

School in other States to better serve the autism community.

And Illinois has gone further to help families in need of financial assistance. Because the cost of autism-related services is so overwhelming, both the Illinois General Assembly and the Illinois State Senate have passed legislation requiring health plans to provide coverage for the diagnosis and treatment of autism. Like many other States throughout the country, Illinois is responding to the voices of 26,000 children saying their families need help.

Last week, the Director of the NIH, Dr. Elias Zerhouni, testified before the Labor-HHS Appropriations Subcommittee. During the hearing, I asked him to tell us what the NIH is doing with regard to research on autism. He discussed recent findings related to potential genetic links, which may help target the search for the causes of autism. For the sake of the millions of people living with autism and the families and friends who love them, we in Congress have to do our part by funding the NIH so that the research community can proceed quickly to unlock the mysteries surrounding this terrible disorder.

#### RULE XLIV COMPLIANCE

Mr. INOUE. Mr. President, as chairman of the Committee on the Conference of H.R. 4040, in compliance with rule XLIV of the Standing Rules of the Senate, I certify that that no provisions contained in the conference report meet the definition of a congressionally directed spending item under the rule.

#### HOUSING ASSISTANCE TAX ACT

##### SECTION 42 HOUSING PROJECTS

Mr. BINGAMAN. Mr. President, I wish to thank the chairman of the Finance Committee, Senator BAUCUS, for including language in H.R. 3221, which this body passed on July 26, to clarify the "general public use" requirement relating to the Low-Income Housing Tax Credit Program. That clarification responds to recent Internal Revenue Service guidance to State and local housing credit agencies that has cast a cloud on existing properties and future development targeted to special populations.

Since enactment of the Housing Credit Program in 1986, and prior to the recent IRS activity, the general public use requirement was understood to prohibit projects from being (1) rented in a manner inconsistent with HUD housing policies regarding non-discrimination, (2) rented to members of a social organization or to employees of specific employers, or (3) part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically disabled. This understanding has resulted in numerous sec-

tion 42 housing projects being developed nationwide that target certain populations, including, for example, veterans, farm workers, first responders, teachers, artists, low-income parents attending college, pregnant or parenting teens, and domestic abuse victims.

In my home State of New Mexico, the Housing Credit Program has been essential to the construction of housing for many low-income individuals, including housing that is specifically targeted toward farm workers. Among our great success stories is the Franklin Vista development in Anthony, NM. Units already in service at Franklin Vista are targeted specifically for farm worker housing. The current phase 7, now underway, would create an additional 24 units of farm worker housing.

Ms. CANTWELL. I also would like to thank the chairman. In my home State of Washington, the IRS action has threatened a number of innovative housing developments, involving housing for pregnant women, housing for disabled military veterans, and housing for artists that are being used as part of a larger redevelopment strategy to rebuild neighborhoods. The IRS action has been particularly problematic for State efforts to deal with the critical need increase the supply of safe, decent, and affordable housing for migrant and seasonal farm workers. About 10 years ago, Washington established a Farm Worker Housing Program that has led to the creation and preservation of over 1,065 units of permanent housing for farm workers. The IRS's recent position has not only threatened future development of such housing but could potentially result in the recapture of low-income housing tax credits for such units currently in existence, potentially bringing financial ruin to the nonprofit housing providers which have developed and operated this housing.

The language in the bill that this body passed on July 26 on general public use reflects Congress's comfort with the historical application of the general public use requirement prior to the IRS's recent activities, and Congress's intent to remove the uncertainty and risk that the IRS's recent activities have created for the section 42 program.

Mr. BINGAMAN. My understanding, Mr. Chairman, is that the general public use provision in that bill, as passed, clarifies that housing does not fail to meet the general public use requirement solely because occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or a State program or policy that supports housing for such a specified group, or (3) who are involved in artistic or literary activities. Is that understanding correct?

Mr. BAUCUS. Yes, the Senator is correct. And for this purpose a special need may relate to the physical facilities of the property, such as a building

that offers day care, the services that are to be provided, or the circumstances of the tenants, such as low-income parents attending college. The basic structure of the low-income housing tax credit is based on the premise that the States have the prime responsibility to administer this program, and they have done an excellent job so far. They currently have the responsibility to determine the housing priorities of the State and to give priority to tenant populations with special housing needs. The newly codified general public use rule reinforces the latitude of the States to decide how housing credit dollars are allocated.

