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Senate

The Senate met at 3 p.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

O God, our Father, when we are far from You, we are unhappy. Remove from our lives anything that would keep us from being close to You.

Today, may our Senators feel Your presence and abide in Your wisdom. Provide them with solutions to problems that have eluded the powers of human reason. Lord, make Your purposes clear to them so that they may run and not be weary. As they surrender themselves more completely to You, let the light of Your peace shine in their hearts. Make their thoughts and feelings what they ought to be as they strive to live worthy of Your love. Lord, watch over them and their loved ones, both now and in the years to come.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 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 DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA 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, following the remarks, if any, from the two leaders, the Senate will resume consideration of the House message to accompany H.R. 3221, the housing reform legislation. As has been announced earlier, there will be no rollcall votes today. The next vote will occur tomorrow morning around 11 a.m. That vote will be on a motion to invoke cloture on the Dodd-Shelby substitute with respect to the housing reform legislation. Senators will have until 11:30 a.m. tomorrow to file amendments to the substitute.

This week, we expect to turn to the consideration of the emergency supplemental appropriations bill and the FISA legislation, and, of course, we need to consider moving to the Medicare Improvements for Patients and Providers Act that Senators BAUCUS and GRASSLEY are negotiating.

Mr. President, in short, we have FISA, the supplemental, housing, and Medicare that we need to focus on. When we finish those this week, I think there will be an opportunity for us to leave. We do have to vote on a number of judges whom we have indicated we would vote on, and we are going to try to do those tomorrow afternoon. We think that can be accomplished. Right after the caucus, we can start voting on those judges.

RESERVATION OF LEADER TIME

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

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221, which the clerk will report.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd/Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the U.S. Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

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

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

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FISA AMENDMENTS ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 827, H.R. 6304, the Foreign Intelligence Surveillance Act.

The ACTING PRESIDENT pro tempore. The motion is debatable.

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 827, H.R. 6304, the FISA Amendments Act of 2008.

Sheldon Whitehouse, Patty Murray, Max Baucus, Tim Johnson, Ken Salazar, Barbara A. Mikulski, John D. Rockefeller, IV, Herb Kohl, Robert P. Casey, Jr., Daniel K. Inouye, Mary Landrieu, Blanche L. Lincoln, Mark L. Pryor, Dianne Feinstein, Thomas R. Carper, Joseph Lieberman, Claire McCaskill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I have sought recognition to address the issues on legislation which is coming from the House of Representatives amending the Foreign Intelligence Surveillance Act.

The issues on which the Senate will vote on the House bill involve very fundamental questions of constitutional rights versus the war on terrorism. We have legislation which has come from the House of Representatives which would grant retroactive immunity to the telephone companies on a showing that the companies receive written requests from the Government saying the program was legal.

At the outset, I recognize the telephone companies as good citizens. But the test of whether what has been done is legal is not determined by the assertion by the Government to the telephone companies that the program is legal. That determination can only be made by the courts on evaluation of congressional authority under article I, which has been exercised in the Foreign Intelligence Surveillance Act of 1978, since amended, contrasted with the President's article II powers as Commander in Chief. That test has not been waived.

I submit the historians will look back upon the period of time from 9/11 to the present and beyond as the greatest expansion of executive authority in the history of the country. I believe additional law enforcement tools were necessary. In my capacity as the chairman of the Judiciary Committee, I led the fight for the PATRIOT Act re-authorization on this floor to give law enforcement broader power.

But, at the same time, I have expressed my deep concern that there be a determination by the courts as to whether the warrantless wiretapping is valid under the Constitution. We have seen great stress laid upon the provision in the House measure that the exclusive means for wiretapping will be provided by the statute. But that does not stop the President from asserting his authority under article II of the Constitution.

The Foreign Intelligence Surveillance Act of 1978 has a similar provision of exclusivity, but that did not stop the President from initiating the Terrorist Surveillance Program which was kept secret for years from the Congress. The President has a sound constitutional argument that you cannot amend the Constitution by statute; you cannot take away the President's constitutional authority by a statute, but it is up to the courts to strike the balance and to make that determination.

Regrettably, Congress and the efforts which we have made have, I submit, been totally insufficient. We have had the so-called signing statements as an expansion of executive authority, and Congress has been unable to assert its authority under the Constitution on the legislation we send to the President. The Constitution is plain. Each House passes legislation. There is a conference report, and it is sent to the President and presented. Then the President has the option of either signing or vetoing.

But a practice has arisen in the past, very extensively used by this administration, to put in signing statements which are at material variance—that really directly contradict what is in the legislation. There may be some justification for a signing statement on some minor matters on an administrative level, but in my formal statement I go into a couple of examples on a controversy on enhanced interrogation, or so-called torture, which passed the Senate 90 to 9.

In a celebrated meeting between Senator MCCAIN and President Bush, they reached a compromise. Then when the legislation went to the President, the President issued a signing statement saying that he had the authority to disregard it under his powers as Commander in Chief, article II authority.

In a similar vein on the PATRIOT Act re-authorization, we put in restrictions on what the law enforcement officials could do, negotiated with the administration, signed into law by the President, and again a statement was made that if the President chose to exercise his constitutional authority, article II power, he felt free to do so.

I introduced legislation to give the Congress standing to go to court to challenge these signing statements. The legislation has not gotten very far because of the impossibility of overriding a veto and because of the concern as to whether the constitutional standard of the case and controversy would be met. So here we have the unfettered practice of these signing statements as an example of executive authority.

Second, the Supreme Court review of the Terrorist Surveillance Program and habeas corpus has been inadequate. In the Detroit case, the Federal court finding the Terrorist Surveillance Program unconstitutional was appealed to the Sixth Circuit. After lengthy delays, the Sixth Circuit reversed the Detroit Federal court on the grounds of lack of standing. Then, again, after months of delay, the case went to the Supreme Court of the United States which, again, denied certiorari.

The issue of standing has sufficient flexibility, as demonstrated by the dissent in the Sixth Circuit, that the Supreme Court could have taken up the issue. The question on the Terrorist Surveillance Program presents the sharpest conflict of our era on the clash between the President's authority under article II as Commander in Chief and the authority of Congress to enact statutes, as we did under the Foreign Intelligence Surveillance Act of 1978.

Similarly, on habeas corpus, notwithstanding the Rasul decision, the Court of Appeals for the District of Columbia in Boumediene essentially disregarded the holding of the Supreme Court in Rasul when the Circuit Court for the District of Columbia said the decision by the Supreme Court turned on a statutory interpretation.

Habeas corpus is provided for in two ways under our law: No. 1, it is descended from the Great Writ, the Magna Carta, of 1215, and it is embodied in our constitutional law as made plain by Justice Stevens in Rasul. And there is also a statutory provision for habeas corpus. In the Military Commissions Act, the Congress modified the statutory provision, and the Court of Appeals for the District of Columbia saw fit to say that once the statute was changed, habeas corpus didn't apply—really flying in the face of what the holding was in Rasul.

Finally, a protracted period of time later, in Boumediene, the Supreme Court reinstated habeas corpus as it was bound to do based upon the clear holding of Rasul and the long history of the issue.

Congress has similarly been ineffective in curtailing executive authority in the National Security Act of 1947, which requires the President to notify the intelligence committees of both the House and Senate, and for protracted periods of time the executive branch ignored that requirement. Only when the confirmation of General Hayden as Director of CIA came up was

there some compliance with that requirement.

The Judiciary Committee, during my tenure as chair, sought to bring in the telephone companies, sought to issue subpoenas to find out what the telephone companies were undertaking. On that situation, as I have said on the floor of the Senate, Vice President CHENEY personally went behind my back to talk to Republican members of the Judiciary Committee without talking to me at any stage. That effort was made because the telephone companies, unlike the executive branch, unlike the President—the telephone companies do not have executive privilege.

Similarly, the Senate defeated my amendment on the Foreign Intelligence Surveillance Act which would have substituted the Government for the telephone companies as the parties defendant. There was a way that the telephone companies could have been recognized for their good citizenship and held harmless by having the Government step into their shoes. But that amendment was defeated.

I submit the case for this determination has a very important dimension beyond the customary doctrine of separation of powers because we are asked to give retroactive immunity to something while we don't even know on the record the full import of what is involved. The warrantless wiretapping, the data mining by the telephone companies is known only to some Members of Congress. It is not known to the public. I intend to offer an amendment which will require that the district court—the House bill now lodges jurisdiction in the district court to make the determination on the legality of FISA—my amendment will call for the district court to make the determination as to whether what has been done by the telephone companies is constitutional.

The ultimate vote on this matter is a tough one. There are quite a number of provisions in the House bill which are protective of civil liberties. I have detailed them in my formal written statement. So when I come to a balance as to voting for the bill or not, my inclination is to vote in favor of the bill because of the importance of the ongoing activities of the telephone companies, notwithstanding my deep concern for civil rights. But there is a much better alternative, and that much better alternative would have been to have substituted the Government for the telephone companies as the party defendant or, now, to submit the question of constitutionality to the district court.

My vote was misunderstood on the Military Commissions Act. When I had led the fight to retain habeas corpus in that bill, it was defeated 51 to 48—but we later voted for the bill because of its recognition of the applicability of the Geneva Conventions and other important parts of the bill. I said at the time that because of the severability clause, the Supreme Court of the United States would reinstate habeas corpus—which, of course, in the past couple of weeks, we know the Supreme Court has done.

We are dealing here, essentially, with very subtle and very nuanced provisions. There are very tough judgments to be made in the legislative context. The war on terrorism is still on the front burner. We do not know what is going to come next.

So that any time there is a balance as to what we ought to do, because of the value which I think is present from this data-mining and the work done by the telephone companies, I think it ought to be maintained. But where we have an option of doing it in a constitutional way, either by sunshine or by submitting it to the court, that is the preferable course of conduct.

I ask unanimous consent that the full text of a detailed statement summarizing my position and a draft amendment be printed in the RECORD so my colleagues will have an opportunity to review both my written statement and my oral presentation of the proposal for an amendment which I intend to offer when the bill comes up.

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

FLOOR STATEMENT ON FISA

The Senate is coming to a critical vote on our duty to exercise our most fundamental constitutional obligation on separation of powers: to strike the appropriate balance between the war against terrorism and protecting civil rights. We are asked by the House of Representatives to approve their bill on amending the Foreign Intelligence Surveillance Act, a bill which gives retroactive immunity to the telephone companies that facilitated warrantless surveillance, but does not require a judicial determination that the government's program was constitutional.

It is totally insufficient to confer immunity merely because the companies received written requests from the government saying the program was legal. While it is true that the standard of review has been changed from ''abuse of discretion'' to ''substantial evidence'' in this bill, the real question is ''substantial evidence'' of what? Only that the President authorized the program and the government sent written requests to the companies assuring them it was legal. The court is not required to find that the requests were lawful, or that the surveillance itself was constitutional.

The provision that the legislation will be the exclusive means for the government to wiretap is meaningless because that specific limitation is in the 1978 Act and it didn't stop the government from conducting the warrantless Terrorist Surveillance Program with the telephone companies' assistance. The bill leaves the President with his position that his Article II powers as commander in chief cannot be limited by statute. That is a sound constitutional argument, but only the courts can ultimately decide that issue, and this bill dodges the issue by limiting judicial review.

The constitutional doctrine of separation of powers has been mangled since 9/11. I believe that, decades from now, historians will look at the time between 9/11 and the present as the greatest expansion of unchecked executive power in the history of the country. I believe that much, if not most, of that power was necessary to fight terrorism and I led the fight as Chairman of the Judiciary Committee to expand law enforcement powers under the PATRIOT Act. I also offered numerous pieces of legislation designed to bring the Terrorist Surveillance Program under federal court review and to ensure that vital intelligence gathering could continue with appropriate oversight. In the 109th and 110th Congresses, I introduced several versions of the National Security Surveillance Act (first introduced on March 16, 2006), the Foreign Intelligence Surveillance Improvement and Enhancement Act (with Senator Feinstein, first introduced on May 24, 2006), and the Foreign Intelligence Surveillance Oversight and Resource Enhancement Act (first introduced on November 14, 2006).

There has to be a check and balance. The Congress has been totally ineffective, punting to the courts and then seeking to limit the courts' authority as the House of Representatives is now doing. The problem is compounded by the fact that the Supreme Court had ducked and delayed deciding where the line is between Congressional authority under Article I and presidential authority under Article II.

Let me document the ineffectiveness of Congress:

(1) Signing Statements: The constitution is explicit that Congress sends legislation to the president who has only two options: sign or veto. Instead on key provisions limiting executive authority, including Senator McCain's amendment—adopted 90 to 9 in the Senate—to ban ''cruel, inhuman or degrading'' treatment of any prisoner held by the United States, and the new PATRIOT Act sections requiring audits and Congressional reporting to ensure the FBI does not abuse its terrorism-related powers to secretly demand the production of records, the President has signed the Congressional presentment and then issued a statement asserting his Article II power to ignore those limitations.

