(Mr. LIEBERMAN) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1955

At the request of Mr. CONRAD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1955, a bill to authorize the Secretary of Homeland Security to make grants to first responder agencies that have employees in the National Guard or Reserves on active duty.

S. 1963

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2356

At the request of Mr. COLEMAN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2356, a bill to enhance national security by restricting access of illegal aliens to driver's licenses and State-issued identification documents.

S. 2389

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2400

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2405

At the request of Mr. SANDERS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2405, a bill to provide additional appropriations for payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981.

S. 2408

At the request of Mr. SUNUNU, his name was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2417

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2417, a bill to amend title 31, United States Code, to require the inscription ''In God We Trust'' to appear on a face of the $1 coins honoring each of the Presidents of the United States.

S. RES. 389

At the request of Mr. ALLARD, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 389, a resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. DODD, Mrs. CLINTON and Mr. OBAMA):

S. 2419. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the American workplace has changed significantly in recent years. In the new global economy, many businesses are open around the clock—and employees often work long shifts and unpredictable hours. With computers and cell phones, employers can reach employees almost any time, anywhere. Hard economic times require many men and women to work longer hours or hold multiple jobs. Almost 8 million Americans now juggle the demands of at least two jobs, and tens of millions more find it increasingly difficult to achieve a fair balance between their work and their family.

These and other shifts in our society mean that many Americans and their

families are stretched to the limit. Two-thirds of all families in our country are headed by either two employed parents or a single working parent, and parents are working outside the home longer hours than ever—an average of 91 hours a week for dual income couples.

As the population ages, more and more Americans must also care for elderly parents and relatives. An aging population also means more older workers, who want to stay on the job, but don't want or can't manage long hours any more. Expanding populations in metropolitan areas mean longer commutes. A recent Gallup poll found that about a third of American workers spend an hour or more a day getting to and from work.

Our working families deserve a 21st century answer for these 21st century job challenges. Greater flexibility is an essential part of the response. More than 80 percent of workers would like more flexibility in their jobs. Almost half of them, however, worry that asking for such flexibility will jeopardize their careers.

The Working Families Flexibility Act I am introducing today will give employees the ability to ask for flexible arrangements without fear. Flexible scheduling will enable working parents to coordinate child care more effectively and spend more time with their children. It can even help workers be better parents. Studies show that parents with greater control over their schedules spend more time with their children.

For employees with long commutes, telecommuting reduces stress and time wasted time wasted on the road. Many workers say they are just as productive at home, and sometimes even more so.

Flexibility also lets more people stay in the workforce who otherwise could not. Often coming into the office for a traditional 8 hour day, five days a week isn't possible for elderly workers or persons with disabilities. With flexible scheduling and telecommuting, these workers can continue on the job.

Flexibility is also good for business. Persons with flexible work arrangements are more reliable employees. In a recent survey, two- thirds of workers with flexible schedules missed less work because of such arrangements.

They are also happier employees. Another study showed that almost three times as many workers in companies that offer flexibility felt satisfied with their jobs, compared to workers without such options. Companies that offer flexibility also discover that it helps them attract and retain better employees.

The Working Families Flexibility Act brings workers and employers together to find creative ways to provide such flexibilities. Our legislation allows those who know their jobs best—the ones actually doing the work—to suggest changes as to when and where they do their work. It creates a process for workers and employers to come up with solutions that best fit their particular circumstances.

We know that laws like this will benefit both employers and employees. Great Britain, Germany, and the Netherlands, have adopted similar laws with great success. 90 percent of British workers now have flexible work options, compare to only about a quarter of American workers. Last year 91 percent of British employers who had employee requests for flexibility were able to grant them. It is making the workers more satisfied with their jobs. Those who took advantage of flexibility were 50 percent more satisfied with their work arrangements than workers who did not.