Ms. CANTWELL. I thank the chairman for that response and for his work, along with that of the ranking member, on this important issue that would permit housing credit properties to continue to serve special populations provided that the properties satisfy the nondiscriminatory tenant selection criteria and other requirements of the Low-Income Housing Tax Credit Program. I also thank the Senator from New Mexico, Mr. BINGAMAN, for his tireless leadership on this issue.

#### ACCESS ACT

Mr. BROWNBACK. Mr. President, I rise to speak about S. 3046 and H.R. 6270, the Access, Compassion, Care, and Ethics for Seriously Ill Patients Act or ACCESS Act. The intent of this bipartisan, bicameral legislation is to expand access to investigational treatment options for patients with serious or life-threatening diseases.

A provision of the ACCESS Act provides for three requirements for a patient to become eligible for access to investigational treatments that have completed at least phase one of the clinical trials process, labeled as compassionate investigational access, CIA. The second of the three requirements provides that a physician document in writing that a seriously ill patient has exhausted all treatment options approved by the Secretary for the condition or disease for which the patient is a reasonable candidate. For this particular provision, the intent of the congressional sponsors of the ACCESS Act is that a patient has examined, not necessarily tried, all Food and Drug Administration-approved treatment options for which the patient is a reasonable candidate.

Accordingly, it is not the intent of the congressional sponsors of the ACCESS Act that a seriously ill patient has tried every combination of treatments for which the patient is eligible before the patient is granted compassionate investigational access or expanded access to the investigational treatment. Moreover, it is not the intent of Congress that the seriously ill patient has exhausted every treatment option for which the patient is a reasonable candidate where a treatment option is known to have severe negative side effects.

The ACCESS Act will ensure that a patient with a serious or life-threatening disease has access to the largest scope of treatment options available to the patient and their doctor. I encourage my colleagues to join me in cosponsoring this important piece of legislation.

#### LAKOTA CODE TALKERS

Mr. JOHNSON. Mr. President, during World War II, Lakota, Dakota, and Nakota soldiers from across the Great Plains served this country with honor and distinction as Code Talkers. These men sent messages in code, derived from their native languages, that the enemy was never able to decipher. They saved the lives of countless Americans, were responsible for major military victories, and provided an invaluable service to the United States, but they were sworn to secrecy about their operations in order to protect the code. As a result, their important contributions were not immediately recognized.

Only one of these heroes, Clarence Wolf Guts, survives today. Mr. Wolf Guts spoke Lakota at home, but—like many other Native youth—he was punished for doing so at school. Despite this, he enlisted in the Army at age 18 and served a 3-year tour in the Pacific. Mr. Wolf Guts and his fellow Code Talkers are an example of the proud service record of Native Americans, who make up a higher percentage of service men and women in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars beginning with the Revolutionary War on through our current operations in Iraq.

In 2001, the Navajo Code Talkers were awarded Congressional Gold Medals for their service. In appreciation of the service of Mr. Wolf Guts, his comrades, and all Native American Code Talkers, I have cosponsored S. 2681, the Code Talkers Recognition Act of 2008. This legislation would ensure that all Native American Code Talkers which hail from at least 17 different tribes are all recognized and honored for their service.

In recognition of their service, the Rosebud Sioux Tribe and South Dakota State University plan to construct the Code Talkers Memorial Park in Mission, SD. Meant to inspire hope in the community, this park will feature a Memorial Grove of trees found on the home reservation of each soldier and will provide recreation and wellness opportunities as a part of the tribe's ongoing fight against youth suicide.

I want to honor and recognize these men for their service and sacrifice for this country.

#### NATIONAL DAY OF THE AMERICAN COWBOY

Mr. BARRASSO. Mr. President, I wish to speak on S. Res. 482, a resolution designating July 26, 2008, as "National Day of the American Cowboy."

The cowboy is the icon of Wyoming, representing our history and way of life. Wyoming's cowboy spirit and western values embodies all aspects of our lives. Independence, courage, family values, and good stewardship of the land are all virtues that every Wyomingite holds dear. The people of Wyoming are proud of our cowboys and cowgirls. They carry on our strong traditions and western values.

