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 321. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 322. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2014'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2014''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2014''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2014''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 323. ENHANCED CHARITABLE DEDUCTIONS FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) INCREASED AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to contributions made after December 31, 2007.

(b) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Section 170(b) is amended by adding at the end the following new paragraph:

''(3) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—In the case of a qualified farmer or rancher (as defined in paragraph (1)(E)(v)), any charitable contribution of food—

''(A) to which subsection (e)(3)(C) applies (without regard to clause (ii) thereof), and

''(B) which is made during the period beginning on the date of the enactment of this paragraph and before January 1, 2009,

shall be treated for purposes of paragraph (1)(E) or (2)(B), whichever is applicable, as if it were a qualified conservation contribution which is made by a qualified farmer or rancher and which otherwise meets the requirements of such paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 324. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 325. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting ''12/31/2014'':

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking ''2010'' and inserting ''2015''; and

(B) in paragraph (6)(A), by striking ''through 2009'' and inserting ''through 2014''.

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking ''2010'' and inserting ''2015''.

TITLE IV—EXTENSION OF TAX ADMINISTRATION PROVISIONS

SEC. 401. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 402. PERMANENT AUTHORITY FOR DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

TITLE V—ADDITIONAL TAX RELIEF AND OTHER TAX PROVISIONS

Subtitle A—General Provisions

SEC. 501. $8,500 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $8,500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 502. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.—Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.''.

(c) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W–2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.''.

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: ''A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.''.

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

''(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

''(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.''.

(d) CONFORMING AMENDMENT.—Section 181(d)(3)(A) is amended by striking ''actors'' and all that follows and inserting ''actors, production personnel, directors, and producers.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to qualified film and television productions commencing after December 31, 2007.

(2) DEDUCTION.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2007.

SEC. 503. EXEMPTION FROM EXCISE TAX FOR CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

''(i) measures 5/16 of an inch or less in diameter, and

''(ii) is not suitable for use with a bow described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

SEC. 504. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

SEC. 505. CERTAIN FARMING BUSINESS MACHINERY AND EQUIPMENT TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(B) (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any machinery or equipment (other than any grain bin, cotton ginning asset, fence, or other land improvement) which is used in a farming business (as defined in section 263A(e)(4)), the original use of which commences with the taxpayer after December 31, 2008, and which is placed in service before January 1, 2010.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

(B)(vii) ..... 10''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SEC. 506. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 is amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—If a tax return preparer—

''(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

''(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

''(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

''(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared for taxable years ending after the date of the enactment of this Act.

Subtitle B—Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008''.

SEC. 512. MENTAL HEALTH PARITY.

(a) AMENDMENTS TO ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

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

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles,

copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place that such appears; and

(ii) by striking ''and who employs at least 2 employees on the first day of the plan year''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by inserting after subsection (e) the following:

''(f) SECRETARY REPORT.—The Secretary shall, by January 1, 2012, and every two years thereafter, submit to the appropriate committees of Congress a report on compliance of group health plans (and health insurance coverage offered in connection with such plans) with the requirements of this section. Such report shall include the results of any surveys or audits on compliance of group health plans (and health insurance coverage offered in connection with such plans) with such requirements and an analysis of the reasons for any failures to comply.

''(g) NOTICE AND ASSISTANCE.—The Secretary, in cooperation with the Secretaries of Health and Human Services and Treasury, as appropriate, shall publish and widely disseminate guidance and information for group health plans, participants and beneficiaries, applicable State and local regulatory bodies, and the National Association of Insurance Commissioners concerning the requirements of this section and shall provide assistance concerning such requirements and the continued operation of applicable State law. Such guidance and information shall inform participants and beneficiaries of how they may obtain assistance under this section, including, where appropriate, assistance from State consumer and insurance agencies.'';

(7) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(8) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(b) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

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

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan or coverage shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage) and there are no separate treatment

limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2).

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan or coverage provides coverage for medical or surgical benefits provided by out-of-network providers, the plan or coverage shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan or coverage relating to such benefits under the plan or coverage, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting before the period the following: ''(as defined in section 2791(e)(4), except that for purposes of this paragraph such term shall include employers with 1 employee in the case of an employer residing in a State that permits small groups to include a single individual)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(c) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 9812 of the Internal Revenue Code of 1986 is amended—

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

''(3) FINANCIAL REQUIREMENTS AND TREATMENT LIMITATIONS.—

''(A) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that—

''(i) the financial requirements applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant financial requirements applied to substantially all medical and surgical benefits covered by the plan, and there are no separate cost sharing requirements that are applicable only with respect to mental health or substance use disorder benefits; and

''(ii) the treatment limitations applicable to such mental health or substance use disorder benefits are no more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits covered by the plan and there are no separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits.

''(B) DEFINITIONS.—In this paragraph:

''(i) FINANCIAL REQUIREMENT.—The term 'financial requirement' includes deductibles, copayments, coinsurance, and out-of-pocket expenses, but excludes an aggregate lifetime limit and an annual limit subject to paragraphs (1) and (2),

''(ii) PREDOMINANT.—A financial requirement or treatment limit is considered to be predominant if it is the most common or frequent of such type of limit or requirement.

''(iii) TREATMENT LIMITATION.—The term 'treatment limitation' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(4) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health or substance use disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health or substance use disorder benefits in the case of

any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.

''(5) OUT-OF-NETWORK PROVIDERS.—In the case of a plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, if the plan provides coverage for medical or surgical benefits provided by out-of-network providers, the plan shall provide coverage for mental health or substance use disorder benefits provided by out-of-network providers in a manner that is consistent with the requirements of this section.'';

(2) in subsection (b), by amending paragraph (2) to read as follows:

''(2) in the case of a group health plan that provides mental health or substance use disorder benefits, as affecting the terms and conditions of the plan relating to such benefits under the plan, except as provided in subsection (a).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year. An employer may elect to continue to apply mental health and substance use disorder parity pursuant to this section with respect to the group health plan involved regardless of any increase in total costs.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this subparagraph shall be—

''(i) 2 percent in the case of the first plan year in which this section is applied; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan for a period of 6 years following the notification made under subparagraph (E).

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—

''(i) IN GENERAL.—A group health plan that, based upon a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall promptly notify the Secretary, the appropriate State agencies, and participants and beneficiaries in the plan of such election.

''(ii) REQUIREMENT.—A notification to the Secretary under clause (i) shall include—

''(I) a description of the number of covered lives under the plan involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan;

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance use disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance use disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification to the Secretary under clause (i) shall be confidential. The Secretary shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this paragraph, the Secretary may audit the books and records of a group health plan relating to an exemption, including any actuarial reports prepared pursuant to subparagraph (C), during the 6 year period following the notification of such exemption under subparagraph (E). A State agency receiving a notification under subparagraph (E) may also conduct such an audit with respect to an exemption covered by such notification.'';

(4) in subsection (e), by striking paragraph (4) and inserting the following:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable Federal and State law.

''(5) SUBSTANCE USE DISORDER BENEFITS.—The term 'substance use disorder benefits' means benefits with respect to services for substance use disorders, as defined under the terms of the plan and in accordance with applicable Federal and State law.'';

(5) by striking subsection (f);

(6) by striking ''mental health benefits'' and inserting ''mental health and substance use disorder benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C); and

(7) by striking ''mental health benefits'' and inserting ''mental health or substance use disorder benefits'' each place it appears (other than in any provision amended by the previous paragraph).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and the Treasury shall issue regulations to carry out the amendments made by subsections (a), (b), and (c), respectively.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act, regardless of whether regulations have been issued to carry out such amendments by such effective date, except that the amendments made by subsections (a)(5), (b)(5), and (c)(5), relating to striking of certain sunset provisions, shall take effect on January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(f) ASSURING COORDINATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may ensure, through the execution or revision of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this section (and the amendments made by this section) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

(g) CONFORMING CLERICAL AMENDMENTS.—

(1) ERISA HEADING.—

(A) IN GENERAL.—The heading of section 712 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

''SEC. 712. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Parity in mental health and substance use disorder benefits.''.

(2) PHSA HEADING.—The heading of section 2705 of the Public Health Service Act is amended to read as follows:

''SEC. 2705. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(3) IRC HEADING.—

(A) IN GENERAL.—The heading of section 9812 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 9812. PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Parity in mental health and substance use disorder benefits.''.

(h) GAO STUDY ON COVERAGE AND EXCLUSION OF MENTAL HEALTH AND SUBSTANCE USE DISORDER DIAGNOSES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that analyzes the specific rates, patterns, and trends in coverage and exclusion of specific mental health and substance use disorder diagnoses by health plans and health insurance. The study shall include an analysis of—

(A) specific coverage rates for all mental health conditions and substance use disorders;

(B) which diagnoses are most commonly covered or excluded;

(C) whether implementation of this Act has affected trends in coverage or exclusion of such diagnoses; and

(D) the impact of covering or excluding specific diagnoses on participants' and enrollees' health, their health care coverage, and the costs of delivering health care.

(2) REPORTS.—Not later than 3 years after the date of the enactment of this Act, and 2 years after the date of submission the first report under this paragraph, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

TITLE VI—OTHER PROVISIONS

SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount

equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2)

(as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project

submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

''SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

''SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

''SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

''SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

''§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United

States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 602. TRANSFER TO ABANDONED MINE RECLAMATION FUND.

Subparagraph (C) of section 402(i)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(1)) is amended by striking ''and $9,000,000 on October 1, 2009'' and inserting ''$9,000,000 on October 1, 2009, and $9,000,000 on October 1, 2010''.

TITLE VII—DISASTER RELIEF

Subtitle A—Heartland and Hurricane Ike Disaster Relief

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Heartland Disaster Tax Relief Act of 2008''.

SEC. 702. TEMPORARY TAX RELIEF FOR AREAS DAMAGED BY 2008 MIDWESTERN SEVERE STORMS, TORNADOS, AND FLOODING.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to any Midwestern disaster area in addition to the areas to which such provisions otherwise apply:

(1) GO ZONE BENEFITS.—

(A) Section 1400N (relating to tax benefits) other than subsections (b), (d), (e), (i), (j), (m), and (o) thereof.

(B) Section 1400O (relating to education tax benefits).

(C) Section 1400P (relating to housing tax benefits).

(D) Section 1400Q (relating to special rules for use of retirement funds).

(E) Section 1400R(a) (relating to employee retention credit for employers).

(F) Section 1400S (relating to additional tax relief) other than subsection (d) thereof.

(G) Section 1400T (relating to special rules for mortgage revenue bonds).

(2) OTHER BENEFITS INCLUDED IN KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—Sections 302, 303, 304, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(b) MIDWESTERN DISASTER AREA.—

(1) IN GENERAL.—For purposes of this section and for applying the substitutions described in subsections (d) and (e), the term ''Midwestern disaster area'' means an area—

(A) with respect to which a major disaster has been declared by the President on or after May 20, 2008, and before August 1, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of severe storms, tornados, or flooding occurring in any of the States of Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, and

(B) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such severe storms, tornados, or flooding.

(2) CERTAIN BENEFITS AVAILABLE TO AREAS ELIGIBLE ONLY FOR PUBLIC ASSISTANCE.—For purposes of applying this section to benefits under the following provisions, paragraph (1) shall be applied without regard to subparagraph (B):

(A) Sections 1400Q, 1400S(b), and 1400S(d) of the Internal Revenue Code of 1986.

(B) Sections 302, 401, and 405 of the Katrina Emergency Tax Relief Act of 2005.