My legislation to give Congress standing to challenge the constitutionality of those signing statements has gone nowhere because of three factors: (1) The disinclination of Congress to challenge the president in the context of getting blamed if there were another terrorist attack; (2) the virtual impossibility of overriding a veto; and (3) the doubts by a few that such legislation would satisfy the constitutional requirements of the case and controversy.

(2) Requiring Supreme Court Review of the TSP and Habeas: The efforts to get a Supreme Court ruling on the constitutionality of the Terrorist Surveillance Program were ducked by the Supreme Court. The ruling of the U.S. District Court in Detroit holding the Terrorist Surveillance Program unconstitutional was reversed by the 6th Circuit on a 2–1 vote on lack of standing and the Supreme Court denied certiorari. The doctrine of standing has enough flexibility, as demonstrated by the dissent in the 6th Circuit, to have enabled the Supreme Court to take up the most fundamental clash between Congress and the president in our era, if the Supreme Court had the courage to do so.

The Supreme Court acted almost as badly on the habeas corpus issue in initially denying certiorari on the D.C. Circuit's decision in Boumediene, which ignored the plain language in Rasul confirming that habeas corpus was a constitutional right, not just one based on legislation which Congress had changed. Only when confronted with the overwhelming evidence on the inadequacy of the Combat Status Review Tribunals did the Supreme Court finally grant a petition for reconsideration on certiorari and ordered the District Courts to grant habeas corpus review after a very long delay.

(3) Violation of the National Security Act: The Congress was remedy-less to do anything when the President ignored the National Security Act of 1947 which requires notification of programs like the Terrorist Surveillance Program to the House and Senate Intelligence Committees. It was only when the administration needed the confirmation of General Michael Hayden to be Director of the CIA that any effort at compliance was made.

(4) Subpoenas for Telecoms: My efforts as Chairman of the Judiciary Committee in June 2006 to get information about the telephone companies' warrantless wiretapping were obstructed by an unusual breach of protocol by Vice President DICK CHENEY personally when he went behind my back to urge other Judiciary Committee members to oppose my efforts to subpoena the telephone companies which, unlike the administration, could not plead executive privilege.

(5) Military Commissions Act: Congress has been docile, really inert, in failing to push back on the executive's encroachment on our authority. My amendment to retain habeas corpus in the Military Commissions Act was defeated 48–51. Meanwhile, the Graham-Levin amendment to the National Defense Authorization Act for Fiscal Year 2006 passed by the shocking vote of 84–14 despite the fact that it was drafted overnight, had no hearing and virtually no debate with my having only two minutes to speak in opposition. On its face the amendment stripped the Supreme Court of jurisdiction by vesting exclusive jurisdiction with the District of Columbia Circuit. It would be hard to find an amendment on a more important subject given less scrutiny and passed with less thought and in such haste.

(6) FISA Substitution Amendment: Similarly, the Senate defeated my amendment to the Foreign Intelligence Surveillance Act which would have substituted the government for the telephone companies as the defendants in the pending litigation. That would have protected the telephone companies but left the courts to decide if the program was constitutional.

The Senate now has the opportunity to provide for judicial review by amending the House Foreign Intelligence Surveillance Act bill to authorize the U.S. District Courts to determine the constitutionality of the administration's program before granting immunity to the telephone companies.

The case for that determination has an important extra dimension beyond separation of powers. It involves a repugnant factor; namely, that the government had instigated and maintained for many years a secret practice, the scope of which is unknown to the public and known only to some members of Congress. It smacks of Star Chamber proceedings from old England. Now the administration insists on retroactive immunity and the House has complied. It is time the Senate stood up and earned its reputation as the ''world's greatest deliberative body'' and at least demonstrate some courage, if not a full profile, by insisting on judicial review.

In offering an amendment for judicial review, I am mindful of the importance of what the telephone companies have been doing on the war against terrorism from my classified briefings. It is a difficult decision to vote for retroactive immunity if my amendment fails, but I will do so, just as I voted for it when my substitution amendment failed because I conclude that the threat of terrorism and the other important provisions in the House bill outweigh the invasion of privacy.

I do so with great reluctance because it sets a terrible precedent for the executive to violate the Foreign Intelligence Surveillance Act, the National Security Act of 1947, and the presentment clause of the constitution and then receive a Congressional pardon. It is especially galling since Congress could both protect the telephone companies by substitution and allow the lawsuits to go forward or authorize their continuance by my amendment.

I also intend to vote for the bill regardless of what happens to my amendment because of the other important features of the bill. It requires prior court review of the government's foreign-targeted surveillance procedures, except in exigent circumstances (the 7–day exception). Also, the FISA Court must determine whether—going forward—the foreign targeting and minimization procedures satisfy the Fourth Amendment. The bill also requires prior, individualized court orders based on probable cause for U.S. persons when they are outside the country. And, the bill requires a comprehensive Inspector General review of the Terrorist Surveillance Program.

I know that this nuanced position of fighting retroactive immunity and then voting for the bill will be misunderstood because of the complexity of the issues and the subtleties of my rationale.

I have been similarly misunderstood in my castigation of the provisions eliminating statutory habeas corpus and court-stripping in the Military Commissions Act and then voting for the bill. I did so, and gave my contemporaneous reasons, because the Act contained many important provisions, such as implementing the Geneva Conventions in accordance with the Supreme Court's Hamdan ruling. The Act also brought the military commissions within Congressional authorization and the law—something the current bill seeks to do for vital intelligence gathering. I said at the time that the Supreme Court would strike the exclusion of habeas corpus, leaving the rest of the Act intact under the severability clause, and that did happen in Boumediene.

It is my hope that my colleagues in the Senate and House too would give a little extra consideration to this issue because it is past time for Congress to assert itself and at least leave the courts free to determine constitutional rights and separation of powers.

DRAFT AMENDMENT

In section 802(b) of the Foreign Intelligence Surveillance Act of 1978, as added by section 201 of the Act, strike paragraph (1) and insert the following:

''(1) REVIEW OF CERTIFICATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

''(B) COVERED CIVIL ACTIONS.—In a covered civil action relating to assistance alleged to have been provided in connection with an intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, a certification under subsection (a) shall be given effect unless the court—

''(i) finds that such certification is not supported by substantial evidence provided to the court pursuant to this section; or

''(ii) determines that the assistance provided by the applicable electronic communication service provider was unconstitutional.

Mr. NELSON of Florida. Mr. President, Floridians are hurting—foreclosures are skyrocketing. According to one estimate, at the end of March 2008, Florida had nearly 200,000 properties in foreclosure. In the first quarter of 2008, Florida had the second highest total of foreclosures, nationwide—up 17 percent from the previous quarter and 178 percent from last year. Statewide, one in every 97 households received a foreclosure filing. In May, Cape Coral Ft. Myers, Florida, had the second highest foreclosure rate in the Nation, with one in every 79 homes receiving a foreclosure filing. This crisis isn't limited to subprime mortgages or risky borrowers—it destroys the value of entire communities. The ripple effect translates into big losses for the State's economy—an estimated $35.9 billion decrease in home value and tax base in Florida.

I rise to discuss a bipartisan amendment that have filed with my colleague from Minnesota, Senator COLEMAN. This amendment provides commonsense relief to homeowners trying to stay in their homes and avoid foreclosure.

Current law imposes a 10 percent penalty for individuals choosing to make an early withdrawal from their retirement savings. There are exceptions to this penalty: years ago, we allowed first time homeowners to use their retirement savings to help purchase a home. Surely, we can agree that in 2008 we should allow homeowners to use a small portion of their savings to save their home.

Our amendment waives the 10 percent penalty for folks wishing to make an early-withdrawal to help avoid foreclosure. To be eligible for this waiver, homeowners must have proof that they are participating in a Government or industry sponsored foreclosure prevention program, like HOPE NOW, or the HOPE for Homeowners Program established in the bill we are considering today. This benefit is limited to 2 years, and the withdrawal amount is capped at $25,000. Taxpayers will also have 2 years to repay what they borrowed from their retirement savings. This amendment is fully offset.

I received an email from Wayne, who lives in Stuart, FL. Wayne is an Air Force Veteran who recently lost his job, and in order to try to keep his home, he liquidated his 401(k) savings and paid the 10 percent penalty. The housing bill we are considering today gives tax credits for first time homebuyers to purchase homes, but current tax law penalizes folks like Wayne, who are trying their best to save their home, using their own money.

In many instances, a home is the greatest single source of wealth for Americans. It makes sense to make a limited exception to allow homeowners to use every tool available to stay in that home, and save their greatest investment. I encourage my colleagues to support this amendment.

Mr. COLEMAN. Mr. President, I rise with my colleague from Florida to speak on behalf of our amendment to allow homeowners penalty-free use of up to $25,000 in retirement funds to keep their house.

Before I speak to the amendment, I would like to thank, first, the chairman of the Banking Committee Senator DODD and ranking member Senator SHELBY, as well as the chairman of the Finance Committee, Senator BAUCUS and ranking member Senator GRASSLEY for their leadership in putting this important bipartisan housing bill together. And, I have special thanks for Senators BAUCUS and GRASSLEY for working with us one this important amendment.

The need to act to address the housing crisis could not be more urgent. In my travels throughout my State, I have seen how the housing crisis is hurting families, communities and the economy.

Just to underscore how serious this situation really is for the Minnesota economy, we learned last week that more Minnesotans are out of work than since 1983. We are talking about construction workers of which nearly 7,000 have lost a job during the past year.

We are talking about folks like Ron Enter and his wife whose small building materials business is being devastated by the housing crisis. They have already significantly reduced their workforce and warn of more cutbacks if the housing market does not improve in order to keep their business going.

Bottom-line, our housing woes have spilled over into the rest of our economy, and as a result it is a problem that is undercutting entire communities and their families.

This amendment presents a bipartisan solution that's in the spirit of the cooperation demonstrated by Senators DODD, SHELBY, BAUCUS, and GRASSLEY on this housing package.

During my travels and housing town hall forums I have held back home in Minnesota, I have met more and more folks who are tapping into their retirement savings in a desperate effort to keep their homes—average, hard-working folks such as Terri Ross, a nurse, who I met at a housing town hall forum in St. Cloud, where she talked about using her retirement savings to keep her home.

The problem is that as homeowners across Minnesota and the Nation use their retirement savings to save their homes, they are getting hit hard with a 10-percent early withdrawal tax penalty.

As we are on the verge of passing this bipartisan legislation to address the housing crisis, Senator NELSON and I believe that one more way we can responsibly address the housing crisis is to temporarily waive this 10 percent penalty. Given that the Tax Code waives the 10 percent penalty for early withdraw from individual retirement accounts, IRAs, for first-time home purchases, I believe that it is only fair to waive this penalty for those who want to keep their homes.

At the end of the day, we should not penalize homeowners for trying to keep a roof over their heads and wanting to remain a part of the community they have called home.

In an effort to address a point of concern raised by the distinguished Senator from Connecticut when we were on the floor in April, Senators NELSON and I are proposing that this relief be made available only to those homeowners who participate in government or industry sponsored foreclosure prevention programs such as the HOPE for Homeowners Program and FHA Secure. We do agree that it would make good sense to ensure that lenders also do their part to help homeowners keep their homes.

And, that is why in this amendment, homeowners could only use this relief in cases where the lenders also provide relief. We believe that this is fair and right. We believe that this modification to our previous proposal will ensure there is, to quote the chairman ''commensurate responsibility on the part of the lender.''

I urge my colleagues to support this commonsense and much-needed amendment and thank my colleague from Florida for his great work on this amendment.

RESTORE CONFIDENCE IN MORTGAGE SECURITIES

Ms. SNOWE. Mr. President, I wish to speak to an amendment that I will offer which will increase the trustworthiness of the Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Bear Stearns and the huge losses suffered throughout the financial industry demonstrate a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage-backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making securitized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: When big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that ''knowledge is power.'' My amendment would give investors the knowledge to make intelligent calculations of risk and, as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my amendment creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan-to-value ratios, debt service to income ratios, and borrowers' credit standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities., This legislation would, however, create incentives for improving industry rating practices. Open publication of the board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage-backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the board to rate their security, or they could elect not to submit their product to the board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets

and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a ''good housekeeping seal of approval'' for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and adopt this commonsense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

NOMINATION OF MICHAEL E. O'NEILL

Mr. SPECTER. Mr. President, I now ask consent that my next remarks be labeled nomination of Michael E. O'Neill for the United States District Court for the District of Columbia.

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

Mr. SPECTER. I am pleased to submit my very strong recommendation to my colleagues to confirm the nomination of Michael E. O'Neill for the District Court for the District of Columbia. The President submitted his name last Thursday. I had tried to come to the floor to speak at that time but could not do so.

I am pleased to do so now. Michael O'Neill has an extraordinary record. He graduated summa cum laude from Brigham Young University and received his law degree from Yale Law School. He was editor of the Articles and Book Reviews of the Yale Law Journal; and Articles Editor of the Yale Journal on Regulation.

He served as a law clerk to Judge David Sentelle and clerked for the Supreme Court of the United States for Justice Clarence Thomas.