We all fill many roles in our lives. We are workers, parents, sons and daughters, and members of our communities. We struggle to do well in each responsibility. But when the demands of work overshadow the rest of our lives, our lives feel out of balance. This legislation gives millions of American workers the opportunity to restore that balance—to be good employees and responsible citizens and family members, too. They deserve no less.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):

S. 2421. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Finance.

Mr. SCHUMER. Mr. President, today, I want to say a few words about the bill I am introducing, the Wrongful Convictions Tax Relief Act of 2007. My bill would provide much-needed assistance to individuals who have been wrongfully convicted of a crime and subsequently exonerated by clarifiying that State compensation awards are tax-free; and stating that exonerees shall have their first $50,000 of earnings free of federal income and payroll taxes for each year that they were wrongfully imprisoned. The second benefit would only apply to those who have never been convicted of a felony for which they were not exonerated. If they had a conviction prior to their wrongful conviction, they would not be eligible. If they are subsequently convicted, they would lose their eligibility as well.

I want to thank Senator BROWNBACK for offering to be the lead Republican cosponsor of my bill. He and I have worked together on a number of issues now, and I appreciate his willingness to support this legislation.

As my colleagues are surely aware, whatever their political leanings may be, this bill addresses an incredibly timely and important issue. Just 2 days ago, a Federal prosecutor in Jacksonville, Florida dismissed a murder case against a Florida man, based on DNA evidence, exonerating him in a 1994 murder. According to the Innocence Project, this man represents the 209th person nationwide exonerated by DNA testing.

More and more innocent people are regaining their freedom through post-conviction DNA testing. No matter what your view may be of the death penalty; no matter what your view may be of mandatory sentencing laws; no matter how ''tough on crime'' you want to be—surely everyone would agree that when innocent people spend time in prison for crimes that they did not commit, something of value has been taken from them.

In this country, everyone is entitled to a fair trial. Yet for those wrongfully convicted of a crime, our legal system has failed them. Some of the common causes of wrongful convictions include eyewitness misidentification, unreliable or limited evidence tests, and false information presented by informants. Even more sobering, more than a quarter of all prisoners exonerated by DNA evidence had falsely confessed or made incriminating statements, simply to end hours of aggressive interrogation.

Thankfully, advocacy groups such as the Innocence Project and the Justice Project have taken on the challenge of addressing what can only be described as a systemic problem. The Innocence Project at the Cardozo School of Law in New York City has been a tireless leader in overturning wrongful convictions, and has led the charge in using DNA evidence to prove, once and for all, a person's innocence. With new improvements in DNA testing and technology, we can now positively identify or rule out suspects based on DNA evidence left at the scene of a crime. In most wrongful conviction cases, new testing of DNA evidence taken from the crime scene years before points to another perpetrator.

Once released, exonerees face huge and sometimes insurmountable challenges. Multiple studies have shown that upon release, these individuals often have difficulty reentering society. They have lost the prime years of their life, serving time in prison for crimes they did not commit. The vast majority of exonerated individuals entered prison in their teens or 20s, and they stayed there while some of their peers on the outside settled on careers, married, started families, bought homes, and began saving for retirement. They have emerged from prison many years behind, and it is difficult to catch up. Think about how much the economy has changed in just the last 10 years, and think about how difficult it would be to adjust if you had spent that time behind bars.

Shockingly, despite being imprisoned for an average of 12 years, exonerees typically leave prison with less help pre-release counseling, job training, substance-abuse treatment, housing assistance and other services than some states offer to paroled prisoners. Even the basic tasks that seem so unremarkable to you and I, like going to the grocery store, paying bills, and getting to and from work, are huge tasks for someone who has spent so much time in prison. In fact, in some cases, people have lost jobs once their employers find out about their past

conviction, despite the fact that they have been exonerated of the crime. I know that sounds unbelievable, but it's true. You didn't commit the crime, it is proven that you didn't commit the crime, but you still lose your job. Imagine for just a moment if this happened to one of your friends or family members. You would be outraged. The unfairness is heartbreaking.