(c) REFERENCES.—

(1) AREA.—Any reference in such provisions to the Hurricane Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to any Midwestern disaster area and any reference to the Hurricane Katrina disaster area or the Gulf Opportunity Zone within a State shall be treated as a reference to all Midwestern disaster areas within the State.

(2) ITEMS ATTRIBUTABLE TO DISASTER.—Any reference in such provisions to any loss, damage, or other item attributable to Hurricane Katrina shall be treated as a reference to any loss, damage, or other item attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(3) APPLICABLE DISASTER DATE.—For purposes of applying the substitutions described in subsections (d) and (e), the term ''applicable disaster date'' means, with respect to any Midwestern disaster area, the date on which the severe storms, tornados, or flooding giving rise to the Presidential declaration described in subsection (b)(1)(A) occurred.

(d) MODIFICATIONS TO 1986 CODE.—The following provisions of the Internal Revenue Code of 1986 shall be applied with the following modifications:

(1) TAX-EXEMPT BOND FINANCING.—Section 1400N(a)—

(A) by substituting ''qualified Midwestern disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Midwestern disaster area bond—

(i) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(I) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A) or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(II) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by such severe storms, tornados, or flooding, and

(ii) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to such severe storms, tornados, or flooding.

(B) by substituting ''any State in which a Midwestern disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B),

(C) by substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C),

(D) by substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D),

(E) in paragraph (3)(A)—

(i) by substituting ''$1,000'' for ''$2,500'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'',

(F) by substituting ''qualified Midwestern disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears,

(G) by substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C), and

(H) by disregarding paragraph (8) thereof.

(2) LOW-INCOME HOUSING CREDIT.—Section 1400N(c)—

(A) only with respect to calendar years 2008, 2009, and 2010,

(B) by substituting ''Disaster Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears,

(C) in paragraph (1)(B)—

(i) by substituting ''$8.00'' for ''$18.00'', and

(ii) by substituting ''before the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''before August 28, 2005'' , and

(D) determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f)—

(A) by substituting ''qualified Disaster Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears,

(B) by substituting ''beginning on the applicable disaster date and ending on December 31, 2010'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2), and

(C) by treating costs as qualified Disaster Recovery Assistance clean-up costs only if the removal of debris or demolition of any structure was necessary due to damage attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(4) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—Section 1400N(g)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2011'' for ''January 1, 2008'' in paragraph (1),

(C) by substituting ''December 31, 2010'' for ''December 31, 2007'' in paragraph (1), and

(D) by treating a site as a qualified contaminated site only if the release (or threat of release) or disposal of a hazardous substance at the site was attributable to the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(5) INCREASE IN REHABILITATION CREDIT.—Section 1400N(h), as amended by this Act—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'',

(B) by substituting ''December 31, 2011'' for ''December 31, 2009'' in paragraph (1), and

(C) by only applying such subsection to qualified rehabilitation expenditures with respect to any building or structure which was damaged or destroyed as a result of the severe storms, tornados, or flooding giving rise to any Presidential declaration described in subsection (b)(1)(A).

(6) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO DISASTER LOSSES.—Section 1400N(k)—

(A) by substituting ''qualified Disaster Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after the day before the applicable disaster date, and before January 1, 2011'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I),

(D) by substituting ''qualified Disaster Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv), and

(E) by substituting ''qualified Disaster Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(7) CREDIT TO HOLDERS OF TAX CREDIT BONDS.—Section 1400N(l)—

(A) by substituting ''Midwestern tax credit bond'' for ''Gulf tax credit bond'' each place it appears,

(B) by substituting ''any State in which a Midwestern disaster area is located or any instrumentality of the State'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (4)(A)(i),

(C) by substituting ''after December 31, 2008 and before January 1, 2010'' for ''after December 31, 2005, and before January 1, 2007'',

(D) by substituting ''shall not exceed $100,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 2,000,000, $50,000,000 for any State with an aggregate population located in all Midwestern disaster areas within the State of at least 1,000,000 but less than 2,000,000, and zero for any other State. The population of a State within any area shall be determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before the earliest applicable disaster date for Midwestern disaster areas within the State.'' for ''shall not exceed'' and all that follows in paragraph (4)(C), and

(E) by substituting ''the earliest applicable disaster date for Midwestern disaster areas within the State'' for ''August 28, 2005'' in paragraph (5)(A).

(8) EDUCATION TAX BENEFITS.—Section 1400O, by substituting ''2008 or 2009'' for ''2005 or 2006''.

(9) HOUSING TAX BENEFITS.—Section 1400P, by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsection (c)(1).

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q—

(A) by substituting ''qualified Disaster Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after the applicable disaster date and before January 1, 2010'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''the applicable disaster date'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) by disregarding clauses (ii) and (iii) of subsection (a)(4)(A) thereof,

(E) by substituting ''qualified storm damage distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Midwestern disaster area, but not so purchased or constructed on account of severe storms, tornados, or flooding giving rise to the designation of the area as a disaster area'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on the applicable disaster date and ending on the date which is 5 months after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm damage individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2009'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by disregarding subparagraphs (C) and (D) of subsection (c)(3) thereof,

(L) by substituting ''beginning on the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and ending on December 31, 2009'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(M) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(N) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(11) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY SEVERE STORMS, TORNADOS, AND FLOODING.—Section 1400R(a)—

(A) by substituting ''the applicable disaster date'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2009'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before the applicable disaster date.

(12) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Section 1400S(a), by substituting the following paragraph for paragraph (4) thereof:

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution—

''(I) is paid during the period beginning on the earliest applicable disaster date for all States and ending on December 31, 2008, in cash to an organization described in section 170(b)(1)(A), and

''(II) is made for relief efforts in 1 or more Midwestern disaster areas,

''(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8)) that such contribution was used (or is to be used) for relief efforts in 1 or more Midwestern disaster areas, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

''(i) to an organization described in section 509(a)(3), or

''(ii) for establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2)).

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.''.

(13) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1), by substituting ''the applicable disaster date'' for ''August 25, 2005''.

(14) SPECIAL RULE FOR DETERMINING EARNED INCOME.—Section 1400S(d)—

(A) by treating an individual as a qualified individual if such individual's principal place of abode on the applicable disaster date was located in a Midwestern disaster area,

(B) by treating the applicable disaster date with respect to any such individual as the applicable date for purposes of such subsection, and

(C) by treating an area as described in paragraph (2)(B)(ii) thereof if the area is a Midwestern disaster area only by reason of subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(15) ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—Section 1400S(e), by substituting ''2008 or 2009'' for ''2005 or 2006''.

(e) MODIFICATIONS TO KATRINA EMERGENCY TAX RELIEF ACT OF 2005.—The following provisions of the Katrina Emergency Tax Relief Act of 2005 shall be applied with the following modifications:

(1) ADDITIONAL EXEMPTION FOR HOUSING DISPLACED INDIVIDUAL.—Section 302—

(A) by substituting ''2008 or 2009'' for ''2005 or 2006'' in subsection (a) thereof,

(B) by substituting ''Midwestern displaced individual'' for ''Hurricane Katrina displaced individual'' each place it appears, and

(C) by treating an area as a core disaster area for purposes of applying subsection (c) thereof if the area is a Midwestern disaster area without regard to subsection (b)(2) of this section (relating to areas eligible only for public assistance).

(2) INCREASE IN STANDARD MILEAGE RATE.—Section 303, by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006''.

(3) MILEAGE REIMBURSEMENTS FOR CHARITABLE VOLUNTEERS.—Section 304—

(A) by substituting ''beginning on the applicable disaster date and ending on December 31, 2008'' for ''beginning on August 25, 2005, and ending on December 31, 2006'' in subsection (a), and

(B) by substituting ''the applicable disaster date'' for ''August 25, 2005'' in subsection (a).

(4) EXCLUSION OF CERTAIN CANCELLATION OF INDEBTEDNESS INCOME.—Section 401—

(A) by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area (determined without regard to subsection (b)(2) of this section) as an individual described in subsection (b)(1) thereof, and by treating an individual whose principal place of abode on the applicable disaster date was in a Midwestern disaster area solely by reason of subsection (b)(2) of this section as an individual described in subsection (b)(2) thereof,

(B) by substituting ''the applicable disaster date'' for ''August 28, 2005'' both places it appears, and

(C) by substituting ''January 1, 2010'' for ''January 1, 2007'' in subsection (e).

(5) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405, by substituting ''on or after the applicable disaster date'' for ''on or after August 25, 2005''.

SEC. 703. REPORTING REQUIREMENTS RELATING TO DISASTER RELIEF CONTRIBUTIONS.

(a) IN GENERAL.—Section 6033(b) (relating to returns of certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (13), by redesignating paragraph (14) as paragraph (15), and by adding after paragraph (13) the following new paragraph:

''(14) such information as the Secretary may require with respect to disaster relief activities, including the amount and use of qualified contributions to which section 1400S(a) applies, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which (determined without regard to any extension) occurs after December 31, 2008.

SEC. 704. TEMPORARY TAX-EXEMPT BOND FINANCING AND LOW-INCOME HOUSING TAX RELIEF FOR AREAS DAMAGED BY HURRICANE IKE.

(a) TAX-EXEMPT BOND FINANCING.—Section 1400N(a) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) By substituting ''qualified Hurricane Ike disaster area bond'' for ''qualified Gulf Opportunity Zone Bond'' each place it appears, except that in determining whether a bond is a qualified Hurricane Ike disaster area bond—

(A) paragraph (2)(A)(i) shall be applied by only treating costs as qualified project costs if—

(i) in the case of a project involving a private business use (as defined in section 141(b)(6)), either the person using the property suffered a loss in a trade or business attributable to Hurricane Ike or is a person designated for purposes of this section by the Governor of the State in which the project is located as a person carrying on a trade or business replacing a trade or business with respect to which another person suffered such a loss, and

(ii) in the case of a project relating to public utility property, the project involves repair or reconstruction of public utility property damaged by Hurricane Ike, and

(B) paragraph (2)(A)(ii) shall be applied by treating an issue as a qualified mortgage issue only if 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of the issue are to be used to provide financing for mortgagors who suffered damages to their principal residences attributable to Hurricane Ike.

(2) By substituting ''any State in which any Hurricane Ike disaster area is located'' for ''the State of Alabama, Louisiana, or Mississippi'' in paragraph (2)(B).

(3) By substituting ''designated for purposes of this section (on the basis of providing assistance to areas in the order in which such assistance is most needed)'' for ''designated for purposes of this section'' in paragraph (2)(C).

(4) By substituting ''January 1, 2013'' for ''January 1, 2011'' in paragraph (2)(D).

(5) By substituting the following for subparagraph (A) of paragraph (3):

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,000 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(6) By substituting ''qualified Hurricane Ike disaster area repair or construction'' for ''qualified GO Zone repair or construction'' each place it appears.

(7) By substituting ''after the date of the enactment of the Heartland Disaster Tax Relief Act of 2008 and before January 1, 2013'' for ''after the date of the enactment of this paragraph and before January 1, 2011'' in paragraph (7)(C).

(8) By disregarding paragraph (8) thereof.

(9) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(b) LOW-INCOME HOUSING CREDIT.—Section 1400N(c) of the Internal Revenue Code of 1986 shall apply to any Hurricane Ike disaster area in addition to any other area referenced in such section, but with the following modifications:

(1) Only with respect to calendar years 2008, 2009, and 2010.

(2) By substituting ''any Hurricane Ike disaster area'' for ''the Gulf Opportunity Zone'' each place it appears.