I ask unanimous consent that his full resume be included in the RECORD.

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

MICHAEL E. O'NEILL

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Birth: 1962, Wisconsin.

Legal Residence: Maryland.

Education: B.A., summa cum laude, Brigham Young University, 1987; J.D., Yale Law School, 1990—Editor of Articles and Book Reviews, Yale Law Journal; Articles Editor, Yale Journal on Regulation.

Employment: Law Clerk, Honorable David B. Sentelle, United States Circuit Judge for the District of Columbia Circuit, 1990–1991; Litigation Counsel, Honors Program, Appellate Section, Criminal Division, U.S. Department of Justice, 1991–1994; Special Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 1993; Special Counsel, Detailee from Dept. of Justice, Senate Judiciary Committee, Senator Orrin Hatch, 1994–1996; Law Clerk, Honorable Clarence Thomas, United States Supreme Court, 1996–1997; General Counsel, Senate Judiciary Committee, Senator Orrin Hatch, 1997–1998; Associate Professor of Law, George Mason University School of Law, 1998–present; Commissioner, United States Sentencing Commission, 1999–2005; Chief Counsel and Staff Director, Senate Judiciary Committee, 2005–2007.

Mr. SPECTER. It is especially worthwhile to have Mr. O'Neill confirmed because of the example it sets for people who come to undertake public service. Mr. O'Neill served on the Judiciary Committee for a protracted period of time. When Senator HATCH was the Chairman, he was special counsel from 1994 to 1996 and general counsel from 1997 to 1998, before he became associate professor of law at George Mason University School of Law; and he served as chief counsel and staff director for the 2 years I served as Chairman of the Judiciary Committee.

I do not need a resume to tell people how competent he is and how public spirited he is and what an outstanding Federal judge he would make.

There have been quite a number of situations where people working on the Judiciary Committee have gone on to Federal judgeships. I think it is a very healthy thing to have that as a motivation to come for public service. People have come to serve on the Judiciary Committee, leaving jobs making half a million dollars or more for $100,000. The public service is so important that it is exemplary to give them this recognition to motivate our people to come to take these jobs.

One example I would note is Stephen Breyer, who was special counsel and chief counsel to the Senate Judiciary Committee back in 1980 for then-Chairman TED KENNEDY. Mr. Breyer was then appointed on the First Circuit and is now on the Supreme Court of the United States.

I ask unanimous consent that this table be included in the RECORD showing the movement of people who have served on the Judiciary Committee and the jobs which they have taken in other Federal positions.

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

Name	Previous position(s)	Senator	Nomination position	Date nominated	Date confirmed
Beryl Howell	General Counsel, U.S. Senate Judiciary Committee	Leahy	U.S. Sentencing Commission	1/9/2007	2/28/2007
Stephen Breyer	Special Counsel, U.S. Senate Judiciary Committee	Kennedy	Judge, First Circuit	11/13/1980	12/9/1980
			(Breyer Later Nominated) Associate Justice, Supreme Court [1].	5/17/1994	8/3/1994
Paul D. Clement	Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights.	Ashcroft	Solicitor General, Department of Justice	3/14/2005	6/8/2005
Sharon Prost	Chief Counsel	Hatch	Judge, U.S. Court of Appeals, Federal Circuit	5/21/2001	9/21/2001
Paul Redmond Michel	Counsel/Administrative Assistant	Specter	Judge, U.S. Court of Appeals, Federal Circuit	12/19/1987	2/29/1988
Randal Ray Rader	Chief Counsel, Senate Judiciary Committee, Subcommittee on the Constitution, 1981–1986 Counsel to U.S. Sen. Orrin G. Hatch, 1981–1988 Chief Counsel/Minority Staff Director, Senate Judiciary Committee, Subcommittee on Patents, Trademarks and Copyrights, 1987–1988.	Hatch	Judge, U.S. Court of Appeals, Federal Circuit	6/12/1990	8/3/1990
Ralph K. Winter, Jr.	Consultant, U.S. Senate Judiciary Committee, Subcommittee on Separation of Powers (1968–1972).	Ervin	Judge, Second Circuit	11/18/1981	12/9/1981
Emory Sneeden	Chief Minority Counsel, U.S. Senate Judiciary Subcommittee on Antitrust and Monopoly (1979–1981).	Thurmond	Judge, Fourth Circuit	8/1/1984	10/4/1984
Dennis W. Shedd	Counsel	Thurmond	Judge, District of South Carolina	10/17/1990	10/27/1990
			Judge, Fourth Circuit		
			(Shedd Later Nominated) Judge, Fourth Circuit	5/9/2001	11/19/2002
Edward J. Damich	Chief Intellectual Property, Counsel for the Senate Judiciary Committee.	Hatch	Judge, United States Court of Federal Claims	9/29/1998	10/21/1998
Lawrence Baskir	Chief Counsel and Staff Director to the Constitutional Rights Subcommittee of the Senate Judiciary Committee.	Ervin	Judge, United States Court of Federal Claims	1/7/1997	10/21/1998
Reed O'Connor	Counsel, U.S. Senate Judiciary Committee	Hatch/Cornyn	Judge, Northern District of Texas	6/27/2007	11/16/2007
Terry Wooten	Chief Counsel, U.S. Senate Judiciary Committee	Thurmond	Judge, District of South Carolina	6/18/2001	11/8/2001
Dee Vance Benson	Counsel, U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, 1984–1986 Chief of staff, U.S. Sen. Orrin Hatch, 1986–1988.	Hatch	Judge, District of Utah	5/16/1991	9/12/1991
Kristi DuBose	Chief Counsel (1997–1999)	Sessions	Judge, Southern District of Alabama	9/28/2005	12/21/2005
Henry Michael Herlong	Legislative Assistant	Thurmond	Judge, District of South Carolina	4/9/1991	5/9/1991
Mary McLaughlin	Chief Counsel, Subcommittee on Terrorism, Technology and Government, Committee on the Judiciary (1995).	Specter	Judge, Eastern District of Pennsylvania	3/9/2000	5/24/2000
Patti Saris	Staff Counsel, U.S. Senate Judiciary Committee, 1979–1981.	Kennedy	Judge, District of Massachusetts	10/27/1993	11/20/1993
Nora M. Manella	Counsel to the Subcommittee on the Constitution of the U.S. Senate Judiciary Committee (1976–1978).	Tunney	Judge, Central District of California	3/31/1998	10/21/1998

Name	Previous position(s)	Senator	Nomination position	Date nominated	Date confirmed
Brett Tolman	Counsel	Specter	U.S. Attorney, District of Utah	6/9/2006	7/21/2006
William Walter Wilkins	Legal Assistant	Thurmond	U.S. Attorney, District of South Carolina	5/7/2008	6/4/2008
Bennett William Raley	Chief Counsel, U.S. Senate Judiciary Subcommittee on the Constitution, Federalism and Property Rights (1995).	Brown	Assistant Secretary of the Interior for Water and Science.	5/24/2001	7/12/2001
Anthony Lowe	Senior Legislative Counsel, U.S. Senate Judiciary Subcommittee on Antitrust, Competition and Business Rights.	DeWine	Federal Insurance Administrator, Federal Emergency Management Agency.	3/22/2002	7/25/2002
Lee Sarah Liberman Otis	Chief Counsel, U.S. Senate Judiciary Subcommittee on Immigration.	Hatch	General Counsel, Department of Energy	4/25/2001	5/24/2001
Jon D. Leibowitz	Chief Counsel and Staff Director, U.S. Senate Judiciary Subcommittee on Antitrust, Business Rights and Competition.	Kohl/Simon	Commissioner, Federal Trade Commission	9/10/2004	11/21/2004
Ray Kethledge	Counsel	Abraham	Judge, Sixth Circuit	3/19/2007	pending

[1] Stephen Breyer's nomination was particularly remarkable because he was nominated by President Carter on November 13, 1980, after Carter had lost the election to Ronald Reagan. Senate Democrats, who had just lost control of the Senate, held a swift confirmation vote on Breyer during a lame duck session on December 9, 1980.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 3540

Mr. REID. I ask unanimous consent the Senate Finance Committee be discharged from further consideration of H.R. 3540 and the Senate proceed to its consideration now; further, that a Baucus substitute at the desk, which is a 6-month FAA extension and a highway trust fund fix, 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.

I would say, before I hear from my distinguished colleague, the junior Senator from Arizona, that I, of course, would rather be asking consent to finish the whole FAA bill, the complete bill. This is a 6-month extension, which is so important. The Highway Trust Fund is also upside-down. It is out of money. This would extend the FAA bill for 6 months, which is important. There are so many more things in that bill. In fact, I have spoken to the President's Chief of Staff on how important the FAA bill is.

But at this stage we have some problems. So, anyway, we have gone for a 6-month extension and doing something to fix the highway trust fund.

That is what this consent agreement is all about.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reluctantly, on behalf of Senator DEMINT, I will object at this time. I expect—I know the majority leader has talked with our staff, as well—the issues that are relating to this can be worked out in a relatively—obviously, before the end of this week, we hope.

The PRESIDING OFFICER. Objection is heard.

TRIBUTE TO BARDSTOWN/LOUISVILLE ARCHDIOCESE

Mr. MCCONNELL. Madam President, this year marks the celebration of the 200th anniversary of the Diocese of Bardstown, which was established in Kentucky as one of the oldest dioceses in the country. Pope Pius VII carved it from one of the oldest dioceses in the New World.

The territory of the Bardstown Diocese once covered a giant swath of land, including what are now the States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Missouri, and half of Arkansas.

The Bardstown Diocese was established alongside the dioceses of Boston, Philadelphia and New York. Its seat was eventually moved to Louisville, Kentucky, and made an archdiocese. But its place in the history of American Catholicism continues to be a point of pride across Kentucky.

Kentuckians celebrate this bicentennial throughout the year at the St. Thomas Church, considered the ''Cradle of Catholicism'' in the Bluegrass State and still located in Bardstown. A two-story log house that stands on St. Thomas property is the oldest structure related to the Catholic faith in our region of the United States.

Built in 1795 by Thomas and Ann Howard, the property was willed to the church by Mr. Howard in 1810, and it became the first home of the St. Thomas Seminary, the first seminary west of the Alleghenies. It later served as the residence of Bishop Benedict Joseph Flaget, first bishop of the Bardstown Diocese.

Bishop Flaget and others who worked to establish the Bardstown Diocese were pioneers of the land as well as of the spirit. Kentucky was the western frontier of the young United States at that time, and frontier life posed many hardships.

But the diocese survived and thrived, and the visit of Pope Benedict XVI to the United States earlier this year was timed to coincide with its anniversary.

Madam President, Kentucky is proud to include one of the oldest outposts of faith and freedom in America. I ask unanimous consent that a story from the Louisville Courier-Journal about the celebration of the Bardstown Diocese's anniversary be printed in the RECORD.

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

[From the Louisville Courier-Journal, Apr. 9, 2008]

CATHOLICS CELEBRATE KENTUCKY BICENTENNIAL, BARDSTOWN EVENTS MARK 200 YEARS

(By Peter Smith)

BARDSTOWN, KY.—Dorothy Ballard and her sister Martha Willett have been coming to St. Thomas Church, considered the ''cradle of Catholicism'' in Kentucky, all their lives.

Their parents were married there in 1920, and ''all of the children have been baptized here, made the first Communion here, confirmed here,'' and several of them have been buried from the parish, Ballard said.

So they weren't missing yesterday morning's Mass that began a daylong celebration of the bicentennial of the Archdiocese of Louisville, where about 150 people filled the historic brick church.

''I feel real special that I'm part of this celebration,'' Ballard said.

Archbishop Joseph E. Kurtz presided at the Mass.

''We pause and give thanks to the Lord for these 200 years of blessed presence of the church within our Central Kentucky, and we ask the Lord to continue to bless us as we move forward,'' he said.

The archdiocese also marked the bicentennial yesterday with services at the Cathedral of the Assumption in downtown Louisville and at the Basilica of St. Joseph Proto-Cathedral in Bardstown.

St. Thomas was chosen to lead off the celebration because the log house that still stands on its property once was the modest capital of frontier Catholicism.

Pope Pius VII created the Diocese of Bardstown on April 8, 1808, along with those in Boston, New York and Philadelphia. Previously, the diocese of Baltimore had covered the entire new American republic.

The Bardstown diocese originally spanned the entire frontier area between the Alleghenies and the Mississippi River, and between the Great Lakes and Tennessee.

The seat of the Bardstown diocese eventually was moved to Louisville, which later became an archdiocese. Its original territory is now divided into more than 40 dioceses across 10 states.

The Rev. Steve Pohl, pastor of St. Thomas, said he and many parishioners trace their roots to those pioneer days, when Catholic families of English descent migrated from Maryland to Kentucky in search of better land. They were served by priests fleeing persecution that followed the French Revolution.

Their settlements in Nelson, Washington and Marion counties gave the region the nickname ''the Holy Land,'' as attested to by such enduring biblical place names as Holy Cross, Gethsemani and Nazareth.