Certainly we can all agree that these individuals deserve and need support after their release, and lawmakers on both the state and federal level have begun to address the question of compensation for wrongfully convicted individuals. In 2004, Congress passed the Justice for All Act, which I am proud to have cosponsored. This bill, among other things, raised the cap for potential federal compensation awards for wrongful convictions to $100,000. Although the federal compensation has not been claimed, this landmark piece of legislation set a precedent for state compensation laws. As of now, 22 States have followed suit and passed compensation laws as well. But the system is a patchwork. Some States, such as Maine and New York, provide exonerees with a lump sum as the court sees fit, and cap these awards at specific levels. Other States, such as California and Texas, give compensation based on time spent in jail. Only a few States, such as Louisiana, offer compensation to cover costs such as vocational training, medical bills and counseling, to aid re-entry.

We can and should do more. Of all people known by the Innocence Project to have been exonerated through DNA evidence as of August 2007, at least 79—nearly 40 percent—didn't receive a dime to compensate them for their years in prison. Even when someone is awarded compensation, they can wait in limbo for years. More than half of those who did receive compensation waited two years or longer after exoneration for the first payment, forcing them to rely on family, friends, lawyers, and even strangers for shelter, clothing, food and emotional support immediately after their release.

The Federal Government cannot and should not offer cash compensation for those who have been wrongfully convicted by state courts, but we do have the power to address how compensation awards are taxed, and how these individuals are taxed once they try to rebuild their lives. We can help even the playing field across all States by changing the law to ensure that there are some benefits that will be consistent across all 50 States. My bill changes the law in a number of ways to ensure that there are some benefits available to everyone, regardless of which State they call home.

The first change in my bill is more of a clarification than a new tax benefit. If an exoneree does receive a state compensation award, the Federal tax laws are unclear as to whether these awards are taxable. According to the Innocence Project, the Internal Revenue Service has not yet made any attempts to tax these awards, but the concern remains that the IRS could make such a claim in the future. My bill specifically clarifies that any civil damages, restitution, or other monetary awards related to the wrongful imprisonment are excluded from taxable income.

The second change in my bill will help provide much-needed economic assistance to exonerees that are trying to rebuild their lives, but finding it hard to make ends meet. My bill says that, for every year that someone was wrongfully imprisoned and then exonerated, up to 15 years, the first $50,000 they earn each year after their release will be free of Federal income and payroll taxes. For married couples filing jointly, the tax-free amount would be $75,000 per year. Again, the benefit would only apply to those who have never been convicted of a felony. If they had a conviction prior to their wrongful conviction, they would not be eligible. If they are subsequently convicted, they would lose their eligibility as well.

In terms of real dollars, let us take the example of someone earning $20,000 post-imprisonment. In a typical tax filing scenario, my bill will save them nearly $2,800 in income and payroll taxes. This is a real benefit that can make wages go just that much farther—it can pay for a few months' rent, or a community college course, or any number of things that can help this victim return to a productive life.

As my colleagues know, I feel very strongly about justice and fairness. I am not one to shy away from making tough decisions to strengthen our laws, but I also believe that when someone has been treated unfairly by the law, it is our responsibility to provide some help. I sincerely believe that people who have been wrongfully convicted of a crime have had parts of their lives taken from them, plain and simple.

Mr. President, I thank you for the opportunity to speak on the issue of fair compensation for wrongful convictions. I stand ready to work with Senator BROWNBACK and my colleagues on both sides of the aisle, including the chairman and ranking member of the Finance Committee, to get this bill enacted next year.

By Mrs. FEINSTEIN:

S. 2423. A bill to facilitate price transparency in markets for the sale of emission allowances, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce ''The Emission Allowance Market Transparency Act.''

This legislation would establish necessary market oversight authorities to prevent Enron-type fraud and manipulation in the new greenhouse gas credit markets that are expected to emerge once Congress approves comprehensive climate change legislation.