(3) By substituting ''Hurricane Ike Recovery Assistance housing amount'' for ''Gulf Opportunity housing amount'' each place it appears.

(4) By substituting the following for subparagraph (B) of paragraph (1):

''(B) HURRICANE IKE HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Hurricane Ike housing amount' means, for any calendar year, the amount equal to the product of $16.00 multiplied by the portion of the State population which is in—

''(i) in the case of Texas, the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, and

''(ii) in the case of Louisiana, the parishes of Calcasieu and Cameron,

(as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before September 13, 2008).''.

(5) Determined without regard to paragraphs (2), (3), (4), (5), and (6) thereof.

(c) HURRICANE IKE DISASTER AREA.—For purposes of this section and for applying the substitutions described in subsections (a) and (b), the term ''Hurricane Ike disaster area'' means an area in the State of Texas or Louisiana—

(1) with respect to which a major disaster has been declared by the President on September 13, 2008, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Ike, and

(2) determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to Hurricane Ike.

Subtitle B—National Disaster Relief

SEC. 706. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) WAIVER OF ADJUSTED GROSS INCOME LIMITATION.—

(1) IN GENERAL.—Subsection (h) of section 165 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR LOSSES IN FEDERALLY DECLARED DISASTERS.—

''(A) IN GENERAL.—If an individual has a net disaster loss for any taxable year, the amount determined under paragraph (2)(A)(ii) shall be the sum of—

''(i) such net disaster loss, and

''(ii) so much of the excess referred to in the matter preceding clause (i) of paragraph (2)(A) (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual.

''(B) NET DISASTER LOSS.—For purposes of subparagraph (A), the term 'net disaster loss' means the excess of—

''(i) the personal casualty losses—

''(I) attributable to a federally declared disaster occurring before January 1, 2010, and

''(II) occurring in a disaster area, over

''(ii) personal casualty gains.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(ii) DISASTER AREA.—The term 'disaster area' means the area so determined to warrant such assistance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 165(h)(4)(B) (as so redesignated) is amended by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''.

(B) Section 165(i)(1) is amended by striking ''loss'' and all that follows through ''Act'' and inserting ''loss occurring in a disaster area (as defined by clause (ii) of subsection (h)(3)(C)) and attributable to a federally declared disaster (as defined by clause (i) of such subsection)''.

(C) Section 165(i)(4) is amended by striking ''Presidentially declared disaster (as defined by section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by subsection (h)(3)(C)(i)''.

(D)(i) So much of subsection (h) of section 1033 as precedes subparagraph (A) of paragraph (1) thereof is amended to read as follows:

''(h) SPECIAL RULES FOR PROPERTY DAMAGED BY FEDERALLY DECLARED DISASTERS.—

''(1) PRINCIPAL RESIDENCES.—If the taxpayer's principal residence or any of its contents is located in a disaster area and is compulsorily or involuntarily converted as a result of a federally declared disaster—''.

(ii) Paragraph (2) of section 1033(h) is amended by striking ''investment'' and all that follows through ''disaster'' and inserting ''investment located in a disaster area and compulsorily or involuntarily converted as a result of a federally declared disaster''.

(iii) Paragraph (3) of section 1033(h) is amended to read as follows:

''(3) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ''federally declared disaster'' and ''disaster area'' shall have the respective meaning given such terms by section 165(h)(3)(C).''.

(iv) Section 139(c)(2) is amended to read as follows:

''(2) federally declared disaster (as defined by section 165(h)(3)(C)(i)),''.

(v) Subclause (II) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters (as defined in section 1033(h)(3))'' and inserting ''federally declared disasters (as defined by subsection (h)(3)(C)(i))''.

(vi) Subclause (III) of section 172(b)(1)(F)(ii) is amended by striking ''Presidentially declared disasters'' and inserting ''federally declared disasters''.

(vii) Subsection (a) of section 7508A is amended by striking ''Presidentially declared disaster (as defined in section 1033(h)(3))'' and inserting ''federally declared disaster (as defined by section 165(h)(3)(C)(i))''.

(b) INCREASE IN STANDARD DEDUCTION BY DISASTER CASUALTY LOSS.—

(1) IN GENERAL.—Paragraph (1) of section 63(c), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (B), by

striking the period at the end of subparagraph (C) and inserting ''and'', and by adding at the end the following new subparagraph:

''(D) the disaster loss deduction.''.

(2) DISASTER LOSS DEDUCTION.—Subsection (c) of section 63, as amended by the Housing Assistance Tax Act of 2008, is amended by adding at the end the following new paragraph:

''(8) DISASTER LOSS DEDUCTION.—For the purposes of paragraph (1), the term 'disaster loss deduction' means the net disaster loss (as defined in section 165(h)(3)(B)).''.

(3) ALLOWANCE IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to so much of the standard deduction as is determined under section 63(c)(1)(D).''.

(c) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—Paragraph (1) of section 165(h) is amended by striking ''$100'' and inserting ''$500 ($100 for taxable years beginning after December 31, 2009)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to disasters declared in taxable years beginning after December 31, 2007.

(2) INCREASE IN LIMITATION ON INDIVIDUAL LOSS PER CASUALTY.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2008.

SEC. 707. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 198 the following new section:

''SEC. 198A. EXPENSING OF QUALIFIED DISASTER EXPENSES.

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified disaster expenses which are paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expense which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED DISASTER EXPENSE.—For purposes of this section, the term 'qualified disaster expense' means any expenditure—

''(1) which is paid or incurred in connection with a trade or business or with business-related property,

''(2) which is—

''(A) for the abatement or control of hazardous substances that were released on account of a federally declared disaster occurring before January 1, 2010,

''(B) for the removal of debris from, or the demolition of structures on, real property which is business-related property damaged or destroyed as a result of a federally declared disaster occurring before such date, or

''(C) for the repair of business-related property damaged as a result of a federally declared disaster occurring before such date, and

''(3) which is otherwise chargeable to capital account.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) BUSINESS-RELATED PROPERTY.—The term 'business-related property' means property—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) described in section 1221(a)(1) in the hands of the taxpayer.

''(2) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(d) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified disaster expense would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expense shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

''(e) COORDINATION WITH OTHER PROVISIONS.—Sections 198, 280B, and 468 shall not apply to amounts which are treated as expenses under this section.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 198 the following new item:

''Sec. 198A. Expensing of Qualified Disaster Expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007 in connection with disaster declared after such date.

SEC. 708. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) is amended by adding at the end the following new subparagraph:

''(J) CERTAIN LOSSES ATTRIBUTABLE FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer who has a qualified disaster loss (as defined in subsection (j)), such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) QUALIFIED DISASTER LOSS.—Section 172 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) RULES RELATING TO QUALIFIED DISASTER LOSSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified disaster loss' means the lesser of—

''(A) the sum of—

''(i) the losses allowable under section 165 for the taxable year—

''(I) attributable to a federally declared disaster (as defined in section 165(h)(3)(C)(i)) occurring before January 1, 2010, and

''(II) occurring in a disaster area (as defined in section 165(h)(3)(C)(ii)), and

''(ii) the deduction for the taxable year for qualified disaster expenses which is allowable under section 198A(a) or which would be so allowable if not otherwise treated as an expense, or

''(B) the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), a qualified disaster loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(J) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(J). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(4) EXCLUSION.—The term 'qualified disaster loss' shall not include any loss with respect to any property described in section 1400N(p)(3).''.

(c) LOSS DEDUCTION ALLOWED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) NET OPERATING LOSS ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.—In the case of a taxpayer which has a qualified disaster loss (as defined by section 172(b)(1)(J)) for the taxable year, paragraph (1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of such loss.''.

(d) CONFORMING AMENDMENTS.—

(1) Clause (ii) of section 172(b)(1)(F) is amended by inserting ''or qualified disaster loss (as defined in subsection (j))'' before the period at the end of the last sentence.

(2) Paragraph (1) of section 172(i) is amended by adding at the end the following new flush sentence:

''Such term shall not include any qualified disaster loss (as defined in subsection (j)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2007, in connection with disasters declared after such date.

SEC. 709. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS FOLLOWING FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subsection (k) of section 143 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—

''(A) PRINCIPAL RESIDENCE DESTROYED.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer is—

''(i) rendered unsafe for use as a residence by reason of a federally declared disaster occurring before January 1, 2010, or

''(ii) demolished or relocated by reason of an order of the government of a State or political subdivision thereof on account of a federally declared disaster occurring before such date,

then, for the 2-year period beginning on the date of the disaster declaration, subsection (d)(1) shall not apply with respect to such taxpayer and subsection (e) shall be applied by substituting '110' for '90' in paragraph (1) thereof.

''(B) PRINCIPAL RESIDENCE DAMAGED.—

''(i) IN GENERAL.—At the election of the taxpayer, if the principal residence (within the meaning of section 121) of such taxpayer was damaged as the result of a federally declared disaster occurring before January 1, 2010, any owner-financing provided in connection with the repair or reconstruction of such residence shall be treated as a qualified rehabilitation loan.

''(ii) LIMITATION.—The aggregate owner-financing to which clause (i) applies shall not exceed the lesser of—

''(I) the cost of such repair or reconstruction, or

''(II) $150,000.

''(C) FEDERALLY DECLARED DISASTER.—For purposes of this paragraph, the term 'federally declared disaster' has the meaning given such term by section 165(h)(3)(C)(i).

''(D) ELECTION; DENIAL OF DOUBLE BENEFIT.—

''(i) ELECTION.—An election under this paragraph may not be revoked except with the consent of the Secretary.

''(ii) DENIAL OF DOUBLE BENEFIT.—If a taxpayer elects the application of this paragraph, paragraph (11) shall not apply with respect to the purchase or financing of any residence by such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disasters occurring after December 31, 2007.

SEC. 710. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Section 168, as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified disaster assistance property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified disaster assistance property, and

''(B) the adjusted basis of the qualified disaster assistance property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified disaster assistance property' means any property—

''(i)(I) which is described in subsection (k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is—

''(I) in a disaster area with respect to a federally declared disaster occurring before January 1, 2010, and

''(II) in the active conduct of a trade or business by the taxpayer in such disaster area,

''(iii) which—

''(I) rehabilitates property damaged, or replaces property destroyed or condemned, as a result of such federally declared disaster, except that, for purposes of this clause, property shall be treated as replacing property destroyed or condemned if, as part of an integrated plan, such property replaces property which is included in a continuous area which includes real property destroyed or condemned, and

''(II) is similar in nature to, and located in the same county as, the property being rehabilitated or replaced,

''(iv) the original use of which in such disaster area commences with an eligible taxpayer on or after the applicable disaster date,

''(v) which is acquired by such eligible taxpayer by purchase (as defined in section 179(d)) on or after the applicable disaster date, but only if no written binding contract for the acquisition was in effect before such date, and

''(vi) which is placed in service by such eligible taxpayer on or before the date which is the last day of the third calendar year following the applicable disaster date (the fourth calendar year in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) OTHER BONUS DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include—

''(I) any property to which subsection (k) (determined without regard to paragraph (4)), (l), or (m) applies,

''(II) any property to which section 1400N(d) applies, and

''(III) any property described in section 1400N(p)(3).

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified disaster assistance property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) TAX-EXEMPT BOND FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iv) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(v) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of subsection (k)(2) shall apply, except that such subparagraph shall be applied—

''(i) by substituting 'the applicable disaster date' for 'December 31, 2007' each place it appears therein,

''(ii) without regard to 'and before January 1, 2009' in clause (i) thereof, and

''(iii) by substituting 'qualified disaster assistance property' for 'qualified property' in clause (iv) thereof.