St. Thomas is home to a recently restored log home, owned by Catholic farmers Thomas and Ann Howard and given to the church as a base for the growing diocese.

The diocese's first bishop, Benedict Joseph Flaget, lived there for several years, and the

house also was host for Kentucky's first Catholic seminary and the first nuns in the Sisters of Charity of Nazareth.

''I'm really in joy about today,'' said John Cissell, who traces his roots to early Catholic settlers here. His father was long active in the church and is buried in the cemetery on the church grounds.

''I just feel like I'm carrying on a tradition,'' he said.

Pohl, whose ancestors also include an early settler, said the parish is holding a reunion this summer of descendents of Maryland Catholics who settled in Kentucky in the early years.

Pope Benedict XVI will recognize the bicentennials of Louisville's and other historic dioceses at a Mass at Yankee Stadium in New York on April 20.

The archdiocese also plans a large celebration at Slugger Field in Louisville this summer.

SALUTE TO ''CORM & THE COACH''

Mr. LEAHY. Madam President, it is my privilege today to salute Vermont radio personalities Steve Cormier and Tom Brennan, best known to Vermonters as the morning team ''Corm & the Coach'' on Champ 101.3.

Sixteen years ago, University of Vermont basketball coach Tom Brennan made a guest radio appearance on Steve Cormier's radio show. The two of them hit it off, not only as a duo, but with listeners. What started as a guest spot ended up becoming an extremely popular morning radio show for 16 years.

Recently, Coach Brennan decided to go out on top, as he did when he retired from the University of Vermont following three consecutive America East Conference championships. ''Corm & the Coach'' will air for the final time on Wednesday, July 2, 2008. Fortunately for Vermonters, Corm will remain on the air, continuing to keep us both entertained and informed, and Coach Brennan will continue to provide expert college basketball analysis on ESPN.

I have had the good fortune to appear on ''Corm & the Coach'' many times, and thought it important to take this opportunity to extend my appreciation to both of them. In honor of a great 16 years of ''Corm & the Coach,'' I ask unanimous consent that the article by Mike Donoghue of the Burlington Free Press, Corm To Carry On, Without The Coach, be printed in the RECORD.

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

[From the Burlington Free Press, June 11, 2008]

CORM TO CARRY ON, WITHOUT THE COACH

(By Mike Donoghue)

''Corm and the Coach,'' the popular morning drive-time radio show that helped thousands of Champlain Valley listeners wake up for almost 16 years, will sign off July 2.

Tom Brennan, who retired as the University of Vermont men's basketball coach in 2005, plans to leave local radio next month, he and co-host Steve Cormier said Tuesday.

''I'm just really tired. I just don't want to turn into a cranky old man,'' Brennan said.

''I tried to make things better for people,'' he said. ''I just knew it was time for me to pack it in. I'm very appreciative of the faithful listeners. It was really nice when you would hear from them that we had helped make their day,'' he said.

Cormier, who is also program director at WCPV–FM, will continue to do the morning show.

Cormier said more details will be released this morning on the ''Corm and the Coach'' show, which airs Monday through Friday from 5 to 9 a.m. on Champ 101.3 (WCPV–FM) in Colchester and 102.1 in Randolph. ''The Best of Corm and the Coach'' is part of the Saturday morning broadcasts.

Brennan will continue to work as an in-studio basketball analyst for ESPN, which he joined in 2005.

Cormier said Brennan's departure has nothing to do with the pending sale of the station by Clear Channel to Vox Communications this summer. The sale is expected to be completed by midsummer, Cormier said.

''He's just tired. Tom said if it was an afternoon show, it would be fine, but getting up at 4 a.m. is not,'' Cormier said. ''I got him 10 more years than I thought I would.''

''Corm and the Coach'' began with Brennan stopping by to do morning sports reports, but blossomed into one of the highest rated local shows through the years.

During the show, Brennan has enjoyed providing wake-up calls to bleary-eyed opposing coaches, members of the media and other newsmakers. He read his poetry about current events over the airwaves and is in demand as a public speaker and master of ceremonies. The show has supported a number of charities, including its own golf tournament.

Brennan coached the Catamounts for 19 years. The team won the America East championships and made NCAA tournament appearances in his final three seasons. The highlight of his career was UVM's upset of Syracuse in the 2005 NCAAs.

Cormier said the initial game plan is to continue the show with producer Carolyn ''Burkie'' Lloyd until the new owners take over, at which time discussions will be held. He said guest celebrities might be asked to co-host.

''All good things must come to an end,'' Cormier said.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Madam President, I started looking at the financial relationships between physicians and drug companies several years ago. I first began this inquiry by examining payments to individuals who served on FDA's Advisory Boards. More recently, I began looking at payments from drug companies to professors at our nation's medical schools and more specifically at the payments from Astra Zeneca to a professor of psychiatry at the University of Cincinnati.

I then moved on to look at several psychiatrists at Harvard and Mass General Hospital. These physicians are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies and failed to report those payments accurately to Harvard and Mass General.

For instance, in 2000 the National Institutes of Health awarded one Harvard physician a grant to study atomoxetine in children. At that time, this physician disclosed that he received less than $10,000 in payments from Eli Lilly which makes Straterra, a brand name of atomoxetine. But Eli Lilly reported that it paid this same physician more than $14,000 for advisory services that year—a difference of at least $4,000.

I would now like to report what I have found out about another researcher—Dr. Alan Schatzberg at Stanford. In the late nineties, Dr. Schatzberg helped to start a company called Corcept Therapeutics—Dr. Schatzberg is a copatent owner on a drug developed by Corcept. That company applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression.

Dr. Schatzberg is a well-known psychiatrist and has received several grants from the National Institutes of Health to study Mifepristone. While Dr. Schatzberg has reported some of his income from Corcept Therapeutics to Stanford, he did not report a profit of $109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005 because he was not required to do that under Stanford's rules.

But if it is not required by Stanford, I submit to you that it should be. Why? Because in his Stanford disclosures, Dr. Schatzberg only had to report whether he had more than $100,000 of stock in Corcept Therapeutics. However, his filings with the U.S. Securities and Exchange Commission show that he has control of 2,738,749 shares of Corcept stock worth over $6 million.

In addition, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg $22,000 that year. And in 2004, Dr. Schatzberg reported receiving between $10,000–$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schaztberg over $52,000 that year.

Before closing, I would like to say that Stanford has been very cooperative in this investigation, as have been many of the drug companies. I ask unanimous consent to have my letter to Stanford printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 23, 2008.

Dr. JOHN L. HENNESSY,
President, Stanford University, Office of the President, Stanford, CA

DEAR DR. HENNESSY: First, I would like to thank you again for working with me to lower student tuition at Stanford University (Stanford/University). It was a great leap forward in the effort to help students afford a quality education. Next, I would like to bring several other issues to your attention regarding Stanford, its conflict of interest policies, and a particular faculty member at your University.

As you know, the United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of

Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Stanford, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and taxpayer funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States regarding about 30 physicians. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. As you know universities like Stanford require doctors to report their related outside income. But I am concerned that these requirements are sometimes disregarded.

I have also been taking a keen interest in the almost $24 billion annually appropriated to the National Institutes of Health (NIH) to fund grants at various institutions such as Stanford. Institutions are required to manage a grantee's conflicts of interest. However, I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator KOHL and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am also writing to assess the implementation of financial disclosure policies at Stanford University. In response to my letter of October 25, 2007, Stanford provided me with copies of the financial disclosure reports that Dr. Alan Schatzberg filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of Dr. Schatzberg's disclosure forms and detailed the payments disclosed. Subsequently, I asked that Stanford confirm the accuracy of the information. In March 2008, Stanford's Vice Provost and Dean of Research provided clarifications and additional information from Dr. Schatzberg pursuant to my inquiry.

In addition to obtaining information from Stanford, I also contacted executives at several major pharmaceutical and device companies and asked them to list the payments that they made to Dr. Schatzberg during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that do not appear to have been disclosed to Stanford by Dr. Schatzberg. For instance, in 2002 Dr. Schatzberg did not report any income from Johnson & Johnson, but the company reported to me that it paid Dr. Schatzberg $22,000 that year. And in 2004, Dr. Schatzberg reported receiving between $10,000–$50,000 from Eli Lilly. But Eli Lilly reported to me that they paid Dr. Schatzberg over $52,000 that year.

Because these disclosures do not match, I am attaching a chart intended to provide to Stanford a few examples of the data reported to me. This chart contains columns showing the payments disclosed in the forms Dr. Schatzberg filed with Stanford and the amounts reported by several drug and device companies.

The lack of consistency between what Dr. Schatzberg reported to Stanford and what several drug companies reported to me seems to follow a pattern of behavior. More specifically, I have uncovered inconsistent reporting patterns at the University of Cincinnati, and at Harvard University and Mass General Hospital.

INSTITUTIONAL AND NIH POLICIES

Let me now turn to another matter that is of concern. Stanford requires every faculty member to make an annual disclosure related to both conflict of commitment (where no financial information is requested), and conflict of interest. As noted to me in your letter dated March 14, 2008, ''It is our obligation to avoid bias in research, including that conducted with federal funds.''

Based upon the information provided to me to date, Stanford has a zero dollar threshold for disclosures for research involving human subjects. Faculty members are required to disclose a range of amounts received from outside relationships that are related to a faculty member's research activities (such as participation on advisory boards or boards of directors, or consulting). In most instances, the University's standard for a significant financial interest is whether the faculty member received $10,000 or more in income, holds $10,000 or more in equity for publicly traded companies, or has any equity in the company in the event the company is privately held.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any ''significant financial interest'' may appear to affect the results of a study. NIH interprets ''significant financial interest'' to mean at least $10,000 in value or 5 percent ownership in a single entity.

Again based upon the information provided to me, it appears that Stanford takes failures to report outside income quite seriously. As noted in your correspondence dated March 14, 2008, ''It is our obligation to avoid bias in research, including that conducted with federal funds.'' You then described a Stanford investigation conducted in 2006 regarding a researcher who failed to report gifts, meals and trips from a device company. That faculty member was later terminated.

Based upon information available to me, it appears that Dr. Schatzberg received numerous NIH grants to conduct studies involving Mifepristone for treating depression. Corcept Therapeutics, a publicly traded company, has applied to the Food and Drug Administration for approval to market Mifepristone for psychotic depression. These grants funded studies during the years 2000 through 2007 that examined the treatment of psychotic major depression using Mifepristone. During these years, Dr. Schatzberg, consistent with Stanford's conflict policy, disclosed to Stanford a financial relationship with Corcept Therapeutics (Corcept) including stock ownership of over $100,000 and payments for activities including its Board of Directors, Advisory Board Membership, consulting, licensing agreements, and royalties. According to his disclosures, these payments were between $50,000 to $100,000 in the years 2003 through 2005, and between $10,000 to $50,000 in the years 2001, 2002, 2006, and 2007.

However, it appears based upon the information available, Dr. Schatzberg did not and was not required to report a profit of $109,179 from the sale of 15,597 shares of Corcept stock on August 15, 2005. This transaction is found in his publicly available filings with the U.S. Securities and Exchange Commission (SEC). Earlier that year, Dr. Schatzberg began enrolling an estimated 100 patients for a clinical trial, sponsored by the NIH, to evaluate Mifepristone to treat psychotic depression.

Further, while Dr. Schatzberg appropriately disclosed to Stanford that his stock shares were valued at over $100,000, I am not certain that this number captures the stocks' true value. Dr. Schatzberg carries an equity interest in Corcept with over 2 million shares of stock. For instance, as of January 31, 2008, he reported to the SEC that he held 2,438,749 shares of Corcept stock, with sole voting power for 2,738,749 shares. On June 12, 2008, Corcept stock closed at $2.24 a share, meaning that his stock is potentially worth over $6 million. Obviously, $6 million is a dramatically higher number than $100,000 and I am concerned that Stanford may not have been able to adequately monitor the degree of Dr. Schatzberg's conflicts of interest with its current disclosure policies and submit to you that these policies should be re-examined.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. And the NIH must rely on strong institutional conflict of interest policies to ensure the integrity of the grant making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members.

Accordingly, I request that Stanford respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by Dr. Schatzberg, please confirm that he reported to Stanford University's designated official ''the existence of [a] conflicting interest.'' Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Stanford ensured ''that the interest has been managed, reduced, or eliminated.'' Please provide an individual response for each grant that Dr. Schatzberg received from January 2000 to the present, and provide any documentation supporting each claim.

3. Did Dr. Schatzberg violate any federal or Stanford policies by not revealing his stock sale in 2005? If not, why not?

4. Is Stanford considering any changes in its disclosure policies to more fully capture the degree of a conflict when a faculty member owns shares in a company that are in excess of $100,000?

5. Please report on the status of any possible reviews of research misconduct and/or discrepancies in disclosures by Dr. Schatzberg, including what action if any will be considered.

6. Please report if a determination can be made as to whether or not Dr. Schatzberg violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

7. Please provide a total dollar figure for all NIH monies received annually by Stanford University. This request covers the period of 2000 through 2007.