The goal is simple: To prevent the same type of fraud and manipulation that occurred during the Western Energy Crisis from happening if a new greenhouse market is established.

The bill would establish transparency and anti-manipulation provisions modeled after energy markets protections that were established by the Energy Policy Act of 2005.

Additionally, the legislation includes anti-fraud provisions and limits excessive speculation. The bill would establish strong financial penalties. Each offense would result in a fine of up to $1 million and 10 years in jail.

Simply put, this legislation is a necessary and critical part of any new carbon trading markets approved by Congress.

Specifically, the legislation would require the Environmental Protection Agency to create a regulatory structure to oversee the new carbon credit markets.

This system would be parallel to the system used by the Federal Energy Regulatory Committee FERC for the electricity and natural gas markets.

The EPA would publish market price data in order to increase transparency; monitor trading for manipulation and fraud; and limit the size of speculative holdings to prevent any single trader from being able to set the price.

The bill would also prohibit traders from: reporting false information; manipulating the market; and cheating or defrauding another market participant.

Any trader who violated this Act would pay a maximum $1 million fine and spend 10 years in jail for each offense.

We believe that this will strongly discourage traders from seeking to manipulate the market.

This legislation is the key part of an effort to prevent newly emerging greenhouse gas markets from evolving without rules or regulation. These markets are coming, and we need to have the law in place to receive them.

California has passed legislation and will soon establish a cap and trade system to control carbon dioxide emissions.

Many members of the U.S. Senate support legislation, such as the Electric Utility Cap and Trade Act that I have introduced, to establish a Federal cap and trade system.

Legislation sponsored by Senators WARNER and LIEBERMAN to establish a national, economy-wide greenhouse gas cap and trade system will be marked up in the Environment and Public Works Committee this week.

If we don't set up a framework for oversight, the greenhouse gas market could turn into a wild west. The market—estimated to be worth as much as $300 billion annually—would invite the worst kind of manipulation, fraud, and abuse. The resulting volatility would affect consumer energy costs.

This is not a hypothetical. In 2000 and 2001, newly created California energy markets lacked the basic protections in this bill. The electricity and related natural gas markets emerged

before the law caught up, and much of the manipulation that resulted, shockingly, was legal.

Enron, for instance, ran a market where only they knew the prices. Without market transparency laws, this one-sided market was legal.

Enron manipulated natural gas and electricity prices—but nothing in the Natural Gas Act or the Federal Power Act made this manipulation unlawful.

Only years later, after millions of consumers had been harmed, after billions of dollars had been lost, and after the entire west had endured an energy crisis largely fabricated by traders, did Congress act.

We were able to increase market transparency and prohibiting manipulation in natural gas and electricity markets were adopted.

The provisions finally gave a sheriff the ability to impose oversight and record-keeping.

The Federal Energy Regulatory Commission, has put its new authority to good use. It has performed aggressive natural gas market oversight.

This summer it brought its first manipulation case, against Amaranth—a notorious hedge fund that allegedly manipulated natural gas prices month after month.

The Emission Allowance Market Transparency Act would establish transparency and anti-manipulation provisions mirroring the provisions from the Energy Policy Act of 2005.

Markets would be transparent, and manipulation would be illegal.

In addition, this legislation adds anti-fraud provisions and limits excessive speculation. These additional market protections are longstanding principles of the Commodity Exchange Act.

By mirroring proven market oversight mechanisms that protect market participants and consumers, this legislation would slip already broken-in regulatory concepts onto a new market.

This Nation needs to reduce greenhouse gas emissions, and many economists believe that a cap and trade system with a greenhouse gas market would be the most cost efficient way to guarantee emissions reductions.

The economists also tell us that markets are most efficient when buyers and sellers have complete information, no market participant can cheat another, and prices result from supply and demand, not manipulation.

That is why we need to prevent manipulation, fraud, and a lack of transparency.