''(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(3) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(B) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' has the meaning given such term under section 165(h)(3)(C)(i).

''(C) DISASTER AREA.—The term 'disaster area' has the meaning given such term under section 165(h)(3)(C)(ii).

''(D) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who has suffered an economic loss attributable to a federally declared disaster.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified disaster assistance property which ceases to be qualified disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 711. INCREASED EXPENSING FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.

(a) IN GENERAL.—Section 179 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED DISASTER ASSISTANCE PROPERTY.—

''(1) IN GENERAL.—For purposes of this section—

''(A) the dollar amount in effect under subsection (b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year, and

''(B) the dollar amount in effect under subsection (b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 disaster assistance property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 DISASTER ASSISTANCE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 disaster assistance property' means section 179 property (as defined in subsection (d)) which is qualified disaster assistance property (as defined in section 168(n)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 disaster assistance property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 disaster assistance property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under subsection (d)(10) shall apply with respect to any qualified section 179 disaster assistance property which ceases to be qualified section 179 disaster assistance property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007, with respect disasters declared after such date.

SEC. 712. COORDINATION WITH HEARTLAND DISASTER RELIEF.

The amendments made by this subtitle, other than the amendments made by sections 706(a)(2), 710, and 711, shall not apply to any disaster described in section 702(c)(1)(A), or to any expenditure or loss resulting from such disaster.

TITLE VIII—SPENDING REDUCTIONS AND APPROPRIATE REVENUE RAISERS FOR NEW TAX RELIEF POLICY

SEC. 801. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

''SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

''(b) NONQUALIFIED ENTITY.—For purposes of this section, the term 'nonqualified entity' means—

''(1) any foreign corporation unless substantially all of its income is—

''(A) effectively connected with the conduct of a trade or business in the United States, or

''(B) subject to a comprehensive foreign income tax, and

''(2) any partnership unless substantially all of its income is allocated to persons other than—

''(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

''(B) organizations which are exempt from tax under this title.

''(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

''(1) IN GENERAL.—If the amount of any compensation is not determinable at the

time that such compensation is otherwise includible in gross income under subsection (a)—

''(A) such amount shall be so includible in gross income when determinable, and

''(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

''(i) the amount of interest determined under paragraph (2), and

''(ii) an amount equal to 20 percent of the amount of such compensation.

''(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) SUBSTANTIAL RISK OF FORFEITURE.—

''(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

''(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

''(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

''(I) acquired directly by an investment fund or similar entity,

''(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

''(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

''(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

''(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

''(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

''(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

''(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

''(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

''(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

''(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

''(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 26(b)(2), as amended by the Housing Assistance Tax Act of 2008, is amended by striking ''and'' at the end of subparagraph (V), by striking the period at the end of subparagraph (W) and inserting '', and'', and by adding at the end the following new subparagraph:

''(X) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).''.

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SA 5637. Mr. REID (for himself, Mr. WARNER, Mr. BARRASSO, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BROWNBACK, Mr. BURR, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. CRAPO, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. GRAHAM, Mr. HAGEL, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. MARTINEZ, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SCHUMER, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. THUNE, Mr. VOINOVICH, Mr. WEBB, Mr. AKAKA, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mr. BROWN, Mr. BUNNING, Ms. CANTWELL, Mr. CARPER, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEMINT, Mrs. DOLE, Mr. DORGAN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. SESSIONS, Ms. SNOWE, Mr. STEVENS, Mr. TESTER, Mr. VITTER, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; as follows:

On page 83, after line 25, insert the following:

''(e) 2-WHEELED MOTOR VEHICLES.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), 2-wheeled motor vehicles shall be treated in the same manner as motor vehicles.

''(2) EXCEPTIONS.—

''(A) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be $1,500.

''(B) OTHER EXCEPTIONS.—

''(i) Subsection (c)(1) shall be applied with respect to 2-wheeled motor vehicles by substituting '3.7 kilowatt hours 'for '6 kilowatt hours'.

''(ii) Subsection (c)(3) shall not apply with respect to 2-wheeled motor vehicles.

''(3) APPLICATION OF LIMITATION.—The limitation provided in subsection (b)(2) shall be applied by taking into account sales of 2-wheeled motor vehicles.

''(4) 2-WHEELED MOTOR VEHICLE.—The term '2-wheeled vehicle' means any vehicle—

''(A) which would be described in section 30(c)(2) except that it has 2 wheels,

''(B) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 2 wheels in contact with the ground,

''(C) which has a motor that produces in excess of 5-brake horsepower,

''(D) which draws propulsion exclusively from 1 or more traction batteries,

''(E) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle, and

''(F) which is sold for use in the United States in 2009 or 2010.''.

On page 84, line 1, strike ''(e)'' and insert ''(f)''.

On page 86, line 21, strike ''(f)'' and insert ''(g)''.

On page 87, line 9, strike ''(g)'' and insert ''(h)''.

SA 5637. Mr. REID (for himself and Mr. WARNER) proposed an amendment to the bill S. 1382, to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ALS Registry Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, if scientifically advisable—

''(A) develop a system to collect data on amyotrophic lateral sclerosis (referred to in this section as 'ALS') and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to develop a population-based registry of cases in the United States of ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) better describe the incidence and prevalence of ALS in the United States;

''(B) examine appropriate factors, such as environmental and occupational, that may be associated with the disease;

''(C) better outline key demographic factors (such as age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease) associated with the disease;

''(D) better examine the connection between ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS; and

''(E) other matters as recommended by the Advisory Committee established under subsection (b).

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of not more than 27 members to be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, of which—

''(A) two-thirds of such members shall represent governmental agencies—

''(i) including at least one member representing—

''(I) the National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences;

''(II) the Department of Veterans Affairs;

''(III) the Agency for Toxic Substances and Disease Registry; and

''(IV) the Centers for Disease Control and Prevention; and

''(ii) of which at least one such member shall be a clinician with expertise on ALS and related diseases, an epidemiologist with experience in data registries, a statistician, an ethicist, and a privacy expert (relating to the privacy regulations under the Health Insurance Portability and Accountability Act of 1996); and

''(B) one-third of such members shall be public members, including at least one member representing—

''(i) national and voluntary health associations;

''(ii) patients with ALS or their family members;

''(iii) clinicians with expertise on ALS and related diseases;

''(iv) epidemiologists with experience in data registries;

''(v) geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases and

''(vi) other individuals with an interest in developing and maintaining the National ALS Registry.

''(2) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 270 days after the date on which the Advisory Committee is established, the Advisory Committee may submit a report to the Secretary concerning the review conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such review.

''(c) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS and other motor neuron disorders that can be confused with ALS, misdiagnosed as ALS, and in some cases progress to ALS after receiving the report under subsection (b)(3).

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, which may include—

''(i) any registry pilot projects previously supported by the Centers for Disease Control and Prevention;

''(ii) the Department of Veterans Affairs ALS Registry;

''(iii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center at the National Institutes of Health;

''(iv) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio, Texas, and Massachusetts;

''(v) State-based ALS registries;

''(vi) the National Vital Statistics System; and

''(vii) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for research access to ALS data as recommended by the Advisory Committee established in subsection (b) to the extent permitted by applicable statutes and regulations and in a manner that protects personal privacy consistent with applicable privacy statutes and regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Consistent with applicable privacy statutes and regulations, the Secretary may ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States with experience serving the population of individuals with ALS and have demonstrated experience in ALS research, care, and patient services.''.

SEC. 3. REPORT ON REGISTRIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services may submit to the appropriate committees of Congress a report outlining—

(1) the registries currently under way;

(2) future planned registries;

(3) the criteria involved in determining what registries to conduct, defer, or suspend; and

(4) the scope of those registries.

The report may also include a description of the activities the Secretary undertakes to establish partnerships with research and patient advocacy communities to expand registries.

SA 5638. Mr. MENENDEZ (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority; as follows:

On page 3, line 5, strike ''Affairs of'' and insert: ''Affairs and the Committee on Commerce, Science, and Transportation of''.

SA 5639. Mr. MENENDEZ (for Mrs. MURRAY (for herself and Mr. BURR)) proposed an amendment to the bill S. 2932, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to

provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Poison Center Support, Enhancement, and Awareness Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Poison control centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison control centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4,000,000 calls were managed by poison control centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3,000,000 and 5,000,000 poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine of the National Academy of Sciences recommended that ''Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.''.

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison control centers $7 of health care costs are saved. In 2005, direct Federal health care program savings totaled in excess of $525,000,000 as the result of poison control center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison control centers are realized annually by Federal health care programs (estimated to be more than $1,000,000,000), yet Federal funding support (as demonstrated by the annual authorization of $30,100,000 in Public Law 108-194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison control centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison control centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d-71) is amended to read as follows:

''SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

''(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison control centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2009 to carry out this section, and $700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).''.

SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d-72) is amended to read as follows:

''SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

''(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

''(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more public or private entities, including nationally recognized organizations in the field of poison control and national media firms, for the development and implementation of a nationwide poison prevention and poison control center awareness campaign, which may include—

''(1) the development and distribution of poison prevention and poison control center awareness materials;

''(2) television, radio, Internet, and newspaper public service announcements; and

''(3) other activities to provide for public and professional awareness and education.

''(c) EVALUATION.—The Secretary shall—

''(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

''(2) on an annual basis, prepare and submit to the appropriate committees of Congress, an evaluation of the nationwide media campaign.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and $800,000 for each of fiscal years 2010 through 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d-73) is amended to read as follows:

''SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to poison control centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

''(b) ADDITIONAL USES OF FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

''(1) to establish and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

''(2) to research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures;

''(3) to improve national toxic exposure surveillance by enhancing cooperative activities between poison control centers in the United States and the Centers for Disease Control and Prevention;

''(4) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

''(5) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4);

''(6) to support and expand the toxicologic expertise within poison control centers; and

''(7) to improve the capacity of poison control centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

''(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

''(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

''(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

''(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirements of subsection (c) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

''(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

''(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence

shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

''(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State or local funds provided for such center.

''(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $27,500,000 for fiscal year 2009, and $28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

SA 5640. Mr. MENENDEZ (for Mr. BROWNBACK (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

SA 5641. Mr. MENENDEZ (for Mr. REID) proposed an amendment to the bill H.R. 4120, to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Clarifying ban of child pornography.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Sec. 201. Short title.

Sec. 202. Money laundering predicate.

Sec. 203. Knowingly accessing child pornography with the intent to view child pornography.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

SEC. 202. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, September 25, 2008, at 2:30 p.m. to hear testimony on the nominations of Gracia M. Hillman, Donetta Davidson, Rosemary E. Rodriguez, and Gineen Bresso Beach to be members of the Election Assistance Commission.

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202–224–7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be Authorized to meet during the session of the Senate on September 23, 2008 at 9:30 a.m., to conduct a hearing entitled ''Turmoil in U.S. Credit Markets: Recent Actions Regarding Government Sponsored Entities, Investment Banks and Other Financial Institutions.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 23, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 23, 2008 at 10 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Regulation of Greenhouse Gases under the Clean Air Act.''