8. Please provide a list of all NIH grants received by Stanford University. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;

b. Grant Title;
c. Grant number;
d. Brief description; and
e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than July xx, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224–4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

SELECTED DISCLOSURES BY DR. SCHATZBERG AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES AND DEVICE MANUFACTURERS

Year	Company	Disclosure filed with Institution	Amount company reported
2000	Bristol Myers Squibb	No amount provided	$1,000
	Eli Lilly	No amount provided	$10,070
2001	Bristol Myers Squibb	No amount provided	$4,147
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Eli Lilly	No amount provided	$10,788
2002	Bristol-Myers Squibb	Not reported	$2,134
	Corcept Therapeutics	>$100,000 [b]	n/a
	Corcept Therapeutics	<$10,000 [c]	n/a
	Corcept Therapeutics	<$10,000 [d]	n/a
	Eli Lilly	No amount provided	$19,788
	Johnson & Johnson	Not reported	$22,000
2003	Bristol-Myers Squibb	No amount provided	$4,000
	Corcept Therapeutics	<$10,000 [e]	n/a
	Corcept Therapeutics	>$10,000<$50,000 [f]	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Corcept Therapeutics	<$10,000 [h]	nfa
	Corcept Therapeutics	<$10,000 [i]	n/a
	Eli Lilly	No amount provided [j]	$18,157.34
2004	Bristol-Myers Squibb	<$10,000	$0.00
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Eli Lilly	>$10,000<$50,000 [k]	$52,134
	Pfizer	Not reported	$2,500
2005	Bristol-Myers Squibb	<$10,000	$0
	Corcept Therapeutics	>$10,000<$50,000 [a]	n/a
	Corcept Therapeutics	>$100,000 [g]	na
	Eli Lilly	>$10,000-<$50,000	$9,500
	Pfizer	No amount provided	$2,000
2006	Bristol-Myers Squibb	Not reported	[l] $6,000
	Corcept Therapeutics	<$10,000 [h]	n/a
	Corcept Therapeutics	>$10,000<$50,000	n/a
	Corcept Therapeutics	>$100,000 [g]	n/a
	Eli Lilly	>$10,000<$50,000 [m]	$20,500
	Pfizer	Not reported	$300
2007	Eli Lilly	Not reported	$10,063

[a] Physician disclosed payment for Advisory Board Membership, Board of Directors, and consulting.
[b] Physician disclosed payment for equity.
[c] Physician disclosed payment for serving as a Director, consultant.
[d] Physician disclosed payment for royalties.
[e] Physician disclosed payment for serving as a Advisory Board Member.
[f] Physician disclosed payment for consulting.
[g] Physician disclosed stock ownership.
[h] Physician disclosed payment for licensing agreement.
[i] Physician disclosed payment for serving as Director, Board of Directors.
[j] Physician disclosed payment of <$10,000 for consulting, and did not provide amounts received for research, grants and gift funding.
[k] Physician disclosed payment of <$10,000 for Advisory Board Membership, and >$10,000<$50,000 for honoraria for papers or lectures, and consulting.
[l] Bristol-Myers Squibb stated that Stanford intended to pay Dr. Schatzberg $6,000 for conducting an annual course for which the company provides a grant.
[m] Physician disclosed payment for serving as a Advisory Board Member and consulting.

Note 1: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation nla (not available) reflects that a company was not contacted.

Note 2: The Committee was not able to estimate the total amount of payments disclosed by Dr. Schatzberg during the period January 2000 through June 2007 due to the fact that some amounts were not provided and in other instances ranges were used. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in his disclosures.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov 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:

MIKE, Thanks for the invitation to vent. Well, that is not what you asked, but here goes. I'm one of those poor widows living on Social Security supplemented by a little bit of freelance writing, and energy costs are increasingly adding to sleepless nights as I worry about how to keep going. Do not cue the violins.

I agree with your points on increasing our energy independence, and believe that we are indeed stewards of the earth who will be held accountable by our Creator for how we manage it. I contend that these two points are not mutually exclusive, and who better than the great people of the United States to figure out how to do it.

I'm also interested in understanding how futures markets play into the increased cost of gasoline—anything you can tell me about that? Further, how about drastic changes to the red tape required to get nuclear plants up and running?

One last thing: If you have any influence with Senator John McCain, please use it to encourage him to come up with an aggressive energy policy post haste and present it to the voters. If ever there were a time, this is it, and he needs all the help he can get from those of us who are supporting him out of common-sense duty rather than devotion. Help, help.

Thanks for your ear and I hope this gets to you and not only your staff.

KATHY.

Mike, My family and I are making choices to limit our expenses as is rational, but we have means and discretionary income to juggle. My wife who is a public school administrator tells a different story regarding some of the pupils she sees right now in her summer school programs. They are showing up to school without breakfast, without a lunch, and no money to even buy snacks. Her schools have not offered free and reduced meals for summer school in the past (did not need to), but are trying desperately to do so now. Their parents, many of whom are working lower-paid jobs, are making very hard choices.

Think of the lowest paid tier of workers in our economy. They may not live in comfortable neighborhoods close to their work. Often they drive cars that are affordable up front, but get deplorable gas mileage thereafter. Forget insurance of any kind. In an economy like ours where housing starts and services are down, many of these fathers are working less hours and driving further away to get them. The choices are becoming untenable.

I realize that some of the hesitation to address energy in America is part social engineering (which in my opinion is the realm of the passive-aggressive and grossly irresponsible), and part is Washington's age-old reluctance to govern proactively rendering it ineffectual in matters that matter. But, many of your constituents cannot coast through this crisis until it sorts itself out. Worse, the inaction of your colleagues gives

us very little hope that our crisis is temporary (if nothing changes, nothing changes).

A perfect storm is brewing for our economy; government needs to allow the free market and investors opportunities to produce more energy. Aside from ANWR, there are plenty of places in the lower 48 to bring online (as well as refining capacity) to adress this muddle in less than 10 years. Tell your colleagues to lead, follow, or get out of the way!

In the short-term we are going to see more foreclosures, dependency on state and federal aid, and hospitals like ours will see bad debt and charity care skyrocket. Not a time for inaction. Thanks for your interest in this cause, I hope you are able to rally the millionaire's club to some kind of rational response.

REV. MARK, Nampa.

You and Congress know what needs to be done. Drill now—drill HERE! Join China and Cuba off our own shores and become self reliant again. Start drilling in Anwar. Start drilling in Montana. Start using the resources in Colorado in shale. And build more refineries—and you—CONGRESS—loosen the hurdles that make it impossible for anyone drilling and/or building those refineries we need so desperately—loosen the restrictions that hinder providing alternatives (such as nuclear and solar). Stop wasting time telling ''stories''—and loosen the restrictions that environmentalists have shackled us with! Do your job.

Just let us become a self reliant nation again!

DAVE.

SENATOR CRAPO, This is a Republic! We elected you and you fellow Congress men and women to represent us. So far all my family has seen is a lot of incompetency! No one in Congress has done anything to help the situation. Everyone is geared up to their special interests so that they can get re-elected to another term. You guys need to kick the lobbyist out of the halls of Congress and start representing us. My family cannot take trips to see fellow family members, an event that takes place each year, because we cannot afford the fuel costs. Put yourselves in a private room and figure this thing out without any outside forces influencing you. If you cannot do this, resign, and let us find someone who can. I personally do not care if it is nuclear power or Anwar or raising standards for the auto industry or rationing gas. Protect our environment but try to get us out of this mess and solve this problem. You guys are below President Bush in positive polling.

Do not you get it???

DON, Star.

Dear Sir: My wife and I are retired and had planned to enjoy our retirement years by traveling all over the great state of Idaho and see the attractions we did not have time to see when I was employed. This included taking our boat out on the great lakes and rivers during Idaho's hot summers.

Now with the combination of high property taxes in Boise, and high fuel prices, we are unable to realize our retirement dreams. The property taxes are going to force us out of our home in which we have lived for 15 years and the high fuel prices will force us to stay at home.

We can no longer afford to take vacations to Yellowstone and the other National Parks. We cannot visit my two sons located in San Francisco and Texas. We cannot afford to drive our diesel truck so our boat towing days in McCall are over with.

The do nothing Congress has once again lived up to its name with respect to energy. As you know, the US has huge oil reserves off shore along both coastlines, huge deposits of oil in the the Alaskan arctic, but the useless Congress will not lift a finger to allow for exploration of this oil. This forces us all to be held captive by the Middle East, Mexico, and Venezuela since we are so dependent on their oil. The Democrats in Congress place a higher value on politics and listening to the tree hugger and special interest group minorities than on the wishes of the vast middle class of Americans who want the US to be more self sufficient in oil.

We have vast coal reserves which cannot be used for the same reasons.

I am opposed to the use of nuclear power due to the nuclear waste disposal problem and Congress reluctance to open Yucca Flats.

Please—cannot you do something to allow drilling on our own land to rid us of our dependency on the Middle East?

Yours truly,

ED AND CAROL, Boise.

What's the matter with all the Bozos in Washington? As they sit finely with all of their ''not hard-earned'' tax dollars paying them for what? They sure have screwed up America. Special interests, etc . . . We have our own energy sources right here, right now. Let's use it. . . . NOW!!! The polar bear is on the brink of extinction? I do not think so, since their population has increased from 5000 to 35000 worldwide in the last 25 years. Why we let the elite enviromentalists erode our backbone in America is beyond me. Stupid politicians have no idea what it means to live paycheck to paycheck. I have no idea how I can afford furnace oil for next winter. There is no way I can pay these prices for furnace oil, let alone gasoline for the cars. It gets damn cold here in the winter and last winter lasted like 9 months. Tell those asses sitting on their asses to get off their asses and open up our country to what we have available right here. . . . Do I sound mad?? No kidding. . . . I am sick of politicians being stupid. Time to stand up and take our country back. Time to weed out the enemy within. Time to do what we should do and be self sufficient as a country.

MAGGIE.

I could not agree with you more that Congress needs to get moving and do something productive about our country's energy plan. Should we increase our own domestic production—absolutely. ANWR, offshore drilling etc should be used immediately. Enough of the environmentalists blocking every attempt to increase our own production. Nuclear power is a no-brainer. We have the proven technology to produce clean efficient fuel. Again, enough of the environmentalists trying to block every move to store the nuclear waste. How many 100's of millions of dollars have already been spent on Yucca Mountain to use it for the safe storage of nuclear waste—let's use it!! Wind and solar are definitely alternatives but being able to produce the quantity of power we need may not be reality. Use them to supplement more reliable sources such as Nuclear.

In summary it is time we take back our own country and for Congress to do something—leading, not political bickering, would be a refreshing idea.

Thank you

DALE, Meridian.

We do not want nuclear!!

Idaho is already a dumping ground. Nuclear is dirty, dirty energy!

Nuclear waste issues must be resolved first.

Stick to wind, solar, clean and renewable energy.

YVETTE.

SENATOR CRAPO, Increased domestic oil production or an expanded nuclear energy research are not the best directions for Idaho or the country. If we are talking about the health of our land and people then we should concentrate our research dollars on technical innovation and alternative energies. Just one outcome of technological innovation, the Toyota Prius, has saved more oil in a few years then we would get in over twenty years of drilling in the Arctic National Wildlife Refuge. Idaho has incredible alternative resources available. With thermal waters less than a mile below surface throughout the state, we would be an excellent choice for leading the nation in geothermal energy. We have desert areas of the state where the sun shines almost 365 days a year, and plains areas where we could harvest wind power.

We do not need lower gas taxes. We need better public transportation. We need leadership that encourages conservation. We need investment in education and research that has the promise of providing a future for our children that is not dependent on nations who do not have our best interests in mind. We have always had independent minds in Idaho. Lets have clean, sustainable energy independence as well.

PATRICIA.

The rate of increase in fossil fuel cost is unprecedented and demonstrates that the current administration and prior congresses have failed the American Citizens and for that matter the world by not properly addressing this issue. The energy crises has been a long time in the making and many good people, much of the scientific community and a rare politician or two (i.e. Al Gore) have been trying to do something.

I recently bought a home and am watching a minimum of $100/week in fuel cost going to the moving. This has been going on for a few months and will do so for a few more. I rarely take trips from my home in the Lenore and Orofino area to Lewiston to shop. It is just too expensive. Plus the cost of everything else is ramping up due to the fuel cost increases. It saddens me that so much profit is being realized by a few. The economic profits are being controlled and directed to those who also control the flow of public resources. This is capitalism at its worst.

Throughout your career, you have demonstrated an indifference to the problem and have associated yourself with those who mischaracterized environmentalists rather than working with them. Your rating by the League of Conservation Voters is a paltry 13% for this year! Now you want to say you are on the same side. Do you really think we can believe or trust you? The biggest part of conservation is reducing demand—not simply looking to pump up more carbon from fragile environments. I think it would be best if you step aside and allow a new generation of thinkers without your baggage and not linked to pollution-generating industries to take the lead.