The National Day of the American Cowboy also holds a special place in Wyoming's heart as we remember our dear friend, Senator Craig Thomas. As many know, this day of recognition initially came about through the efforts of Senator Thomas.

Senator Thomas was a genuine cowboy. He led by example instead of seeking the spotlight. He was a dedicated public servant, a powerful leader, and a straight shooter. He was a loyal family man. He was a beloved role model. All who knew Senator Thomas will remember the humble cowboy who was unwavering in his dedication to God, Wyoming, and his country.

Senator MIKE ENZI and I have continued this effort to honor our American cowboys and cowgirls across the country. I am pleased that the Senate agreed to the resolution. I look forward to celebrating this special day with Wyoming.

#### FBI'S 100-YEAR ANNIVERSARY

Mr. GRASSLEY. Mr. President, the FBI turned 100 years old on June 26, 2008, and so I want to offer some remarks to mark the occasion. This anniversary is the perfect opportunity to look at the FBI's accomplishments and failures over the past 100 years and its challenges for the future.

During the presidency of Theodore Roosevelt, seven U.S. Secret Service operatives moved to the new Department of Justice Bureau of Investigation to start a new mission. Thus, the FBI was born. The FBI has had countless successes in its first centennial. In particular, the Bureau developed a talented corps of professional agents and staff who pioneered new investigative tools that set most of the standards of modern law enforcement.

The FBI had early successes with the arrests of Al Capone and Gangster "Machine Gun" Kelly in the 1930s. Bonnie and Clyde were also permanently put out of business thanks to some local cops and the FBI. The Bureau later went after the Ku Klux Klan in the 1940s and 1950s. It targeted the New York mafia in the 1980s and 1990s, which led to the decline of the Gambino crime family and its infamous leader, John Gotti.

However, the FBI also has had its share of failures. From its own civil rights abuses in unauthorized wiretapping of civil rights leaders, to the tragedies at Ruby Ridge and Waco, to the internal betrayal by special agent Robert Hansen, there have been many dark days in the history of the Bureau.

Still, I am confident that if the FBI is willing to honestly examine its own shortcomings, it can learn the lessons necessary to improve and become more effective at keeping Americans safe and free.

I celebrate with all FBI employees, active and retired, whose difficult and courageous work keeps the rest of us secure.

I also recognize and honor agents who have paid the ultimate price to protect our country from all enemies, foreign and domestic. These heroes deserve praise for their hard work and sacrifice.

The protection of the United States is the FBI's main mission. The FBI is tasked to keep us safe from terrorist attacks, foreign spies, public corruption, infringements on civil rights, organized crime, and major white-collar and violent crime. To serve its mission, the Bureau maintains a worldwide presence in over 400 cities in the United States and 60 countries worldwide.

Since the terrorist attacks on September 11, 2001, the FBI has focused its efforts on antiterrorism. Its intelligence and diligence have protected our Nation from countless threats to our safety. FBI employees have stepped up in these treacherous times, and we count on them every day. They put their lives on the line for our freedom.

We know they are fulfilling their mission when nothing happens to harm us, when we have another day, week, and year free from a terrorist attack and violent crime.

Like any anniversary, this is a good opportunity for us to look at the FBI's failures so it can learn and grow from its mistakes. For years, I have been a watchdog of the FBI's propensity to retaliate against whistleblowers, the Bureau's unwillingness to cooperate with other agencies, and its inability to update its technology system. I hope on its 100-year anniversary, the FBI will turn a new leaf and correct these problems to create a better, safer century ahead.

Parts of the FBI's internal culture hamper its ability to effectively identify and neutralize threats to national safety. For instance, the Bureau has what I have called a "Pac-Man" mentality, because it tries to gobble up whatever it can of other agencies' jurisdiction, evidence, and cases. At times, it has acted like a lunch-stealing bully on the playground.

Our safety would be much better preserved if the FBI would play nice and share jurisdiction and resources with the other agencies. The FBI should concentrate on its primary mission—fighting terrorism—and let other agencies take the lead on investigations in which they have specialized expertise. For example, often, drug and bombing cases should be handled by the Drug Enforcement Administration, DEA, and the Bureau of Alcohol, Tobacco, and Firearms, ATF, respectively.

This Pac-Man mentality is evident by the way the FBI demands access to