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

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on Tuesday, September 23, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Covering the Uninsured: Making Health Insurance Markets Work.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Investing in a Skilled Workforce: Making the Best Use of Tax-Payer Dollars To Maximize Results'' on Tuesday, September 23, 2008. The hearing will commence at 9:30 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2008.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Barriers to Justice: Examining Equal Pay for Equal Work'' on Tuesday, September 23, 2008, at 10 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Wihout objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Judicial Nominations'' on Tuesday, September 23, 2008, at 3 p.m. in room SD–562 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2008.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 10 a.m. to conduct a hearing entitled ''After Action: A Review of the Combined Federal, State, and Local Activities to Respond and Recover from Hurricanes Gustav and Ike.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m. to hold an open hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 10:30 a.m. to conduct a hearing entitled ''A Reducing the Undercount in the 2010 Census.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, September 23, 2008, at 2:30 p.m. to conduct a hearing entitled ''A Reliance on Smart Power—Reforming the Public Diplomacy Bureaucracy.''

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

EXECUTIVE SESSION

EXTRADITION AGREEMENT WITH THE EUROPEAN UNION

EXTRADITION TREATY WITH LATVIA

EXTRADITION TREATY WITH MALTA

EXTRADITION TREATY WITH ESTONIA

EXTRADITION TREATY WITH BULGARIA AND AN AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS WITH BULGARIA

EXTRADITION TREATY WITH ROMANIA AND PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS WITH ROMANIA

TREATY WITH MALAYSIA ON MUTUAL LEGAL ASSISTANCE

PROTOCOL AMENDING 1980 TAX CONVENTION WITH CANADA

TAX CONVENTION WITH BULGARIA WITH PROPOSED PROTOCOL OF AMENDMENT

TAX CONVENTION WITH ICELAND

PARTIAL REVISION (1992) OF RADIO REGULATIONS (GENEVA 1979)

1995 REVISION OF RADIO REGULATIONS

INCENDIARY WEAPONS PROTOCOL

PROTOCOL ON BLINDING LASER WEAPONS

AMENDMENT TO ARTICLE 1 OF THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

TREATY WITH SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

MUTUAL LEGAL ASSISTANCE AGREEMENT WITH THE EUROPEAN UNION

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on the Executive Calendar: Calendar Nos. 12 to 23, 27, 28, 29, 32, and 33, and that the treaties be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee understandings, declarations, or conditions be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on, the motions to reconsider be considered made and laid on the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session with no other motions in order, all without interviewing action or debate.

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

The treaties and protocol will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

Mr. MENENDEZ. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the resolutions of ratification of these treaties will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

AGREEMENT ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Agreement on Extradition between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–14), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Provisional Arrests. No later than February 1, 2010, and every February 1 for an additional four years thereafter, the Attorney General, in coordination with the Secretary of State, shall prepare and submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate that contains the following information:

(1) The number of provisional arrests made by the United States during the previous calendar year under each bilateral extradition treaty with a Member State of the European Union, and a summary description of the alleged conduct for which provisional arrest was sought;

(2) The number of individuals who were provisionally arrested by the United States under each such treaty who were still in custody at the end of the previous calendar year, and a summary description of the alleged conduct for which provisional arrest was sought;

(3) The length of time between each provisional arrest listed under paragraph (1) and the receipt by the United States of a formal request for extradition; and

(4) The length of time that each individual listed under paragraph (1) was held by the United States or an indication that they are still in custody if that is the case.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Austria signed January 8, 1998, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of Belgium signed April 27, 1987, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus signed June 17, 1996, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty on Extradition between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and the Kingdom of Denmark signed June 22, 1972, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the United States of America and Finland signed June 11, 1976, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the

United States of America and France signed April 23, 1996, signed at The Hague on September 30, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition, signed at Washington on April 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty on Extradition between the United States of America and the Hellenic Republic, signed May 6, 1931, and the Protocol thereto signed September 2, 1937, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition signed December 1, 1994, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Ireland signed July 13, 1983, signed at Dublin on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Italian Republic signed October 13, 1983, signed at Rome on May 3, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Extradition between the United States of America and the European Union to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Brussels on June 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2 (a) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg signed October 1, 1996, signed at Washington on February 1, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of the Netherlands signed at The Hague on June 24, 1980, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the application of the Extradition Treaty between the United States of America and the Republic of Poland signed July 10, 1996, pursuant to Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument on Extradition between the United States of America and the Slovak Republic, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and

the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the Application of the Treaty on Extradition between the United States and the Kingdom of Serbia, signed October 25, 1901, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Spain signed May 29, 1970, and the Supplementary Treaties on Extradition signed January 25, 1975, February 9, 1988, and March 12, 1996, signed at Madrid on December 17, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Convention on Extradition between the United States of America and Sweden signed October 24, 1961, and the Supplementary Convention on Extradition between the United States of America and the Kingdom of Sweden signed March 14, 1983, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland signed March 31, 2003, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Latvia, signed at Riga on December 7, 2005 (Treaty Doc. 109–15), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006, with a related exchange of letters signed the same date (Treaty Doc. 109–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–16), subject to the declaration of section 2.

''Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and Romania, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters signed in Washington on May 26, 1999, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

TREATY WITH MALAYSIA ON MUTUAL LEGAL ASSISTANCE

Resolution of Advice and Consent to ratification.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed at Kuala Lumpur on July 28, 2006 (Treaty Doc. 109–22), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL AMENDING 1980 TAX CONVENTION WITH CANADA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration and a condition.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the ''Protocol'') (Treaty Doc. 110–15), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report.

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration boards, including conflict of interest rules to be applied to members of the arbitration board, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

The Secretary of Treasury shall also, prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the ''2006 German Protocol'') (Treaty Doc. 109–20) and the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the ''Belgium Convention'') (Treaty Doc. 110–3), transmit the text of the rules of procedure applicable to the first arbitration board agreed to under each treaty to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. 60 days after a determination has been reached by an arbitration board in the tenth arbitration proceeding conducted pursuant to either this Protocol, the 2006 German Protocol, or the Belgium Convention, the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, along with the following additional information regarding these cases:

a. The number of such cases by treaty article(s) at issue;

b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and

c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, with the following information regarding each and every case:

a. The commencement date of the case for purposes of determining when arbitration is available;

b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner and which competent authority initiated the case;

c. Which treaty the case relates to;

d. The treaty article(s) at issue in the case;

e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;

f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and

g. The date on which a determination was reached by the arbitration board, if a determination was reached, and an indication as to whether the board found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration board pursuant to this Protocol, the 2006 German Protocol, or the Belgium Convention, the following information shall be included:

a. An indication as to whether the determination of the arbitration board was accepted by each concerned person;

b. The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available; and

c. The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration board.

3. The Secretary of Treasury shall, in addition, prepare and submit the detailed report described in paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of an arbitration board, and noted as such in prior reports may be omitted.

TAX CONVENTION AND PROTOCOL WITH BULGARIA WITH PROPOSED PROTOCOL OF AMENDMENT

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007, as well as the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

TAX CONVENTION WITH ICELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed at Washington on October 23, 2007 (Treaty Doc. 110–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

1992 PARTIAL REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC–92) (the ''1992 Final Acts'') (Treaty Doc. 107–17), subject to declarations and reservations Nos. 67, 79, and 80 of the 1992 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

1995 REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservations and declarations.

The Senate advises and consents to the ratification of the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC–95) (the ''1995 Final Acts'') (Treaty Doc. 108–28), subject to declarations and reservations Nos. 67(3), 68, 78, and 82 of the 1995 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

CCW PROTOCOL ON INCENDIARY WEAPONS (PROTOCOL III)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, an understanding, and a declaration.

The Senate advises and consents to the ratification of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to

be Excessively Injurious or to Have Indiscriminate Effects (Protocol III), adopted at Geneva on October 10, 1980 (Treaty Doc. 105–1(B)), subject to the reservation of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

The United States of America, with reference to Article 2, paragraphs 2 and 3, reserves the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons, but in so doing will take all feasible precautions with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 4. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON BLINDING LASER WEAPONS (PROTOCOL IV)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to an understanding and a declaration.

The Senate advises and consents to the ratification of the Protocol on Blinding Laser Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol IV), adopted at Vienna on October 13, 1995 (Treaty Doc. 105–1(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America with respect to Article 2 that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

AMENDMENT TO ARTICLE 1 OF CONVENTION ON CONVENTIONAL WEAPONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on December 21, 2001 (Treaty Doc. 109–10(B)), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing. This Treaty does not confer private rights enforceable in United States courts.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Austria on Mutual Legal Assistance Matters signed February 23, 1995, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2,

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of Belgium on Mutual Legal Assistance in Criminal Matters signed January 28, 1988, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed December 20, 1999, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration;

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the Kingdom of Denmark and the United States of America as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters signed April 2, 1998, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the United States of America and the Republic of Finland, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and France signed December 10, 1998, signed at The Hague on September 30, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing:

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed May 26, 1999, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters signed December 1, 1994, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters signed January 18, 2001, signed at Dublin on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters signed November 9, 1982, signed at Rome on May 3, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Riga on December 7, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein).

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Brussels on June 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2(a) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters signed March 13, 1997, signed at Washington on February 1, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters signed at The Hague on June 12, 1981, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the Application of the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Slovak Republic, as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice And Consent subject to a declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain signed November 20, 1990, signed at Madrid on December 17, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters signed December 17, 2001, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein)

Section 1. Senate Advice and Consent subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed January 6, 1994, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

LEGISLATIVE SESSION

HOMELAND SECURITY AMENDMENT ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 952, S. 3328.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3328) to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority.

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

Mr. MENENDEZ. I ask unanimous consent that the Lieberman amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

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

The amendment (No. 5638) was agreed to, as follows:

(Purpose: To provide for additional oversight)

On page 3, line 5, strike ''Affairs of'' and insert: ''Affairs and the Committee on Commerce, Science, and Transportation of''.

The bill (S. 3328), as amended, was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 3328

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

SECTION 1. ONE-YEAR EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking ''Until September 30, 2008, the Secretary may carry out a pilot program'' and inserting ''If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program''; and

(B) in paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(2) in subsection (b)—

(A) by striking ''(b) REPORT.—Not later than 2 years'' and inserting ''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 2 years'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

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

''(2) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

''(B) CONTENT.—The report required under subparagraph (A) shall include the following:

''(i) The technology areas in which research projects were conducted under other transactions.

''(ii) The extent of the cost-sharing among Federal and non-Federal sources.

''(iii) The extent to which use of the other transactions—

''(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

''(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

''(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.''.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 953, H.R. 3068.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 3068

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 ''Federal Protective Service Guard Contracting Reform Act of 2008''.

SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

(B) may consider permanent or interim prohibitions when promulgating the regulations.

(2) CONTENTS.—The regulations under this subsection shall—

(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

Not later than 18 months after the date of enactment of the Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

Mr. MENENDEZ. I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

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

The bill (H.R. 3068), as amended, was read the third time and passed.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2007

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 961, S. 1255.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1255) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, as follows:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.]

S. 1255

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 ''Indian Arts and Crafts Amendments Act of 200**[**7**]** *8*''.

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305d) is amended to read as follows:

''SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

''(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

[''(b) CONDUCT OF INVESTIGATIONS.—Any Federal law enforcement officer may conduct an investigation relating to a violation of this Act that occurs on land under the jurisdiction of the Federal Government.**]**

''(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

''(c) CRIMINAL PROCEEDINGS.—

''(1) INVESTIGATION.—

''(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

''(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

''(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be sub*mitted, as appropriate, to*—**[**mitted to—

''(A) the Attorney General; or**]**

''*(A) a Federal or State prosecuting authority; or*

''(B) the Board.