If you truly want to see all America and the world prosper in the future it will take a commitment on your part, to accept a change in the cultures of people, corporations, and government—away from use-up, me only, and profits as the bottom line, to a sustainable economy within the framework of a sustainable healthy environment. This, obviously, does not detract from a major goal of this nation—the pursuit of happiness. Happiness is a personal issue that is influenced by outside factors. Consumerism has made many people believe that more leads to happiness, but the experience of the last half century should speak for itself. Some of the old values such as free time, time with family and friends, having simple hobbies, pursuing knowledge, etc are all examples of low environmental impact ways to be happy.

I wish you the best in your retirement and commend you on your career. Encourage your grandchildren to follow a new path.

TOM.

As a travel writer and photographer, I am usually on the go much of the time. It used to be nothing to travel a day or two by car to go do a story somewhere for one of the many magazines I write for. But now, due to the high cost of gasoline, I've got to really look at the distances I have to travel because of the high cost of gasoline. There are story opportunities I have to turn down not because of the distance itself, but because of the cost of gasoline to cover that distance.

I am retired, so it is not about making a lot of money. If my travel costs are less than what I'll be paid for the articles and photography, I'll usually go do the story. It has been like I'm always on vacation. But now, the travel costs are becoming so expensive it's becoming harder every day to except assignments that require extensive driving to destinations to do the articles. My happy style of travel and retirement are coming to a fast close because of gas prices.

My dream when I retired in 1998 was to see as much of the United States as possible and be on the road exploring the unique places I never got around to while I was working. I thought I might even do a book like John Steinbeck did, ''Travels With Charlie'', and illustrate it with my photography from around the United States. Well, that is down the tubes as well.

Whenever I leave the house to go somewhere, I have to make sure that I get three or four things done on the trip so as not to waste gas. It has become a real struggle. I feel sorry for the people that have to drive far every day to go to work, it has got to be knocking them for a loop with the price of gas what it is.

JERRY.

I think we desperately need an energy policy that will utilize our own proven oil and gas reserves. I blame congress in part for the current high energy prices due their continually politicizing the adoption of a workable national energy policy.

MEL, Boise.

I live in Ashton, Idaho, and drive to Idaho Falls to teach at Idaho State University, so the cost of gas matters. Yet, I also welcome the high costs of gasoline if it forces us to an awareness of how destructive burning fossil fuels is and forces us to change. I absolutely oppose more production of fossil fuels, and urge you to take alternative energy sources seriously: wind, solar, and support these with the kind of subsidies you so easily give to agriculture. Above all, it is time to do something about public transportation, especially the restoration of rail services to rural areas, or support for connecting Idaho to Portland/Denver. Give Idaho transportation alternatives, rather than working within the same addiction to automobiles and fossil fuels. My ''story'' is outrage that government has given so little thought to alternatives.

DARRELL.

DEAR SENATOR CRAPO, I strongly believe our efforts to address these energy costs should be concentrated on getting more use out of clean, renewable energy that is already available. Most of us could go a great deal further in our energy conservation efforts; incentives might help. There is already a great deal available in wind and solar energy, I think that with incentives to utilize them and research money directed at improving them we can start to establish a sustainable energy usage for the long term.

Increasing drilling in the United States will at most give us a few years of additional oil, if that, at the cost of possibly despoiling a beautiful natural zone and damaging critical bird nesting habitat.

Increasing our use of nuclear power when we still have not figured out a safe means of dealing with the waste is similarly irresponsible over the long term.

I too have felt the high energy prices, but I do not think they should be used as an excuse to increase our efforts in a failed direction that is causing severe damage to the global environment. It is time that we stop and consider how we can move our energy policy in a different direction for our long-term health.

ARIA, Moscow.

I am a substitute teacher for School District #331 in Minidoka County. I have been subbing for 13 years and, until this last year, I worked mostly full days but the occasional half day for teachers who, for various reasons, didn't need to be gone all day. I will no longer go in for half days because it is not economically feasible. We, as subs, are not paid well anyway, and to only get half pay, with gas prices like they are, is not possible anymore. I substitute at the secondary level and there are two schools in Rupert that I work at regularly, Minico High School is about ten minutes away and West Minico Middle School is 20 minutes away. I do not go to Minico or West much any more because of high gas prices. I think we really need to ''drill here, drill now'' because something has got to give. Our wages are not going up! Thank you for caring. . . .

PATTY, Rupert.

We continue to build our economy on oil yet we can not produce enough oil in this country for energy independence. It wouldn't matter if we could, because we are capitalist. We would just sell the oil on the global market.

We need to look at our current natural resource and use them to our advantage. Brazil switched to sugarcane ethanol, but corn is not the answer to the United States. Our natural resource is coal and natural gas. We should concentrate on making coal cleaner and switch our economy to electricity powered by coal, hydro, nuclear, and wind (most likely in that order). That is energy independence. Quit fighting for something that doesn't exist.

BRENT, Boise.

ADDITIONAL STATEMENTS

TRIBUTE TO JOSEPHINE LONG

• Mr. DODD. Madam President, today I honor the career of Josephine Long, a wonderful woman and extraordinary teacher. Ms. Long has worked in the District of Columbia Public School System for 33 years, touching the lives of hundreds of children. Ms. Long was born in Raleigh, NC, and moved to Washington, DC, as a child. She has lived here ever since, raising two daughters and two sons. Ms. Long received certification in early childhood education from both Gallaudet University and Prince George's Community College. Since then, Ms. Long has had a positive impact in many classrooms, working for the majority of her career with special needs children and for the past 2 years at the School-Within-School at Peabody, a DC public school.

Colleagues have long admired Ms. Long for her optimistic attitude and the special concern and attention she gave to her students with special health concerns. Perhaps Ms. Long's most impressive strength as a teacher was the respect she showed her students; she spoke to them and treated them with maturity, sharing her life experiences, recounting daily encounters, and listening intently when they shared their thoughts as well. Ms. Long made her students laugh and was always generous; every day, she shared her lunch cookies among 22 different students.

As both a father and the chair of the Senate Subcommittee on Children and Families, I know very well the importance of a quality education. While many factors contribute to the success of our schools, perhaps none can make more of a difference than a teacher with the ability to connect with her students. Ms. Long did just that for more than 30 years, and I commend her for her dedication to the District of Columbia Public School System. On behalf of all the students she has touched over her many years of teaching, I thank her for her unwavering commitment to the education of her students. I congratulate Josephine on her retirement and wish her only the best in the years to come.•

TRIBUTE TO DANIEL SAFSEL

• Mr. KERRY. Madam President, I would like to congratulate and honor Daniel Safsel, a passionate fourth grader who raised the level of environmental awareness at his elementary school. Daniel urged his school newspaper, the Siwanoy Express, to stop printing and distributing copies of its newsletter and to send it via email instead. As a result of his efforts, the newspaper recently launched their first trial run of the ''green'' express. Daniel should be extremely proud that he was able to make a valuable contribution toward creating a greener future.

Even though we are faced with a worldwide environmental crisis, Daniel's actions show that young Americans can do their part in ensuring that we live in a safer and cleaner environment. Students like Daniel inspire and remind us all of the power of making our voices heard.

I heartily applaud Daniel Safsel for his initiative in seeking to make his community greener. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect.•

TRIBUTE TO LIEUTENANT COLONEL EDWARD M. FORTUNATO

• Mr. LIEBERMAN. Madam President, I wish to publicly commend and congratulate LTC Edward M. Fortunato, U.S. Army, upon his retirement after 20 years of military service. I have come to know and respect Lieutenant

Colonel Fortunato over the past 3 years, during which time he served as the congressional liaison for all Army aviation programs. In this capacity, Lieutenant Colonel Fortunato was instrumental in improving the understanding of Senators and staff concerning a myriad of Army aviation issues, in particular the reinvestment of Comanche helicopter funding to restructure Army aviation for the 21st century, the wars in Iraq and Afghanistan, and Army transformation. He was instrumental in the successful authorization and appropriation of the light utility helicopter, armed-reconnaissance helicopter, joint cargo aircraft, Chinook multiyear, Apache, Black Hawk multiyear and numerous unmanned aerial vehicle and aviation R&D projects.

Lieutenant Colonel Fortunato escorted numerous congressional delegations to over 20 countries, including 3 to Iraq and Afghanistan. I myself was privileged to have him as an escort at my specific request for my own visits abroad and in larger delegations. He worked tirelessly to ensure my visits were coordinated with all the relevant agencies, military leaders, heads of state and government officials so I could focus on the issues that were critical to my service as the chairman of the Senate Armed Services Air Land Subcommittee. I am extremely grateful for the support, friendship and perspective Ed provided me and my staff.

Lieutenant Colonel Fortunato's congressional assignment was the capstone to an outstanding career of service to our Nation. He served as an aviation officer in numerous command and staff positions. His operational assignments began in the famous 101st Airborne Division, AASLT, during Operations Desert Shield/Desert Storm with further assignments as part of JTF-Bravo in Honduras, 2nd Infantry Division in Korea and the 25th Infantry Division, L, in Hawaii. Lieutenant Colonel Fortunato then served in a number of program and acquisition positions to include program manager for the Army Special Operations Aviation Regiment MH–60 Black Hawk fleet and various high level assignments within the Army Secretariat.

Lieutenant Colonel Fortunato holds an MBA from George Washington University and a bachelor's of science in business and marketing from George Mason University. His military awards include the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Air Medal, Parachutist Badge, Pathfinder Badge, Air Assault Badge, the Army Aviation Association's Order of St. Michael, and he is a Senior Army Aviator with over 1,100 hours.

Son of a soldier, Lieutenant Colonel Fortunato is married to the former Monique Childress of Roanoke, VA. They have two children, Isabella, 13, and Edward, 11. I congratulate them on their husband and father's retirement from the Army. The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier, and I thank Monique, Isabella and Ed for their service.

The Army, the Senate, and the Nation are fortunate to have had the service of such a great officer as LTC Ed Fortunato. I wish him Godspeed.●

TRIBUTE TO DR. AMAR BOSE

● Mr. KERRY. Madam President, in May, Dr. Amar Bose was inducted in the National Inventors Hall of Fame. I would like to take this opportunity to recognize his outstanding accomplishments that have helped change our society and improve the way we live every day.

A pioneer in modern acoustics, Dr. Bose is founder, chairman and technical director of the internationally-recognized audio company that bears his name, Bose Corporation.

Raised just outside Philadelphia, Dr. Bose began his career at the age of 13, repairing radios in his basement during WWII.

His passion for technology continued at MIT, where he earned bachelor, masters and doctoral degrees in electrical engineering. In 1956, Dr. Bose was asked to join the faculty at MIT, where he taught for 45 years.

His research at MIT led to the development of new, patented technologies. With those patents, he founded Bose Corporation in Massachusetts in 1964. He has achieved worldwide acclaim with the introduction of groundbreaking products, including the 901® Direct/Reflecting speaker system, customized sound systems for automobiles, and active noise-reducing headphones. Under his leadership, 100 percent of profits are reinvested back into the company, enabling research and advancements in non-audio areas.

In 2004, after 25 years of research, he introduced a revolutionary suspension system that combines superior comfort and control in the same vehicle.

Dr. Bose has done extensive work for the Armed Forces and NASA. He was named Inventor of the Year in 1987, by the Intellectual Property Owners Association and holds numerous patents in the fields of acoustics, electronics, nonlinear systems, and communication theory.

He is a member of the Audio Hall of Fame, the recipient of a Distinguished Service Citation from the Automotive Hall of Fame, and has been inducted in the Consumer Electronics Hall of Fame. He is an elected member of the National Academy of Engineering and of the American Academy of Arts and Sciences.

Congratulations Dr. Bose on being inducted into the National Inventors Hall of Fame and for your outstanding work at the Bose Corporation.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on June 23, 2008, during the adjournment of the Senate, received a message from the House of Representative, delivered by Ms. Niland, one of its reading clerks, announcing that the Speaker had signed the following enrolled bills:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

MESSAGE FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 841 (b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and the order of the House of January 4, 2007, the Speaker and the Majority Leader of the Senate jointly appoint to the Commission on Wartime Contracting: Mr. Michael J. Thibault of Reston, Virginia, cochairman. Further, pursuant to the aforesaid authority, the Speaker appoints the following member on the part of the House of Representatives to the

Commission on Wartime Contracting: Mr. Clark Kent Ervin of Washington, DC.

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–6703. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General William R. Looney III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6704. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Robert Magnus, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6705. A communication from the Principal Deputy, Office of the Assistant Secretary (Research, Development and Acquisition), Department of the Navy, transmitting, pursuant to law, notification that the Navy proposes to donate the submarine ex-DOLPHIN (AGSS 555) to the Maritime Museum of San Diego; to the Committee on Armed Services.

EC–6706. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the report of two modifications made in 2008 to the auction process; to the Committee on Banking, Housing, and Urban Affairs.