So this legislation would provide buyers and sellers with complete information; and prevent manipulation, fraud, and excessive speculation.

Bottom line: this legislation is vital to protecting the market integrity of greenhouse gas emissions markets, and it should be included as part of any cap and trade legislation approved by Congress.

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 printed in the RECORD, as follows:

S. 2423

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emission Allowance Market Transparency Act of 2007''.

SEC. 2. EMISSION ALLOWANCE MARKET TRANSPARENCY.

(a) PURPOSE.—The purpose of this section is to facilitate price transparency in markets for the sale of emission allowances (including markets for real-time, forward, futures, and options) to the maximum extent practicable, taking into consideration—

(1) the public interest;

(2) the integrity of those markets;

(3) fair competition; and

(4) protection of consumers.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) EMISSION ALLOWANCE.—The term ''emission allowance'' means any allowance, credit, or other permit issued pursuant to any Federal law (including regulations) to any individual or entity for use in offsetting the emissions of any pollutant (including any greenhouse gas) by the individual or entity.

(c) DUTIES OF ADMINISTRATOR.—

(1) REGULATIONS.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to achieve the purpose of this section, including regulations that provide for the dissemination, on a timely basis, of information regarding the availability and prices of emission allowances with respect to—

(A) the Administrator;

(B) State regulatory authorities;

(C) buyers and sellers of the emission allowances; and

(D) the public.

(2) OBTAINING INFORMATION.

(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may—

(i) obtain the information described in paragraph (1) directly from any emission allowance market participant; or

(ii) enter into an agreement under which another entity obtains and makes public that information.

(B) LIMITATION.—Any activity carried out by the Administrator or another entity to obtain information pursuant to subparagraph (A) shall be subject to applicable rules designed to prevent the disclosure of information the disclosure of which would be detrimental to the operation of an effective emission allowance market, as determined by the Administrator.

(3) USE OF EXISTING PRICE PUBLISHERS AND SERVICE PROVIDERS.—In carrying out this subsection, the Administrator shall—

(A) take into consideration the degree of relevant price transparency provided by price publishers and providers of trade processing services in operation on the date of enactment of this Act; and

(B) use information and services provided by those publishers and providers to the maximum extent practicable.

(d) ACTIONS BY INDIVIDUALS AND ENTITIES.—

(1) PROHIBITIONS.—It shall be unlawful for any individual or entity—

(A) to knowingly provide to the Administrator (or another entity acting pursuant to an agreement described in subsection (c)(2)(A)(ii)) any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect the data being compiled by the Administrator or other entity;

(B) directly or indirectly, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(b))), in contravention of such rules and regulations as the Administrator may prescribe to protect the public interest or consumers; or

(C) to cheat or defraud, or attempt to cheat or defraud, another market participant, client, or customer.

(2) MONITORING.—The Administrator shall monitor trading to prevent false reporting, manipulation, and fraud under this section.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection creates any private right of action.

(e) EXCESSIVE SPECULATION.—

(1) FINDING.—Congress finds that excessive speculation relating to emission allowances—

(A) can cause sudden or unreasonable fluctuations or unwarranted changes in the price of emission allowances; and

(B) imposes an unnecessary burden on—

(i) the development of a well-functioning emission allowance market;

(ii) the planning decisions of businesses and industry; and

(iii) consumers.

(2) PREVENTION OF BURDENS.—

(A) IN GENERAL.—To prevent, decrease, or eliminate the burdens associated with excessive speculation relating to emission allowances, the Administrator, in accordance with subparagraph (B) and after providing notice and an opportunity for public comment, shall adopt position limitations or position accountability for speculators as the Administrator determines to be necessary on—

(i) the quantity of trading transactions allowed to be conducted, and the positions eligible to be held, by any individual or entity in any emission allowance market; and

(ii) any emission allowance auction conducted pursuant to Federal law (including regulations).