''(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

''(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

''(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

''(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6.''.

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDIAN.—The term 'Indian' means an individual that—

''(A) is a member of an Indian tribe; or

''(B) is certified as an Indian artisan by an Indian tribe.

''(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

''(3) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in subsection (b) (as redesignated by paragraph (2)), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking ''suit'' and inserting ''the civil action'';

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

''(A) the Attorney General, at the request of the Secretary acting on behalf of—

''(i) an Indian tribe;

''(ii) an Indian; or

''(iii) an Indian arts and crafts organization;

''(B) an Indian tribe, acting on behalf of—

''(i) the Indian tribe;

''(ii) a member of that Indian tribe; or

''(iii) an Indian arts and crafts organization;

''(C) an Indian; or

''(D) an Indian arts and crafts organization.

''(2) DISPOSITION OF AMOUNTS RECOVERED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

''(B) EXCEPTIONS.—

''(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

''(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

''(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

''(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

''(I) the amount of the cost of the civil action; and

''(II) reasonable attorney's fees.''; and

(7) in subsection (e), by striking ''(e) In the event that'' and inserting the following:

''(e) SAVINGS PROVISION.—If''.

SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

''(1) in the case of a first violation by that person—

''(A) if the applicable goods are offered or displayed for sale at a total price of $1,000 or more, or if the applicable goods are sold for a total price of $1,000 or more—

''(i) in the case of an individual, be fined not more than $250,000, imprisoned for not more than 5 years, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $1,000,000; and

''(B) if the applicable goods are offered or displayed for sale at a total price of less than $1,000, or if the applicable goods are sold for a total price of less than $1,000—

''(i) in the case of an individual, be fined not more than $25,000, imprisoned for not more than 1 year, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $100,000; and

''(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

''(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

''(B) in the case of a person other than an individual, be fined not more than $5,000,000.''; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

Mr. MENENDEZ. I ask unanimous consent that the committee-reported amendments be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1255), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1255

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 ''Indian Arts and Crafts Amendments Act of 2008''.

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305d) is amended to read as follows:

''SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

''(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

''(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

''(c) CRIMINAL PROCEEDINGS.—

''(1) INVESTIGATION.—

''(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

''(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

''(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

''(A) a Federal or State prosecuting authority; or

''(B) the Board.

''(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

''(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

''(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

''(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6.''.

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist

therein, and for other purposes'' (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDIAN.—The term 'Indian' means an individual that—

''(A) is a member of an Indian tribe; or

''(B) is certified as an Indian artisan by an Indian tribe.

''(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

''(3) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in subsection (b) (as redesignated by paragraph (2)), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking ''suit'' and inserting ''the civil action'';

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

''(A) the Attorney General, at the request of the Secretary acting on behalf of—

''(i) an Indian tribe;

''(ii) an Indian; or

''(iii) an Indian arts and crafts organization;

''(B) an Indian tribe, acting on behalf of—

''(i) the Indian tribe;

''(ii) a member of that Indian tribe; or

''(iii) an Indian arts and crafts organization;

''(C) an Indian; or

''(D) an Indian arts and crafts organization.

''(2) DISPOSITION OF AMOUNTS RECOVERED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

''(B) EXCEPTIONS.—

''(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

''(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

''(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

''(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

''(I) the amount of the cost of the civil action; and

''(II) reasonable attorney's fees.''; and

(7) in subsection (e), by striking ''(e) In the event that'' and inserting the following:

''(e) SAVINGS PROVISION.—If''.

SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

''(1) in the case of a first violation by that person—

''(A) if the applicable goods are offered or displayed for sale at a total price of $1,000 or more, or if the applicable goods are sold for a total price of $1,000 or more—

''(i) in the case of an individual, be fined not more than $250,000, imprisoned for not more than 5 years, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $1,000,000; and

''(B) if the applicable goods are offered or displayed for sale at a total price of less than $1,000, or if the applicable goods are sold for a total price of less than $1,000—

''(i) in the case of an individual, be fined not more than $25,000, imprisoned for not more than 1 year, or both; and

''(ii) in the case of a person other than an individual, be fined not more than $100,000; and

''(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

''(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

''(B) in the case of a person other than an individual, be fined not more than $5,000,000.''; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008, PART II

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6984, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6984) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

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

Mr. KERRY. Mr. President, I want to say a few words about the FAA's Disadvantaged Business Enterprise, DBE, Program and the Airport Concessions Disadvantaged Business Enterprise, ACDBE, Program. As we are all aware, case law over the past decade has made clear that Federal race-conscious programs are subject to strict constitutional scrutiny to ensure that programs serve a compelling governmental interest and are narrowly tailored to address that interest. Gender-conscious programs must meet heightened scrutiny to ensure that there is an exceedingly persuasive justification for the program. Still, under any reading of constitutional law, race- and gender-conscious programs are clearly permitted to remedy current discrimination and the present-day effects of past discrimination where there is a strong basis in evidence that such discrimination exists. As the Commerce Committee is aware, discrimination in business practices continues to be a serious problem. There are countless disparity studies and examinations of this topic and for that reason we have made only minor changes to the DBE and ACDBE program over time. Taken as a whole, the quantitative and qualitative evidence clearly suggests that discrimination remains a serious problem in our Nation.

I serve both as a member of the Commerce Committee and as chairman of the Senate Small Business Committee. In these roles, I have the opportunity to review enormous amounts of information about discrimination against women and minority entrepreneurs throughout our economy and across our Nation. While we have made very real progress over the time that I have been in the Senate, there is no doubt that a lot of work remains to be done. Programs such as the DBE and ACDBE programs are making an important difference by offering real opportunities to companies that otherwise might not ever get a chance to compete. These programs are critically important in airport-related industries as well as in other areas of Federal contracting.

The statistics are telling. On May 22, 2007, I held a hearing in the Small Business Committee addressing the effectiveness of SBA's programs for minority businesses. One economist who testified, Dr. Jon Wainwright, presented a number of troubling statistics to the committee. For instance, he explained that according to the most recent economic census data available, while African Americans constitute 12.7 percent of the population, they own only 5.3 percent of businesses and those businesses account for only 1 percent of business sales and receipts. Latinos are 13.4 percent of the population, but only 7 percent of businesses and 2.5 percent of business sales and receipts. Dr. Wainwright also noted that Asian and Pacific Islanders own 5 percent of businesses but earned only 3.8 percent of business sales and receipts and Native Americans constituted .9 percent of the

business population but earned only .3 percent of business sales and receipts. For women the numbers are also shocking: women constitute 50.9 percent of the population but own only 28.9 percent of businesses and receive only 10.7 percent of business sales and receipts.

Dr. Wainwright went on to explain that these disparities in business ownership and earnings exist in all 50 States and the District of Columbia and that similar outcomes had been evident in all previous versions of this same survey over the past 35 years. He also stated that he had conducted further analyses to determine whether the types of disparities he had observed were caused by discrimination or some other factor. He explained that he had conducted regression analyses to account for geography, industry, labor market status, age, and education among other factors. Even when this regression analysis was conducted, the disparities remained large, negative, and statistically significant for African Americans, Hispanics, Asian/Pacific Islander Americans, Native Americans, and women suggesting that race and gender discrimination are the cause.

Also troubling were Dr. Wainwright's comments on small business finance issues. We know that credit is the lifeblood of entrepreneurship, but it turns out that minority business owners are far more likely to be denied credit than nonminority owners. Dr. Wainwright explained that these findings held up even when regression analyses were conducted to adjust for a number of balance sheet, credit history, and other characteristics. And Dr. Wainwright found that women were also likely to face some discrimination in credit markets. Dr. Wainwright was only one witness at the May 22 hearing and there were several others whose testimony was equally compelling. The fact is that discrimination remains a very serious problem in Federal contracting markets across this country.

More recently, on September 11, 2008, our committee held another hearing on discrimination against minority- and women-owned businesses which focused on discrimination in access to capital. During the hearing we heard testimony from several witnesses about the serious barriers that minority- and women-owned businesses confront when attempting to obtain capital to start up, grow, and flourish. In the context of the FAA extension bill before us today, I want to specifically highlight the testimony of Don O'Bannon who is the current chair of the Airport Minority Advisory Council or AMAC. Mr. O'Bannon explained that, in his experience, access to capital is an enormous hurdle for minority- and women-owned businesses in airport-related industries. He gave us specific real-life examples of firms that had attempted to obtain both venture capital and more conventional debt capital and encountered extraordinary barriers due to discrimination that compromised their ability to grow and succeed.

Of course, there are many other sources of information about discrimination in contracting. Literally hundreds of disparity studies have been conducted around the country that contain compelling statistical data about discrimination in the public and private marketplaces related to airport-related contracting. Just a few of the studies that have been conducted recently and include airport-related data were put into the record by Mr. O'Bannon during our recent hearing. These include: ''Race, Sex and Business Enterprise: Evidence from Denver, CO,'' NERA Economic Consulting, May 5, 2006; ''Dallas/Fort Worth International Airport Board Disparity Study Final Report,'' MGT of America, October 17, 2000; ''The City of Phoenix, Minority-, Women-Owned and Small Business Enterprise Program Update Study: Final Report,'' MGT of America, April 21, 2005; ''Race, Sex and Business Enterprise: Evidence from the State of Maryland,'' NERA Economic Consulting, March 8, 2006; ''Final Report: Broward County Small Disadvantaged Business Enterprise (SDBE) Disparity Study,'' MGT of America, Inc., April 3, 2001; and ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport, (BNA),'' Griffin and Strong, PC, September 19, 2007. There are hundreds of additional studies, including many relevant studies that cover entities other than airports but that analyze the same industries and enterprise populations that do airport-related work.

But the statistics can only tell part of the story. Overlooked aspects of disparity studies are the sections that address anecdotal evidence. These are the accounts that individual business people give about the challenges they confront in doing business. When you read these studies, it quickly becomes clear that discrimination remains a problem at literally every stage of the business process. It is harder for women and minority entrepreneurs to start companies. They often are denied credit even when they have the same creditworthiness of male, nonminority entrepreneurs. And because of past discrimination, minority entrepreneurs often do not have access to family wealth. As one African-American contractor reported in a study about discrimination in the state of Massachusetts:

> Now I go to the bank—again I've been in business for 28 years, I've been very successful at times—I go to the bank and say ''Okay. I need a $250,000 line of credit.'' I walk out of there with $50,000. A [White] gentleman that used to work with me was a former partner of mine, left, went to the same bank, and walked away with $1.2 million. Okay? Now he walked away because his house is not mortgaged. So he has equity that they can touch to go back if he doesn't make payments. They are looking at me and saying, ''He's already leveraged himself. He doesn't have anything that I can touch.'' So they don't want to give me any money. And not that the fact of my business—my business is very solid. It's just they won't give it to me because I started with nothing and I've taken everything I've had and put it into the businesses. They still think I'm worth nothing. That's . . . discrimination . . . which is where minorities and women who start from scratch and build their businesses up, that's where we get hurt. That's where it comes back to backfire, because we don't have that same leverage that somebody who either inherited a business or had family that gave them land or some sort of inheritance that they got some money.

That is from ''Race, Sex and Business Enterprise: Evidence from the Commonwealth of Massachusetts,'' Volume 1, NERA Economic Consulting, at 218–219.