EC–6707. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report on the auctions held by the Department during the period of January 1, 2007, through December 31, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6708. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Affiliate Marketing Rule'' (RIN3084–AA94) received on June 19, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6709. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Definitions and Implementation Under the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003: Final Rule and Statement of Basis and Purpose'' (RIN3084–AA96) received on June 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Wages'' (Revenue Ruling 2008–29) received on June 19, 2008; to the Committee on Finance.

EC–6711. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to List of User Fee Airports: Additions of Capital City Airport, Lansing, Michigan and Kelly Field Annex, San Antonio, Texas'' (CBP Dec. 08–23) received on June 19, 2008; to the Committee on Finance.

EC–6712. A communication from the President, National Center for Policy Analysis, transmitting its 2008 First Quarter Report; to the Committee on Finance.

EC–6713. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on Heavy Mobility Tactical Wheeled Vehicles; to the Committee on Foreign Relations.

EC–6714. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires originally designed for use on M977 Heavy Expanded Mobility Tactical Truck; to the Committee on Foreign Relations.

EC–6715. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of the proposed removal from the United States Munitions List of tires primarily used on military heavy trucks, and for other purposes; to the Committee on Foreign Relations.

EC–6716. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Presidential Library Facilities'' (RIN3095–AB16) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6717. A communication from the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Post-Employment Conflict of Interest Restrictions'' (RIN3209–AA14) received on June 19, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 802. To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI (Rept. No. 110–394).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3985. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes (Rept. No. 110–395).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–396).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes (Rept. No. 110–397).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2766. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel (Rept. No. 110–398).

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. REID (for Ms. LANDRIEU):

S. 3176. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. HAGEL, Mr. SMITH, and Mr. DURBIN)):

S. 3177. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Relations.

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

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

S. 3179. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. BYRD:

S. 3181. An original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 3182. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2009, and for other purposes; from the Committee on Appropriations; placed on the calendar.

ADDITIONAL COSPONSORS

S. 667

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1103

At the request of Mr. BINGAMAN, the name of the Senator from Vermont

(Mr. LEAHY) was added as a cosponsor of S. 1103, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of Medicare coverage of medical nutrition therapy services.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1595

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1595, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) 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. 1977

At the request of Mr. OBAMA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1977, a bill to provide for sustained United States leadership in a cooperative global effort to prevent nuclear terrorism, reduce global nuclear arsenals, stop the spread of nuclear weapons and related material and technology, and support the responsible and peaceful use of nuclear technology.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2120

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2120, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2433

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2510

At the request of Mr. LEAHY, his name 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. 2523

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2652

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2771

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2771, a bill to require the president to call a White House Conference on Children and Youth in 2010.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2795

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2795, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2976

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2976, a bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries.

S. 3093

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3093, a bill to extend and improve the effectiveness of the employment eligibility confirmation program.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S. 3168

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3168, a bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes.

S. 3169

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3169, a bill to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund.

S.J. RES. 41

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding ''hostile activities or propaganda'' and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 594

At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 594, a resolution designating September 2008 as ''Tay-Sachs Awareness Month''.

AMENDMENT NO. 5013

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 5013 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5020

At the request of Mr. ENSIGN, the names of the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 5020 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

AMENDMENT NO. 5022

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. SNOWE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 5022 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 3178. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to introduce bill that would give our veterans, surviving spouses, and certain dependent children he option to buy dental insurance coverage through the Department of Veterans Affairs. My bill is based on a very successful program that has been in place since 1998 for military retirees and their families.

Under the TRICARE Retiree Dental Program, TRDP, military retirees are given the option to purchase dental coverage under a contract managed by the Department of Defense. Since the program started, over one million eligible participants have chosen to buy dental coverage through this plan, including over 56,000 in my home state of North Carolina. Those individuals have access to a network of about 112,000 dental plan providers across the nation. Premiums range from $14 to $48 per month per person, depending on the region and type of dental plan selected. With this kind of success, it seems only fitting that we offer the same kind of benefit to our veterans.

VA runs the largest integrated health care system in the nation. Although VA provides dental benefits to the 7.9 million veterans enrolled in the health care system, these benefits are either limited to a select group of people or can only be provided under very limited circumstances. For example, VA provides comprehensive dental care to veterans for 180 days after they leave service; who have service-related dental conditions; who are in nursing homes and require dental care; or who fall under other very strict guidelines.

My bill would supplement this limited coverage by giving veterans and survivors the option to purchase a more comprehensive dental plan. Of course, many veterans may have dental coverage through their employers or through an individual policy. My bill extends this dental plan option to all enrolled veterans.

As I mentioned, the bill is modeled after the successful program that is now offered to TRICARE retirees. Federal employees also have access to a similar benefit option for dental coverage. Like these other programs, this VA program would be entirely voluntary, be financed through premiums and, most importantly, provide needed coverage from a network of dental professionals in local communities.

This bill would not replace VA's dental services; it is just another option for those who want to have access to group insurance rates that they could not otherwise get on their own. This idea is like the 44 year relationship VA has with Prudential, who provides active duty servicemembers and veterans with group life insurance policies. The most important part of the relationship is that servicemembers and veterans are well-served and get to reap

the benefits of group rates and competition.

This is a good example of how we can build on innovative and successful approaches to improving options for our veterans. I believe my bill is another step in that direction, and I ask my colleagues for their support.

By Mr. REID (for Mr. KENNEDY):

S. 3180. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

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

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

S. 3180

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2008'' and inserting ''July 31, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5025. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5026. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5027. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5028. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5029. Mr. NELSON, of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5024. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION ____—COMMERCIAL TRUCK FUEL SAVINGS

SEC. ____01. SHORT TITLE.

This division may be cited as the ''Commercial Truck Fuel Savings Demonstration Act of 2008''.

SEC. ____02. FINDINGS.

Congress finds that—

(1) diesel fuel prices have increased more than 50 percent during the 1-year period between May 2007 and May 2008;

(2) laws governing Federal highway funding effectively impose a limit of 80,000 pounds on the weight of vehicles permitted to use highways on the Interstate System;

(3) the administration of that provision in many States has forced heavy tractor-trailer and tractor-semitrailer combination vehicles traveling in those States to divert onto small State and local roads on which higher vehicle weight limits apply under State law;

(4) the diversion of those vehicles onto those roads increases fuel costs because of increased idling time and total travel time along those roads; and

(5) permitting heavy commercial vehicles, including tanker trucks carrying hazardous material and fuel oil, to travel on Interstate System highways when fuel prices are high would provide significant savings in the transportation of goods throughout the United States.

SEC. ____03. DEFINITIONS.

In this division:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Transportation of a State.

(2) COVERED INTERSTATE SYSTEM HIGHWAY.—

(A) IN GENERAL.—The term ''covered Interstate System highway'' means a highway designated as a route on the Interstate System.

(B) EXCLUSION.—The term ''covered Interstate System highway'' does not include any portion of a highway that, as of the date of the enactment of this Act, is exempt from the requirements of subsection (a) of section 127 of title 23, United States Code, pursuant to a waiver under that subsection.

(3) INTERSTATE SYSTEM.—The term ''Interstate System'' has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. ____04. WAIVER OF HIGHWAY FUNDING REDUCTION RELATING TO WEIGHT OF VEHICLES USING INTERSTATE SYSTEM HIGHWAYS.

(a) PROHIBITION RELATING TO CERTAIN VEHICLES.—Notwithstanding section 127(a) of title 23, United States Code, the total amount of funds apportioned to a State under section 104(b)(1) of that title for any period may not be reduced under section 127(a) of that title if a State permits a vehicle described in subsection (b) to use a covered Interstate System highway in the State in accordance with the conditions described in subsection (c).

(b) COMBINATION VEHICLES IN EXCESS OF 80,000 POUNDS.—A vehicle described in this subsection is a vehicle having a weight in excess of 80,000 pounds that—

(1) consists of a 3-axle tractor unit hauling a single trailer or semitrailer; and

(2) does not exceed any vehicle weight limitation that is applicable under the laws of a State to the operation of the vehicle on highways in the State that are not part of the Interstate System, as those laws are in effect on the date of enactment of this Act.

(c) CONDITIONS.—This section shall apply at any time at which the weighted average price of retail number 2 diesel in the United States is $3.50 or more per gallon.

(d) EFFECTIVE DATE AND TERMINATION.—This section shall not remain in effect—

(1) after the date that is 2 years after the date of enactment of this Act; or

(2) before the end of that 2-year period, after any date on which the Secretary of Transportation—

(A) determines that—

(i) operation of vehicles described in subsection (b) on covered Interstate System highways has adversely affected safety on the overall highway network; or

(ii) a Commissioner has failed faithfully to use the highway safety committee as described in section ____06(2)(A) or to collect the data described in section ____06(3); and

(B) publishes the determination, together with the date of termination of this section, in the Federal Register.

(e) CONSULTATION REGARDING TERMINATION FOR SAFETY.—In making a determination under subsection (d)(2)(A)(i), the Secretary of Transportation shall consult with the highway safety committee established by a Commissioner in accordance with section ____06.

SEC. ____05. GAO TRUCK SAFETY DEMONSTRATION REPORT.

The Comptroller General of the United States shall carry out a study of the effects of participation in the program under section ____04 on the safety of the overall highway network in States participating in that program.

SEC. ____06. RESPONSIBILITIES OF STATES.

For the purpose of section ____04, a State shall be considered to meet the conditions under this section if the Commissioner of the State—

(1) submits to the Secretary of Transportation a plan for use in meeting the conditions described in paragraphs (2) and (3);

(2) establishes and chairs a highway safety committee that—

(A) the Commissioner uses to review the data collected pursuant to paragraph (3); and

(B) consists of representatives of—

(i) agencies of the State that have responsibilities relating to highway safety;

(ii) municipalities of the State;

(iii) organizations that have evaluation or promotion of highway safety among the principal purposes of the organizations; and

(iv) the commercial trucking industry; and

(3) collects data on the net effects that the operation of vehicles described in section ____04(b) on covered Interstate System highways have on the safety of the overall highway network, including the net effects on single-vehicle and multiple-vehicle collision rates for those vehicles.

SA 5025. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table as follows:

On page 175, between lines 2 and 3, insert the following:

SEC. 1132A. GRANTS FOR FINANCIAL LITERACY EDUCATION.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of Education.

(b) GRANTS TO PROMOTE ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a State partnership consisting of—

(I) a State educational agency; and

(II) a nonprofit organization with experience and a proven quality track record in financial literacy or personal finance education programs.

(B) ELIGIBLE LOCAL ENTITY.—In this subsection, the term ''eligible local entity'' means—

(i) a local educational agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301); or

(ii) a local partnership consisting of—

(I) a local educational agency; and

(II) not less than 1 of the following:

(aa) A nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(bb) An educational service agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301).

(cc) A recipient of an Excellence in Economic Education grant under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267 et seq.).

(dd) An institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(ee) A community organization.

(ff) A representative of local business.

(2) AUTHORIZATION.—The Secretary shall award grants to eligible entities to enable such entities—

(A) to award subgrants to local entities to provide financial literacy education; and

(B) to carry out activities designed to promote financial literacy education.

(3) APPLICATION.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) FORMULA.—From the total amount appropriated for this subsection under subsection (d) for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same relation to such total amount as the amount such State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such fiscal year bears to the total amount received by all States under such part for such fiscal year.

(5) USE OF FUNDS.—

(A) SUBGRANTS TO ELIGIBLE LOCAL ENTITIES.—

(i) AUTHORIZATION OF SUBGRANTS.—An eligible entity that receives a grant under this subsection shall use 75 percent of such grant funds to award subgrants to eligible local entities.

(ii) APPLICATIONS.—

(I) IN GENERAL.—An eligible local entity that desires to receive a subgrant under this subparagraph shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

(II) REVIEW OF APPLICATIONS.—The eligible entity shall review applications submitted under subclause (I) in the same manner as applications are reviewed under section 5534(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7267c(b)).

(iii) USE OF FUNDS.—An eligible local entity that receives a subgrant under this subparagraph—

(I) shall use the subgrant funds to—

(aa) implement teacher training programs to embed financial literacy and personal finance education into core academic subjects;

(bb) administer financial literacy assessments on not less than an annual basis in, at a minimum, the grade levels selected by the State pursuant to subparagraph (B)(i); and

(cc) implement financial literacy activities and sequences of study within core academic subjects; and

(II) may use the subgrant funds to implement school-based activities, including after-school activities, to enhance student understanding and experiential learning with consumer, economic, and personal finance concepts.

(iv) REPORT.—An eligible local entity that receives a subgrant under this subparagraph shall include in the annual report card under section 1111(h)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)) the same information on student achievement on the financial literacy assessments, administered pursuant to subparagraph (B)(ii), as required, pursuant to such section 1111(h)(2), of the other State academic assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(B) STATE ACTIVITIES.—An eligible entity that receives a grant under this subsection shall use 25 percent of such grant funds to carry out the following:

(i) The development of financial literacy standards in not less than 3 grade levels, including not less than 1 grade level in elementary school, not less than 1 grade level in middle school, and not less than 1 grade level in high school.