(B) CONSULTATION.—In carrying out subparagraph (A), the Administrator shall consult with—

(i) the Commodity Futures Trading Commission;

(ii) the Federal Trade Commission; and

(iii) the Federal Energy Regulatory Commission.

(C) NONAPPLICABILITY TO BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.—

(i) IN GENERAL.—No regulation promulgated pursuant to this paragraph shall apply to a transaction or position described in subparagraph (A)(i) that is a bona fide hedging transaction or position, as determined by the Administrator.

(ii) REGULATIONS FOR DEFINITIONS.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to define the term ''bona fide hedging transaction or position'' for purposes of clause (i), including regulations that permit individuals or entities to hedge any legitimate anticipated business need for any subsequent period during which an appropriate futures contract is open and available on an exchange or other emission allowance market or auction.

(f) PENALTIES.—An individual or entity that, as determined by the Administrator, violates an applicable provision of this section or a regulation promulgated pursuant to this section shall be subject to a fine of $1,000,000, or imprisonment for not more than 10 years, or both, for each violation.

(g) JURISDICTION OF COMMODITY FUTURES TRADING COMMISSION.—Nothing in this section abrogates the jurisdiction of the Commodity Futures Trading Commission with

respect to any contract, agreement, or transaction for future delivery of an emission allowance (including a carbon dioxide credit).

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2427. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I have joined with Senator CORNYN to reintroduce the ''Openness Promotes Effectiveness in our National Government Act—or the OPEN Government Act—the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The Senate passed this historic FOIA reform legislation, S. 849, before adjourning for the August recess. But, sadly, this measure has been stalled in the House Oversight and Government Reform Committee for several months, preventing these long-overdue FOIA reforms from being enacted into law.

Despite the unfortunate delay of this bill, I remain deeply committed to enacting FOIA reform legislation this year. Because time is of the essence, I am requesting that this legislation be immediately placed on the Senate Calendar and that the Senate promptly take up and pass this bill by unanimous consent, so that it can be sent to the House.

The version of the bill introduced today includes ''pay/go'' language that has been requested by the House and eliminates the provision on citations to FOIA exemptions. After needlessly delaying the enactment of this bill for several months, I hope that the House Oversight and Government Reform Committee will promptly take up this important measure, so that the House can enact this legislation and send it to the President before the end of the year.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government. This bill will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requesters and Federal agencies with a meaningful alternative to costly litigation.

Specifically, the OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA. The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests. The bill allows Federal agencies to toll the 20-day clock while they are awaiting a response to a reasonable request for information from a FOIA requester on one occasion, or while the agency is awaiting clarification regarding a FOIA fee assessment. In addition, to encourage agencies to meet the 20-day time limit, the bill requires that an agency refund FOIA search fees if it fails to meet the 20-day deadline, except in the case of exceptional circumstances as defined by the FOIA statute. To address pay/go concerns, the bill requires that these refunds come from annual agency appropriations.

The bill also addresses a relatively new concern that, under current law, Federal agencies have an incentive to delay compliance with FOIA requests until just before a court decision is made that is favorable to a FOIA requester. The Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, 532 U.S. 598, 2001, eliminated the ''catalyst theory'' for attorneys' fees recovery under certain Federal civil rights laws. When applied to FOIA cases, Buckhannon precludes FOIA requesters from ever being eligible to recover attorneys' fees under circumstances where an agency provides the records requested in the litigation just prior to a court decision that would have been favorable to the FOIA requestor. The bill clarifies that Buckhannon does not apply to FOIA cases. Under the bill, a FOIA requester can obtain attorneys' fees when he or she files a lawsuit to obtain records from the Government and the Government releases those records before the court orders them to do so. But this provision would not allow the requester to recover attorneys' fees if the requester's claim is wholly insubstantial. To address pay/go concerns, the bill also requires that any attorneys' fees assessed under this provision be paid from annually appropriated agency funds.

