

Whereas there is strong evidence to believe that Administrator Johnson, at a minimum, provided misleading and intentionally incomplete statements to congressional committees regarding the California waiver issue and, at worst, has given false testimony before those committees;

Whereas, for example, Administrator Johnson on numerous occasions testified before the Committee on Environment and Public Works of the Senate that he based his denial of the California waiver request on California's failure to meet the "compelling and extraordinary" circumstances criterion under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), and that he reached this decision independently;

Whereas, testimony by a former senior Environmental Protection Agency official, Jason Burnett, reveals that in fact Administrator Johnson had determined that California met the requirements for a waiver under that Act and had communicated his plan to partially grant the waiver to the Administration in a meeting at the White House, only to reverse course and deny the waiver after White House officials "clearly articulated" President Bush's "policy preference" for a single regulatory system, even though the Clean Air Act clearly contemplates a dual system in cases in which the statutory criteria for the waiver are met;

Whereas Mr. Burnett's testimony was that Administrator Johnson was prepared to grant the California waiver until it was "clearly articulated" to him that the President preferred a different approach;

Whereas Administrator Johnson's sworn testimony before the Committee on Environment and Public Works of the Senate appears to have been designed to mislead Congress and the people of the United States regarding the extent to which the White House intervened in the decision to deny the California waiver, despite the conclusion of career staff at the Environmental Protection Agency, and evidently of the Administrator himself, that the statutory criteria for granting the waiver under the Clean Air Act had been met; and

Whereas the Environmental Protection Agency is an agency in crisis and is in need of leadership dedicated to tackling the enormous public health and environmental issues faced by our country and our planet, in an independent manner that comports with science and the law and is immune from political interference: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate has lost confidence in the Administrator of the Environmental Protection Agency, Stephen L. Johnson;

(2) Administrator Johnson should resign his position immediately; and

(3) the Department of Justice should open an investigation into the veracity of his congressional testimony regarding the California waiver decision and to pursue any prosecutorial action the Department determines to be warranted.

**SENATE CONCURRENT RESOLUTION  
96—COMMEMORATING  
IRENA SENDLER, A WOMAN  
WHOSE BRAVERY SAVED THE  
LIVES OF THOUSANDS DURING  
THE HOLOCAUST AND REMEM-  
BERING HER LEGACY OF COUR-  
AGE, SELFLESSNESS, AND HOPE.**

Mr. REID (for Mr. OBAMA (for himself and Mr. SPECTER)) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

**S. CON. RES. 96**

Whereas on May 12, 2008, Irena Sendler, a living example of social justice, died at the age of 98;

Whereas Irena Sendler repeatedly risked her life during the Holocaust to rescue over 2,500 Jewish children who lived in the Warsaw ghetto in Poland from Nazi extermination;

Whereas Irena Sendler was inspired by her father, a physician who treated poor Jewish patients, to dedicate her life to others;

Whereas Irena Sendler became an activist at the start of World War II, heading the clandestine group Zegota and driving an underground movement that provided safe passage for Jews from the Warsaw ghetto who faced disease, execution, or deportation to concentration camps;

Whereas Irena Sendler became 1 of the most successful workers within Zegota, taking charge of the children's division and using her senior position with the welfare department in Warsaw to gain access to and from the ghetto to build a network of allies to help ferry Jewish children from the Warsaw ghetto;

Whereas Irena Sendler was arrested by the Gestapo on October 20, 1943, tortured, and sentenced to death by firing squad;

Whereas Irena Sendler never revealed details of her contacts, escaped from Pawiak prison, and continued her invaluable work with Zegota;

Whereas in 1965, Irena Sendler was recognized as "Righteous Among the Nations" by the Yad Vashem Holocaust Memorial in Israel;

Whereas in 2006, Irena Sendler was nominated for the Nobel Peace Prize;

Whereas Irena Sendler was awarded the Order of the White Eagle, the highest civilian decoration in Poland;

Whereas "Tzedek: The Righteous", a documentary film, and "Life in a Jar", a play about the rescue efforts made by Irena Sendler, chronicle the life of Irena Sendler;

Whereas Irena Sendler, a woman who risked everything for the lives of others and whose bravery is unimaginable to many, expressed guilt for not being able to do more for the Jewish people; and

Whereas the story of Irena Sendler reminds citizens of the United States and the world community not only of the horrible cruelty at the time of the Holocaust, but also the incredible difference one person can make: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;

(2) pays respect and extends condolences to the Sendler family;

(3) honors the legacy of courage, selflessness, and hope that Irena Sendler exhibited; and

(4) remembers the life and unwavering dedication to justice and human rights of Irena Sendler.

**AMENDMENTS SUBMITTED AND  
PROPOSED**

SA 5250. Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes.

SA 5251. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities,

and for other purposes; which was ordered to lie on the table.

SA 5252. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5253. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 5250.** Mr. DURBIN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 4137, to amend and extend the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Higher Education Amendments of 2007".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. General effective date.

**TITLE I—GENERAL PROVISIONS**

Sec. 101. Additional definitions.

Sec. 102. General definition of institution of higher education.

Sec. 103. Definition of institution of higher education for purposes of title IV programs.

Sec. 104. Protection of student speech and association rights.

Sec. 105. Accreditation and Institutional Quality and Integrity Advisory Committee.

Sec. 106. Drug and alcohol abuse prevention.

Sec. 107. Prior rights and obligations.

Sec. 108. Transparency in college tuition for consumers.

Sec. 109. Databases of student information prohibited.

Sec. 110. Clear and easy-to-find information on student financial aid.

Sec. 110A. State higher education information system pilot program.

Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.

Sec. 112. Procurement flexibility.

Sec. 113. Institution and lender reporting and disclosure requirements.

Sec. 114. Employment of postsecondary education graduates.

Sec. 115. Foreign medical schools.

Sec. 116. Demonstration and certification regarding the use of certain Federal funds.

**TITLE II—TEACHER QUALITY  
ENHANCEMENT**

Sec. 201. Teacher quality partnership grants.

Sec. 202. General provisions.

**TITLE III—INSTITUTIONAL AID**

Sec. 301. Program purpose.

Sec. 302. Definitions; eligibility.

Sec. 303. American Indian tribally controlled colleges and universities.

Sec. 304. Alaska Native and Native Hawaiian-serving institutions.

Sec. 305. Native American-serving, nontribal institutions.

Sec. 306. Part B definitions.

Sec. 307. Grants to institutions.

Sec. 308. Allotments to institutions.

Sec. 309. Professional or graduate institutions.

Sec. 310. Authority of the Secretary.

Sec. 311. Authorization of appropriations.

Sec. 312. Technical corrections.