(ii) The development of appropriate financial literacy assessments in the grade levels determined under clause (i) that are valid, reliable, and comparable across the State.

(iii) Teacher professional development programs to embed financial literacy or personal finance education into core academic subjects.

(iv) An evaluation of the impact of financial literacy or personal finance education on students' understanding of financial literacy concepts.

(6) MATCHING FUNDS.—An eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount equal to 25 percent of the amount of the grant award to carry out activities required under this section.

(c) GRANTS TO PROMOTE POSTSECONDARY FINANCIAL LITERACY EDUCATION ASSISTANCE.—

(1) AUTHORIZATION OF GRANT AWARDS.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to provide financial literacy courses or course components to students.

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ''eligible entity'' means—

(A) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a partnership consisting of—

(i) an institution of higher education; and

(ii) a nonprofit organization with experience and a proven track record in quality financial literacy or personal finance education programs.

(3) APPLICATION.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(4) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds to develop and implement financial literacy education, activities, student organizations, or counseling that increase student knowledge in consumer, economic, and personal financial concepts.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) ELEMENTARY AND SECONDARY FINANCIAL LITERACY EDUCATION GRANTS.—There is authorized to be appropriated to carry out subsection (b) $75,000,000 for each of the fiscal years 2009 through 2014.

(2) POSTSECONDARY FINANCIAL LITERACY EDUCATION GRANTS.—There is authorized to be appropriated to carry out subsection (c) $75,000,000 for each of the fiscal years 2009 through 2014.

SA 5026. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—FEDERAL BOARD OF CERTIFICATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Restore Confidence in Mortgage Securities Act of 2008''.

SEC. 802. PURPOSE.

It is the purpose of this title to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to:

documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 803. DEFINITIONS.

As used in this title—

(1) the term ''Board'' means the Federal Board of Certification established under this title;

(2) the term ''mortgage security'' means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 804. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 805. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 806. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 807. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 808. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this title shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 809. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this title, in carrying out its functions under this title, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this title.

SEC. 810. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this title, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 811. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 812. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: ''Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.''.

SA 5027. Mr. VITTER submitted an amendment intended to proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 428, line 17, before ''The Federal'' insert ''(a) IN GENERAL.—''

On page 428, after line 24, insert the following:

(b) EXCESS FEES.—To the extent that any fees charged and collected under subsection (a) exceed the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, such excess fees shall deposited in the Deficit Reduction Fund established under subsection (c) to be used only to make payments to reduce the deficit.

(c) DEFICIT REDUCTION FUND.—There is established in the general fund of the Treasury a fund to be known as the ''Deficit Reduction Fund''.

(d) REPORT.—The Comptroller General shall, on an annual basis, conduct a study and submit a report to Congress on—

(1) the actual cost of maintaining information on the Nationwide Mortgage Licensing System and Registry; and

(2) if the fees charged under subsection (a) are excessive.

SA 5028. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 410, strike line 22 and all that follows through page 423, line 5, and insert the following:

(7) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of a—

(i) loan originator and is an employee of—

(I) a depository institution;

(II) a subsidiary that is—

(aa) owned and controlled by a depository institution; and

(bb) regulated by a Federal banking agency; or

(III) an institution regulated by the Farm Credit Administration; or

(ii) loan originator and is an exclusive agent who shall have entered into a written agreement with only one national bank or one Federal savings association, and is subject to regulation and examination by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, as applicable, pursuant to a program providing for the use of such exclusive agents which has been approved by such agency, respectively; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(10) STATE-LICENSED LOAN ORIGINATOR.—The term ''State-licensed loan originator'' means any individual who—

(A) is a loan originator other than a ''registered loan originator''; and

(B) is licensed by a State or by the Secretary under section 1508 and is registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term ''unique identifier'' means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 1504. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) INDEPENDENT CONTRACTORS.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, as required by the State pursuant to section 1508(d)(6).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as

the Nationwide Mortgage Licensing System and Registry may require.

SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, or exclusive agents of a national bank or Federal savings association as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm Credit Administration shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's or exclusive agent's identity, including—

SA 5029. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 588, between lines 14 and 15, insert the following:

SEC. ___. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, in the case of an individual who is an eligible taxpayer, the aggregate amount of distributions received by the individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) $25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) ELIGIBLE TAXPAYER.—The term ''eligible taxpayer'' means, with respect to any taxable year, a taxpayer—

(A) with adjusted gross income for the taxable year not in excess of $55,000 ($110,000 in the case of a joint return under section 6013), and

(B) who provides certification to the Secretary of participation in the Hope for Homeowners Program established under section 1402 of the Housing and Economic Recovery Act of 2008 or any other government or mortgage industry-sponsored foreclosure prevention plan during such taxable year.

(3) TREATMENT OF PLAN DISTRIBUTIONS.—

(A) IN GENERAL.—If a distribution to an individual would (without regard to paragraph (1) or (2)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(B) CONTROLLED GROUP.—For purposes of subparagraph (A), the term ''controlled group'' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 2-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term ''qualified foreclosure recovery distribution'' means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term ''qualifying mortgage expenditures'' means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term ''applicable mortgage'' means a mortgage which—

(i) was entered into after December 31, 2002, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of

1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term ''principal residence'' has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 2-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 2-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payment under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. ___. APPLICATION OF CONTINUOUS LEVY TO PROPERTY SOLD OR LEASED TO THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Paragraph (3) of section 6331(h) is amended by striking ''goods'' and inserting ''property''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. ___. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

''§ 323. Investment of operating cash

''(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

''(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

''(2) obligations of the United States Government; and

''(3) repurchase agreements with parties acceptable to the Secretary.

''(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

''(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

''(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

''(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, July 9, 2008, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2443 and H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada; S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation; S. 2898 and H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada; S. 3088, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, and for other purposes; S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; and S. 3157, to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 26, at 9:30 a.m. room 562 of the Dirksen Senate Office Building to conduct an oversight hearing on Access to Contract Health Services in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''Examining Solutions to Cope with the Rise in Home Heating Oil Prices,'' on Wednesday, June 25, 2008, at 10 a.m., in room 428A of the Russell Senate Office Building.

HIGHER EDUCATION ACT OF 1965 EXTENSION

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 3180 that was introduced today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The bill (S. 3180) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3180

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''June 30, 2008'' and inserting ''July 31, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

RECOGNIZING SOIL AS AN ESSENTIAL NATURAL RESOURCE

Mr. REID. Madam President, I ask unanimous consent the agriculture committee be discharged from further consideration of S. Res. 440 and the Senate proceed to it now.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 440) recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on 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. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 440

Whereas soil, plant, animal, and human health are intricately linked and the sustainable use of soil affects climate, water and air quality, human health, biodiversity, food safety, and agricultural production;

Whereas soil is a dynamic system which performs many functions and services vital to human activities and ecosystems;

Whereas, despite soil's importance to human health, the environment, nutrition and food, feed, fiber, and fuel production, there is little public awareness of the importance of soil protection;

Whereas the degradation of soil can be rapid, while the formation and regeneration processes can be very slow;

Whereas protection of United States soil based on the principles of preservation and enhancement of soil functions, prevention of soil degradation, mitigation of detrimental use, and restoration of degraded soils is essential to the long-term prosperity of the United States;

Whereas legislation in the areas of organic, industrial, chemical, biological, and medical waste pollution prevention and control should consider soil protection provisions;

Whereas legislation on climate change, water quality, agriculture, and rural development should offer a coherent and effective legislative framework for common principles and objectives that are aimed at protection and sustainable use of soils in the United States;

Whereas soil contamination coupled with poor or inappropriate soil management practices continues to leave contaminated sites unremediated; and

Whereas soil can be managed in a sustainable manner, which preserves its capacity to deliver ecological, economic, and social benefits, while maintaining its value for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes it as necessary to improve knowledge, exchange information, and develop and implement best practices for soil management, soil restoration, carbon sequestration, and long-term use of the Nation's soil resources;

(2) recognizes the important role of soil scientists and soils professionals, who are well-equipped with the information and experience needed to address the issues of today and those of tomorrow in managing the Nation's soil resources;

(3) commends soil scientists and soils professionals for their efforts to promote education, outreach, and awareness necessary for generating more public interest in and appreciation for soils; and

(4) acknowledges the promise of soil scientists and soils professionals to continue to enrich the lives of all Americans by improving stewardship of the soil, combating soil degradation, and ensuring the future protection and sustainable use of our air, soil, and water resources.

CONGRATULATING THE BOSTON CELTICS

Mr. REID. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 596.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 596) congratulating the Boston Celtics on winning the 2008 NBA Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 596) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas, on June 17, 2008, the Boston Celtics won the 2008 National Basketball Association Championship (referred to in this preamble as the ''2008 Championship'') in 6 games over the Los Angeles Lakers;

Whereas the 2008 Championship was the 17th world championship won by the Celtics, the most in the history of the National Basketball Association (referred to in this preamble as the ''NBA'');

Whereas the 2008 Championship marked the culmination of the greatest single season turnaround in the history of the NBA, as the Celtics improved from a record of 24–58 during the 2007–2008 season to a league-best 66–16 mark during the 2007–2008 campaign;

Whereas the 2008 Celtics NBA Championship team, like all great Celtics champions of the past, epitomized team work, selflessness, character, effort, camaraderie, toughness, and determination;

Whereas the 2008 Celtics honored the rich legacy of their franchise, which was—

(1) established by a legion of all-time greats, including Bill Russell, Larry Bird, John Havlicek, Bob Cousy, Tom Heinsohn, K.C. Jones, Sam Jones, Jo Jo White, Dave Cowens, Kevin McHale, Robert Parish, Dennis Johnson, and Tom ''Satch'' Sanders; and

(2) masterminded by one of the legendary coaches of all sports, Arnold ''Red'' Auerbach;

Whereas Celtics managing partner Wyc Grousbeck and the entire Celtics ownership group never wavered from paying the price to raise ''Banner #17'' to the Garden rafters;

Whereas the 2008 Celtics were brought together by a former Celtics player, Danny Ainge, whose off-season acquisitions of NBA All-Stars Kevin Garnett and Ray Allen earned him the 2008 NBA Executive of the Year Award;

Whereas the Celtics were led by Doc Rivers, who—

(1) oversaw the smooth integration of new superstars and untested young players into the Celtics lineup; and

(2) assembled, and ensured the execution of, a masterful NBA Finals game plan;

Whereas the Celtics featured a 21st century ''Big Three'' comprised of Paul Pierce, Kevin Garnett, and Ray Allen, 3 veteran players who worked together and never allowed their personal ambition or pursuit of individual statistics to interfere with the goal of the team to win a championship;

Whereas a group of talented young players contributed pivotal roles in the march of the Celtics to the 2008 Championship, including point guard Rajon Rondo, center Kendrick Perkins, forward Leon Powe, guard Tony Allen, and forward Glen ''Big Baby'' Davis;

Whereas the valuable bench of the Celtics was stocked with veteran role players who made significant contributions during the season, including forward James Posey, guard Eddie House, guard Sam Cassell, forward P.J. Brown, forward Brian Scalabrine, and center Scott Pollard;

Whereas the 2008 Celtics team demonstrated remarkable poise and gained invaluable playoff experience in defeating the Atlanta Hawks, the Cleveland Cavaliers, and the Detroit Pistons in hard-fought series during which every possession counted at both the offensive and defensive ends of the floor;

Whereas, after 26 playoff games, the Celtics ultimately secured the 17th NBA Championship of the franchise in one of the most dominating performances in NBA history, a

39-point rout of the Lakers in front of a raucous Garden crowd; and

Whereas the Celtics fans in the State of Massachusetts, in New England, and throughout the world never gave up hope that the franchise would someday return to glory and give a new generation of Celtics fans the opportunity to celebrate a championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Celtics for winning the 2008 National Basketball Association Championship, including the players, head coach, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made the season possible; and

(B) the Los Angeles Lakers for their success during the 2008 season and winning the National Basketball Association Western Conference Championship; and

(2) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2008 Boston Celtics team;

(B) Celtics head coach Doc Rivers;

(C) Celtics general manager Danny Ainge; and

(D) Celtics managing partner Wyc Grousbeck.

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

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

ORDERS FOR TUESDAY, JUNE 24, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, June 24; that following the prayer and pledge, the Journal of proceedings be approved to date and the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, with the hour prior to the cloture vote equally divided between the two leaders or their designees. I further ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. REID. Tomorrow, around 11 a.m., there will be a vote on cloture on a motion to concur in the House amendment with the Dodd-Shelby substitute.

Senators will have until 10:30 a.m. to file amendments to the substitute. We have a big day tomorrow. We hope to get cloture on this housing bill and wrap it up as quickly as we can.

We expect to complete a number of judges, and we have, before the end of the work period, as I announced this morning, to do something about Medicare, the supplemental appropriations bill, FISA, and hopefully a few other things. But those are the essentials we need to do.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. 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 5:24 p.m., recessed until Tuesday, June 24, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDGAR E. STANTON III

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JAMES R. ANDERSON