To address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes. In addition the bill ensures that each Federal agency will appoint a Chief FOIA Officer, who will monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA-related disputes.

Finally, the bill does several things to enhance the agency reporting and tracking requirements under FOIA. Tracking numbers are not required for FOIA requests that are anticipated to take 10 days or less to process. The bill creates a tracking system for FOIA requests to assist members of the public and the media. The bill also establishes a FOIA hotline service for all federal agencies, either by telephone or on the Internet, to enable requestors to track the status of their FOIA requests. The bill also clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

The Freedom of Information Act is critical to ensuring that all American citizens can access information about the workings of their government. But, after four decades, this open government law needs to be strengthened. I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated so that it works more effectively for the American people.

I commend the bill's chief Republican cosponsor, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year. I also thank the many cosponsors of this legislation for their dedication to open government and I thank the Majority Leader for his strong support of this legislation. I am also appreciative of the efforts of Senator KYL in helping us to reach a compromise on this legislation, so that the Senate could consider and pass meaningful FOIA reform legislation.

But, most importantly, I especially want to thank the many concerned citizens who, knowing the importance of this measure to the American people's right to know, have demanded action on this bill. This bill is endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association. The invaluable support of these and many other organizations is what led the opponents of this bill to come around and support this legislation.

I hope that by once again passing this important FOIA reform legislation, the Senate will reaffirm the principle that open government is not a Democratic issue or a Republican issue. But, rather, it is an American issue and an American value. I encourage all of my Senate colleagues, on

both sides of the aisle, to unanimously pass this historic bill.

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 printed in the RECORD, as follows:

S. 2427

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Openness Promotes Effectiveness in our National Government Act of 2007'' or the ''OPEN Government Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), ''The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.'';

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a ''strong presumption in favor of disclosure'' as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) ''disclosure, not secrecy, is the dominant objective of the Act,'' as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the ''need to know'' but upon the fundamental ''right to know''.

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

''The term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.''.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(E)''; and

(2) by adding at the end the following:

''(ii) For purposes of this section, a complainant has substantially prevailed if the complainant has obtained relief through either—

''(I) a judicial order, or an enforceable written agreement or consent decree; or

''(II) a voluntary or unilateral change in position by the agency, provided that the complainant's claim is not insubstantial.''.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from fees assessed under section 552(a)(4)(E) of title 5, United States Code. Any such amounts shall be paid only from funds annually appropriated for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(F)''; and

(2) by adding at the end the following:

''(ii) The Attorney General shall—

''(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

''(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

''(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).''.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking ''determination;'' and inserting ''determination. The 20-day period shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event no later than ten days after the request is first received by any component of the agency that is designated in the agency's FOIA regulations to receive FOIA requests. The 20-day period shall not be tolled by the agency except—

''(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the FOIA requester; or

''(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period;''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) COMPLIANCE WITH TIME LIMITS.—

(1) IN GENERAL.—

(A) SEARCH FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

''(viii) an agency shall refund search fees under this subparagraph if the agency fails to comply with any time limit under paragraph (6), provided that—

''(I) no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request; and

''(II) such refunds shall be paid from annual appropriations provided to that agency.''.

(B) PUBLIC LIAISON.—Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting between the first and second sentences the following: ''To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

''(7) Each agency shall—

''(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

''(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

''(i) the date on which the agency originally received the request; and

''(ii) an estimated date on which the agency will complete action on the request.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting after the first comma ''the number of occasions on which each statute was relied upon,'';

(2) in subparagraph (C), by inserting ''and average'' after ''median'';

(3) in subparagraph (E), by inserting before the semicolon '', based on the date on which the requests were received by the agency'';

(4) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively; and

(5) by inserting after subparagraph (E) the following:

''(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

''(G) based on the number of business days that have elapsed since each request was originally received by the agency—

''(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

''(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

''(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

''(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

''(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

''(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

''(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

''(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

''(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

''(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;''.

