

immediately upon instituting such civil action.

(c) **INTERVENTION BY FTC.**—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action;

(2) remove the action to the appropriate United States district court; and

(3) file petitions for appeal of a decision in such civil action.

(d) **SAVINGS CLAUSE.**—Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) **VENUE; SERVICE OF PROCESS; JOINDER.**—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the lender or a related party operates or is authorized to do business;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a lender or related party to an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) **PREEMPTIVE ACTION BY FTC.**—Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any rule described under (a), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(g) **AWARD OF COSTS AND FEES.**—If the attorney general of a State prevails in any civil action under subsection (a), the State can recover reasonable costs and attorney fees from the lender or related party.

SEC. 12. HARMONIZATION OF NATIONAL DO-NOT-CALL REGISTRY AND EFFECT ON STATE LAWS.

(a) **AMENDMENT OF THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.**—Section 5 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end thereof the following:

“(d) **STATE LAWS NOT PREEMPTED.**—Nothing in this Act or the Do-Not-Call Implementation Act (15 U.S.C. 6101 note) preempts any State law that imposes more restrictive requirements on intrastate or interstate telemarketing to telephone numbers on a do-not-call list. Within 2 years of the completion of the Federal Trade Commission study entitled “Self Regulation in the Alcohol Industry”—call registry maintained by that State.”

(b) **CONFORMING AMENDMENT.**—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by inserting “interstate or” after “restrictive”.

SEC. 13. FTC STUDY OF ALCOHOLIC BEVERAGE MARKETING PRACTICES.

Within 2 years after the Federal Trade Commission completes its study entitled Self-Regulation in the Alcohol Industry and every 2 years thereafter, the Commission shall transmit a report to the Congress on advertising and marketing practices for alcoholic beverages, together with such rec-

ommendations, including legislative recommendations, as the Commission deems appropriate. In preparing the report, the Commission shall consider information contained in reports by the Secretary of Health and Human Services under section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b), and shall include, to the extent feasible, data on measured and unmeasured media by brand and type of beverage, and data on expenditures for slotting and discounting.

SEC. 14. COMMON CARRIER EXCEPTION.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by striking the paragraph containing the definition of the term “Acts to regulate commerce” and inserting the following:

“ ‘Acts to regulate commerce’ means subtitle IV of title 49, United States Code, and all Acts amendatory thereof and supplementary thereto.”

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—COMMENDING THE UNIVERSITY OF KANSAS MEN’S BASKETBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. STEVENS) submitted the following resolution; Which was considered and agreed to:

S. RES. 505

Whereas, on April 7th, 2008, the University of Kansas men’s basketball team won its third NCAA Division I Basketball Championship and fifth national title with its 75-68 overtime win over the University of Memphis—on the twentieth anniversary of the historic win by the team lead by Danny Manning known as “Danny and the Miracles”;

Whereas, with this win the Jayhawks achieved a school record for all-time season wins, posting a 37-3 win-loss record during their run for the title, and finished the season with a thirteen-game winning streak, securing the Big XII Conference Championship title after starting the season with a twenty-game undefeated record, in addition to the 2008 NCAA Division I men’s basketball crown;

Whereas, Head Coach Bill Self improved his all-time record at Kansas to 142-32 and 12-4 in the tournament assisted by a miraculous last-minute three-point shot by guard Mario Chalmers;

Whereas, Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four and was named to the all-tournament team along with guards Brandon Rush and Darrell Arthur;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Kansas Jayhawks reached their goal of capturing a national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Kansas men’s basketball team for winning the 2008 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University

of Kansas men’s basketball team win its third NCAA Division I Basketball Championship and fifth national championship;

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Kansas for appropriate display;

(B) the Chancellor of the University of Kansas, Robert Hemenway;

(C) the Athletic Director of the University of Kansas, Lew Perkins;

(D) the Head Coach of the University of Kansas men’s basketball team, Bill Self.

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE THAT FUNDING PROVIDED BY THE UNITED STATES TO THE GOVERNMENT OF IRAQ IN THE FUTURE FOR RECONSTRUCTION AND TRAINING FOR SECURITY FORCES BE PROVIDED AS A LOAN TO THE GOVERNMENT OF IRAQ

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 506

Whereas the United States has been engaged in Iraq for more than 5 years at a great cost to the United States in both lives and resources;

Whereas March 19, 2008, marked the fifth anniversary of the engagement of the United States in Iraq;

Whereas the United States Government has spent \$600,000,000,000 to fight the war in Iraq and that expenditure has contributed greatly to the Nation’s debt;

Whereas taxpayers in the United States have provided \$45,000,000,000 in funding for reconstruction to the country and the Government of Iraq;

Whereas world oil prices have reached more than \$100 a barrel;

Whereas consumers in the United States are paying record gas prices of approximately \$3.29 a gallon;

Whereas, when the war began, Deputy Secretary of Defense Paul Wolfowitz said, “We’re dealing with a country that can really finance its own reconstruction, and relatively soon.”;

Whereas, due to high oil prices and expanded oil production, it has been predicted that the Government of Iraq is likely to experience an enormous revenue windfall;

Whereas, in January 2008, the Government Accountability Office issued a report stating that, according to Iraq’s official expenditure reports, the Government of Iraq had spent only 4.4 percent of its \$10,100,000,000 investment budget as of August 2007;

Whereas Iraq has not made satisfactory progress toward achieving the political benchmarks established by Congress; and

Whereas the Government of Iraq needs to invest in the future of Iraq by paying a larger share of the costs of reconstruction: Now, therefore, be it

Resolved, That it is the sense of the Senate that any funding provided by the United States to the Government of Iraq for reconstruction and training for security forces after the date on which the Senate agrees to this resolution be provided as a loan to the Government of Iraq.