Even once minorities and women manage to start up a business they face serious discrimination in every stage of the contracting process. Sometimes that discrimination comes in the form of explicit gender or racial harassment. In a study dealing with the State of Texas, one Hispanic-American woman business owner related the following story:

> Some [of my male colleagues] do not want to work with a woman. They feel they are wasting their time. [On one occasion] a guy took me to check on a project, and when he got out of his truck, he wanted me to touch him. I said, ''Come on, let's get back to work.'' I had to be very strong with him. There are not many women builders in the residential construction industry either.

That is from ''Update of the State of Texas Disparity Study,'' Mason Tillman Associates, Ltd., January 2007, at 9–8.

Another Hispanic-American woman contractor in Texas explained that sometimes the discrimination is not so direct, but it is still unmistakable. She stated:

> As a young woman, there have been several occasions where I was told that if I really wanted an award, there were other ways I could get it. This was not said directly to me, it was implied [by] a White male [manager] at a [State] university.

That is from ''Update of the State of Texas Disparity Study,'' Mason Tillman Associates, Ltd., January 2007, at 9–8.

Sometimes the harassment rises to the level of threats of violence against a business owner or their property. In the NERA Commonwealth of Massachusetts study, one African-American businessman even gave an account of a threat to blow up his truck.

That is from ''Race, Sex and Business Enterprise: Evidence from the Commonwealth of Massachusetts, Volume 1,'' NERA Economic Consulting, at 219.

Even when discrimination does not involve explicit harassment or threats, it still poses barriers to minority and women business owners. Unfortunately, the ''old boy network'' continues to be a problem in many industries. An analysis of the experiences of business owners in a study of contracting by the airport in Nashville, TN, demonstrates that discrimination not only hurts minority- and women-owned businesses, but it can also drive up the price of doing business:

[One business owner] said his firm has tried to get in on airport work and, in one instance, partnered with a much more experienced firm to get into one particular area of construction only to find that ''a couple of firms had a lock on it''. According to [this firm], it is hard to get jobs because people tend to use the same companies. [The business owner] said he believes that subcontractors tell ''their'' bidders where to come in with their numbers and they tell them where they can make up the difference on the project and how to pursue change orders. By the end of a project, his competitors have been paid more than his original estimate, which was rejected for being too high.

That is from ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport,'' BNA, Griffin and Strong, PC, September 19, 2007, at 163.

Another business owner in Nashville was explicit about the informal networks that impose barriers on minority businesses and the need for programs like the DBE and ACDBE program to address these impediments. The study stated:

According to [one business owner], the airport made a mistake in disbanding SMWBE requirements because there are still a lot of ''good old boys'' playing golf and the like. Having a diversity manager helps ''level the playing field'' and provides ''checks and balances''.

That is from ''Final Report for Development and Revision of Small, Minority and Women Business Enterprise Program, Nashville International Airport,'' BNA, Griffin and Strong, PC, September 19, 2007, at 164.

Another point that these studies make clear is that discrimination against business owners is something that is experienced by all minority groups and women. It is not limited to only some groups. One study summarized its analysis of anecdotal evidence as follows:

Nineteen percent of the respondents indicated that they had experienced discrimination because of race, ethnicity, or gender on one or more occasions (three percent very often, 10 percent sometimes, and six percent seldom). Forty percent reported they had not experienced discrimination. The fact that 19 percent of respondents reported experiencing discrimination on at least an occasional basis suggests that discrimination is not confined to isolated incidents. The 19 percent that experienced discrimination account for 63 surveyed respondents categorized as follows: 22 African Americans, 17 Hispanic Americans, 16 non-minority females, two Asian Americans, two non-minority males, and one Native American. Three people reported discriminatory incidents but did not indicate their demographic background.

That is from ''Final Report: Broward County Small Disadvantaged Business Enterprise (SDBE) Disparity Study,'' MGT of America, Inc., April 3, 2001, at 6–30.

These examples I have given are but a few from the voluminous body of research about race and gender discrimination in business. The evidence is troubling and should cause all of us to redouble our efforts to ensure that we do everything we can to eliminate the barriers confronted by women and minority business owners. The DBE and ACDBE program are indispensable tools in this effort.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6984) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR THE APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 971, S. 2816.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2816) to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 2816) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2816

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

SECTION 1. APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER BY THE SECRETARY OF HOMELAND SECURITY.

Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(1) by striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2932, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2932) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the substitute amendment which is at the desk be agreed to, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 5639) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Poison Center Support, Enhancement, and Awareness Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Poison control centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison control centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4,000,000 calls were managed by poison control centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3,000,000 and 5,000,000 poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1,200,000 days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine of the National Academy of Sciences recommended that ''Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than $100 million annually.''.

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every $1 invested in the Nation's poison control centers $7 of health care costs are saved. In 2005, direct Federal

health care program savings totaled in excess of $525,000,000 as the result of poison control center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison control centers are realized annually by Federal health care programs (estimated to be more than $1,000,000,000), yet Federal funding support (as demonstrated by the annual authorization of $30,100,000 in Public Law 108-194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison control centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison control centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

SEC. 3. REAUTHORIZATION OF POISON CONTROL CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d-71) is amended to read as follows:

"SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

''(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison control centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2009 to carry out this section, and $700,000 for each of fiscal years 2010 through 2014 for the maintenance of the nationwide toll free phone number under subsection (a).''.

SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d-72) is amended to read as follows:

"SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CONTROL CENTER UTILIZATION.

''(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

''(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with one or more public or private entities, including nationally recognized organizations in the field of poison control and national media firms, for the development and implementation of a nationwide poison prevention and poison control center awareness campaign, which may include—

''(1) the development and distribution of poison prevention and poison control center awareness materials;

''(2) television, radio, Internet, and newspaper public service announcements; and

''(3) other activities to provide for public and professional awareness and education.

''(c) EVALUATION.—The Secretary shall—

''(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

''(2) on an annual basis, prepare and submit to the appropriate committees of Congress, an evaluation of the nationwide media campaign.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009, and $800,000 for each of fiscal years 2010 through 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

SEC. 5. REAUTHORIZATION OF THE POISON CONTROL CENTER GRANT PROGRAM.

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d-73) is amended to read as follows:

"SEC. 1273. MAINTENANCE OF THE POISON CONTROL CENTER GRANT PROGRAM.

''(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to poison control centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

''(b) ADDITIONAL USES OF FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant, contract, or cooperative agreement under such subsection may also use amounts received under such grant, contract, or cooperative agreement—

''(1) to establish and evaluate best practices in the United States for poison prevention, poison control center outreach, and emergency and preparedness programs;

''(2) to research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures;

''(3) to improve national toxic exposure surveillance by enhancing cooperative activities between poison control centers in the United States and the Centers for Disease Control and Prevention;

''(4) to develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data;

''(5) to develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4);

''(6) to support and expand the toxicologic expertise within poison control centers; and

''(7) to improve the capacity of poison control centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

''(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may award a grant to a poison control center under subsection (a) only if—

''(1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

''(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

''(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirements of subsection (c) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

''(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

''(3) LIMITATION.—In no case may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

''(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State or local funds provided for such center.

''(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $27,500,000 for fiscal year 2009, and $28,600,000 for each of fiscal years 2010 through 2014. The Secretary may utilize not to exceed 8 percent of the amount appropriated under this preceding sentence in each fiscal year for coordination, dissemination, technical assistance, program evaluation, data activities, and other program administration functions that do not include grants, contracts, or cooperative agreements under subsections (a) and (b), which are determined by the Secretary to be appropriate for carrying out the program under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

The bill (S. 2932), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PRENATALLY AND POSTNATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 1810.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1810) to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2008 through 2012.''.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table; and that any statements be printed in the RECORD.

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

The amendment (No. 5640) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prenatally and Postnatally Diagnosed Conditions Awareness Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) increase patient referrals to providers of key support services for women who have received a positive diagnosis for Down syndrome, or other prenatally or postnatally diagnosed conditions, as well as to provide up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

(2) strengthen existing networks of support through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other patient and provider outreach programs; and

(3) ensure that patients receive up-to-date, evidence-based information about the accuracy of the test.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399R. SUPPORT FOR PATIENTS RECEIVING A POSITIVE DIAGNOSIS OF DOWN SYNDROME OR OTHER PRENATALLY OR POSTNATALLY DIAGNOSED CONDITIONS.

''(a) DEFINITIONS.—In this section:

''(1) DOWN SYNDROME.—The term 'Down syndrome' refers to a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means any person or entity required by State or Federal law or regulation to be licensed, registered, or certified to provide health care services, and who is so licensed, registered, or certified.

''(3) POSTNATALLY DIAGNOSED CONDITION.—The term 'postnatally diagnosed condition' means any health condition identified during the 12-month period beginning at birth.

''(4) PRENATALLY DIAGNOSED CONDITION.—The term 'prenatally diagnosed condition' means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

''(5) PRENATAL TEST.—The term 'prenatal test' means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results, or other risk factors.

''(b) INFORMATION AND SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, or the Administrator of the Health Resources and Services Administration, may authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities, to—

''(A) collect, synthesize, and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

''(B) coordinate the provision of, and access to, new or existing supportive services for patients receiving a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions, including—

''(i) the establishment of a resource telephone hotline accessible to patients receiving a positive test result or to the parents of newly diagnosed infants with Down syndrome and other diagnosed conditions;

''(ii) the expansion and further development of the National Dissemination Center for Children with Disabilities, so that such Center can more effectively conduct outreach to new and expecting parents and provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes;

''(iii) the expansion and further development of national and local peer-support programs, so that such programs can more effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

''(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

''(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or a political subdivision of a State;

''(B) a consortium of 2 or more States or political subdivisions of States;

''(C) a territory;

''(D) a health facility or program operated by or pursuant to a contract with or grant from the Indian Health Service; or

''(E) any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions (including nationally recognized disability groups), as determined by the Secretary.

''(3) DISTRIBUTION.—In distributing funds under this subsection, the Secretary shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

''(c) PROVISION OF INFORMATION TO PROVIDERS.—

''(1) IN GENERAL.—A grantee under this section shall make available to health care providers of parents who receive a prenatal or postnatal diagnosis the following:

''(A) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational, and psychosocial outcomes.

''(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

''(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

''(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

''(B) approved by the Secretary.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1810), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4120, the Effective Child Pornography Prosecution Act, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4120) to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

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

Mr. MENENDEZ. Mr. President, I further ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements be printed in the RECORD.

The amendment (No. 5641) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Clarifying ban of child pornography.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

Sec. 201. Short title.
Sec. 202. Money laundering predicate.
Sec. 203. Knowingly accessing child pornography with the intent to view child pornography.

TITLE I—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the ''Effective Child Pornography Prosecution Act of 2007''.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Child pornography is estimated to be a multibillion dollar industry of global proportions, facilitated by the growth of the Internet.

(2) Data has shown that 83 percent of child pornography possessors had images of children younger than 12 years old, 39 percent had images of children younger than 6 years old, and 19 percent had images of children younger than 3 years old.

(3) Child pornography is a permanent record of a child's abuse and the distribution of child pornography images revictimizes the child each time the image is viewed.

(4) Child pornography is readily available through virtually every Internet technology, including Web sites, email, instant messaging, Internet Relay Chat, newsgroups, bulletin boards, and peer-to-peer.

(5) The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography over the Internet has resulted in an explosion in the multijurisdictional distribution of child pornography.

(6) The Internet is well recognized as a method of distributing goods and services across State lines.

(7) The transmission of child pornography using the Internet constitutes transportation in interstate commerce.

SEC. 103. CLARIFYING BAN OF CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

TITLE II—ENHANCING THE EFFECTIVE PROSECUTION OF CHILD PORNOGRAPHY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the ''Enhancing the Effective Prosecution of Child Pornography Act of 2007''.

SEC. 202. MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States),'' before ''section 2280''.

SEC. 203. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

The bill (H.R. 4120) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE ALVIN AILEY AMERICAN DANCE THEATER

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 490 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 490) recognizing the Alvin Ailey American Dance Theater for 50 years of service to the performing arts.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas the Alvin Ailey American Dance Theater (AAADT) is widely recognized as one of the world's premier modern dance companies;

Whereas AAADT is dedicated to promoting the uniqueness of the African-American cultural experience, to preserving the heritage of modern dance, and to bringing modern dance to people around the globe;

Whereas, over its 50-year history, AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas AAADT tours more than any other performing arts company in the world;

Whereas AAADT's signature work, ''Revelations'', has been seen by more people around the globe than any other work of dance;

Whereas AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas AAADT's home in New York City, The Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making AAADT the first dance company to be so honored;

Whereas AAADT has performed for United States Presidents and foreign leaders throughout the company's 50-year history, including performances in 1968 for President Johnson, in 1977 at the inaugural gala for President Carter, in 1993 at the inaugural gala for President Clinton, and in 2003 at a state dinner honoring President Mwai Kibaki of Kenya;

Whereas, over the years, AAADT has brought the culture of the United States to audiences around the world with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, 2 unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic Games, the 2005 Stars of the White Nights festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds with the opportunity to explore their creative potential and build their self-esteem through its Arts in Education and Community Programs, which includes 9 Ailey Camps in cities across the United States;

Whereas Ailey II, the junior company to AAADT, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the Alvin Ailey American Dance Theater (AAADT) for 50 years of service as a cultural ambassador of the United States to the world, by bringing world-class American modern dance to an estimated 21,000,000 people around the globe;

(2) recognizes that AAADT has been a true pioneer in the world of dance by establishing an extended cultural community that provides dance performances, training, and community programs to all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and the extensive and innovative Arts in Education and Community Programs of AAADT train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SLOOP-OF-WAR USS CONSTELLATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 1030, S. Res. 540.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 540) recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 540) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 540

Whereas, on September 17, 1787, the Constitution of the United States was adopted,

and article I, section 9 declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas, in 1794, the United States Congress passed ''An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country'', approved March 22, 1794 (1 Stat. 347), thus beginning the efforts of the United States to halt the slave trade;

Whereas, on May 10, 1800, Congress enacted a law that outlawed all participation by people in the United States in the international trafficking of slaves and authorized the United States Navy to seize vessels flying the flag of the United States engaged in the slave trade;

Whereas, on March 2, 1807, President Thomas Jefferson signed into law ''An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first of January, in the year of our Lord one thousand eight hundred and eight'' (2 Stat. 426);

Whereas, on January 1, 1808, the prohibition on the importation of slaves into the United States took effect;

Whereas, on March 3, 1819, Congress authorized the Navy to cruise the coast of Africa to suppress the slave trade, declaring that Africans on captured ships be placed under Federal jurisdiction and authorizing the President to appoint an agent in Africa to facilitate the return of captured Africans to the continent;

Whereas, in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships, and Great Britain negotiated with many other countries to obtain the right to search vessels suspected of engaging in the slave trade;

Whereas, on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and that those convicted of trading slaves were subject to the death penalty;

Whereas the Webster-Ashburton Treaty between Great Britain and the United States, signed August 9, 1842, provided that both countries would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade;

Whereas, in 1843, the newly formed United States African Squadron sailed for Africa and remained in operation until the Civil War erupted in 1861;

Whereas, in 1859, the USS Constellation, the last all-sail vessel designed and built by the United States Navy, sailed to West Africa as the flagship of the United States African Squadron, which consisted of 8 ships, including 4 steam-powered vessels suitable for chasing down and capturing slave ships;

Whereas, on December 21, 1859, the USS Constellation captured the brig Delicia after a 10-hour chase, and although the Delicia had no human cargo on board upon capture, the crew had been preparing the ship to take on slaves;

Whereas, on the night of September 25, 1860, the USS Constellation spotted the barque Cora near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her permanent ''slave deck'';

Whereas after capturing the Cora, a detachment of the Constellation's crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans, which became the destination for all Africans freed on slave ships captured by the United States Navy;

Whereas, on May 21, 1861, the USS Constellation captured the brig Triton, and although the Triton did not have Africans captured for slavery on board when intercepted by the Constellation, a search confirmed that the ship had been prepared to take on slaves;

Whereas the Triton, registered in Charleston, South Carolina, was one of the first Union naval captures of the Civil War;

Whereas, from 1859 to 1861, the USS Constellation and the United States African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the squadron under previous commanders; and

Whereas, on September 25, 2008, the USS Constellation Museum will hold a ceremony to commemorate the bicentennial of the abolition of the transatlantic slave trade aboard the same ship that, 148 years before, forced the capitulation of the slave ship Cora and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical and educational significance of the USS Constellation, a 153-year-old warship berthed in Baltimore, Maryland, as a reminder of both the participation of the United States in the slave trade and the efforts of the United States Government to suppress the inhumane practice;

(2) applauds the preservation of the historic vessel and the efforts of the USS Constellation Museum to engage people from all over the world with this vital part of our history; and

(3) supports the USS Constellation as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the transatlantic slave trade in 2008.

HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 101, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 101) honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 101) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 101

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house, library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 678, submitted earlier today by Senator STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 678) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 678) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 678

Whereas ovarian cancer is the deadliest of all gynecological cancers, and the reported incidence of ovarian cancer is increasing over time;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap smear is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable and easy-to-administer screening test used for the early detection of ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms, among several other symptoms that are easily confused with other diseases;

Whereas due to the lack of a reliable early screening test, 75 percent of cases of ovarian cancer are detected at an advanced stage, when the 5-year survival rate is only 50 percent, a much lower rate than for many other cancers;

Whereas if ovarian cancer is diagnosed and treated at an early stage before the cancer spreads outside of the ovary, the treatment is potentially less costly, and the survival rate is as high as 90 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and play an important role in the prevention of the disease;

Whereas awareness and early recognition of ovarian cancer symptoms are currently the best way to save women's lives;

Whereas the Ovarian Cancer National Alliance, during the month of September, holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2008 has been designated by the President as National Ovarian Cancer Awareness Month: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

SUPPORTING THE GOALS AND IDEAS OF NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 661, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 661) supporting the goals and ideals of National Spina Bifida Awareness Month.

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

Mr. DODD. Mr. President, I rise today to support, with Senator WICKER, a resolution to raise awareness about spina bifida, the most common, permanently disabling birth defect. This often devastating birth defect occurs during the first month of pregnancy when the spine fails to close completely, leaving a permanent opening and resulting in a multitude of serious medical complications.

Thanks to modern medicine and technological advances, most babies born with spina bifida—1,500 to 2,000 a year—survive, and many are now living longer than ever before. It is estimated that in the United States no less than 70,000 people, and possibly as many as 130,000 people, currently live with spina bifida. This is wonderful progress, but there are substantial hurdles that can prevent those with spina bifida from reaching their full potential.

For a person with spina bifida, the body, mind, and spirit are all under assault. Most children with the worst form of spina bifida must undergo a surgery to insert a permanent shunt to drain fluid from the brain for the duration of their lives. People with spina bifida may endure any combination of full or partial paralysis, seizures, bladder and bowel problems, latex allergies, learning disabilities, depression, and other psychosocial issues. The promise of an extended life expectancy for individuals with spina bifida may be dampened by the new challenges they face in education, job training, independent living, health care for secondary conditions and aging concerns. Far more needs to be done to improve the quality of life for those suffering with spina bifida.

I applaud the groups that labor so diligently to offer support to the many Americans with spina bifida and their families. In particular, I extend my gratitude to the Spina Bifida Association, which has been dedicated to this important issue for more than three decades. They are steadfast advocates for those whose lives have been touched by spina bifida, working across our Nation to improve lives through education, research, and service.

The Spina Bifida Association, together with the National Spina Bifida Program at the Centers for Disease Control and Prevention and other groups, is working hard to spread the word to the 65 million women at risk of having a baby born with spina bifida. On any given day in the United States, eight births are affected by spina bifida or a similar birth defect of the brain and spine. It is estimated that 70 percent of birth defects such as spina bifida are preventable by consuming an adequate amount of folic acid prior to pregnancy. This is a simple step that women can take to reduce their risk, but far more outreach and education is required to reach women with this important message.

It is time to renew our efforts to prevent spina bifida and help the many individuals and families living with spina bifida. The resolution we will adopt today calls for a greater commitment to spina bifida prevention and to improving the quality of life of those affected by it, increased funding for evidence-based spina bifida research, and further development of the National Spina Bifida Patient Registry. Taken together, these efforts will help decrease the incidence of spina bifida and improve available treatments and quality of life for those living with it. I wholeheartedly urge my colleagues to join with me in support of this resolution.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 661) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas spina bifida is the most common, permanently disabling birth defect;

Whereas spina bifida occurs during the first month of pregnancy and leaves a permanent opening in the spinal column that subsequently impacts nearly every organ system;

Whereas an estimated 70,000 to 130,000 people in the United States currently live with spina bifida;

Whereas all women of childbearing age are at risk of having a spina bifida affected pregnancy;

Whereas an estimated 70 percent of neural tube defects such as spina bifida can be prevented if a woman consumes adequate

amounts of folic acid, which is found in most over-the-counter multivitamins and foods rich in folate such as spinach, prior to becoming pregnant;

Whereas Hispanic women are at the highest risk, between 1.5 and 2 times higher than non-Hispanic whites, of delivering a baby with spina bifida or another neural tube defect, yet are the least likely to consume sufficient amounts of folic acid prior to becoming pregnant;

Whereas people with spina bifida face unprecedented medical complications associated with aging because people with spina bifida are living longer than people with spina bifida in previous generations lived and care for spina bifida is complex and involves myriad clinical specialists;

Whereas a 2005 nationwide survey of spina bifida clinics revealed that the current system of care serving people with spina bifida does not fully meet current or anticipated needs and physicians have little evidence-based research about spina bifida on which to build neurological, orthopedic, or urologic treatment regimens and interventions;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well being, and overall quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida;

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, to reduce morbidity and mortality from spina bifida, and to increase the efficiency of, and decrease the cost of, care by supporting the collection of longitudinal treatment data, developing quality measures and treatment standards of care and best practices, identifying centers of excellence in spina bifida, evaluating the clinical and cost effectiveness of the treatment of spina bifida, and exchanging evidence-based information among health care providers across the country; and

Whereas October has been designated as ''National Spina Bifida Awareness Month'' to increase awareness of spina bifida, of ways to prevent spina bifida, and of the need for increased funding to support improving evidence-based research and enhancing the quality of life of those living with spina bifida: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Spina Bifida Awareness Month and of national organizations working for people with spina bifida;

(2) recognizes the importance of—

(A) highlighting the occurrence of spina bifida;

(B) recognizing the struggles and successes of people who live with spina bifida; and

(C) advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve the treatment of spina bifida in both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the work of national organizations that educate, support, and provide hope for individuals who are affected by spina bifida and their families.

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ORDERS FOR WEDNESDAY, SEPTEMBER 24, 2008

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Wednesday, September 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; that following that hour, morning business continue with Senators permitted to speak for up to 10 minutes each.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m., recessed until Wednesday, September 24, 2008, at 9:30 a.m.