(b) APPLICABILITY TO AGENCY AND EACH PRINCIPAL COMPONENT OF THE AGENCY.—Section 552(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.''.

(c) PUBLIC AVAILABILITY OF DATA.—Section 552(e)(3) of title 5, United States Code, (as redesignated by subsection (b) of this section) is amended by adding after the period ''In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.''.

SEC. 9. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) 'record' and any other term used in this section in reference to information includes—

''(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

''(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.''.

SEC. 10. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

''(h) There is established the Office of Government lnformation Services within the National Archives and Records Administration. The Office of Government Information Services shall review policies and procedures of administrative agencies under section 552, shall review compliance with section 552 by administrative agencies, and shall recommend policy changes to Congress and the President to improve the administration of section 552. The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under section 552 and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

''(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of section 552 and issue reports detailing the results of such audits.

''(j) Each agency shall—

''(1) Designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

''(a) GENERAL DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

''(A) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

''(B) monitor FOIA implementation throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA;

''(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of the FOIA;

''(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

''(E) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.

''(2) Designate one or more FOIA Public Liaisons who shall be appointed by the Chief FOIA Officer.

''(b) GENERAL DUTIES.—FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

''(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.''.

SEC. 11. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate; and

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

By Mr. BROWN:

S. 2431. A bill to address emergency shortages in food banks; to the Committee on Appropriations.

Mr. BROWN. Mr. President, across Ohio and the Nation, many families rely on food banks to survive. I rise to introduce an emergency assistance measure—$40 million in bridge funding for the Emergency Food Assistance Program.

When a child knows there will be no dinner waiting for her at home, that is an emergency. When a mother or father cannot put food on the table for a family, that is an emergency. When an elderly couple eats one small meal a day, that is an emergency. Across the country, lines at food banks are already longer than they were at this time last year. That is an emergency. It is a health emergency. It is a humanitarian emergency.

In Ohio, food reserves intended to last until July are projected to run out by February. Food banks are being forced to ration food and turn hungry people away already, in a particularly bad time of year. In Lorain County, in north central and northern Ohio, the food bank has run out of food three times this winter. Remember, it is only early December. Many of us, especially in this Chamber, who are so very blessed, celebrate the holidays by buying presents for our loved ones. For too many families in Ohio and in other States across this country, food on the

table will be the greatest gift they can give this holiday season.

In Cleveland, one of the food distribution centers is Cooley Avenue Church of God. There, Pastor Richard Bolls hands out food to an elderly man, Norm. Of the food bank, Norm says:

At the end of the month I have just $19 left after paying for my rent, my utilities, and my medicine. Normally I wouldn't get fruit and vegetables to eat. I consider this my ice cream.

It was 28 degrees and windy in Cleveland on Tuesday, colder today. At 11 o'clock in the morning, Christian, a native of the Mount Pleasant area of Cleveland, and her newborn stood in line for food at the Cleveland Food Bank, recognized as the No. 1 food bank in the country recently. Christian is a trained nurse's assistant. She has been searching for a job for 6 months since she had her baby, without luck. She notices the price of food she buys at the supermarket seems to rise every day. with the cost of caring for a newborn and the rise in food and fuel prices—heating and gasoline—Christian stood in line at the food bank Tuesday because she cannot afford to feed her family without some additional help.

Christian and Norm have heartbreaking stories, but their stories are not unique. More Americans are lining up at food banks this year. Most are working Ohioans and working people. Many are middle-class Americans, teetering on the edge. Additional funding for the emergency food stamp program is the most immediate Federal solution to the national food crisis.

This food bank crisis underscores the need to pass the farm bill. The farm bill is an agriculture bill, it is a hunger bill, it is an energy bill, it is a conservation bill. I applaud Chairman TOM HARKIN, the Senator from Iowa, for his leadership on this bill. This farm bill helps family farmers in Ohio and across the country by strengthening the farm safety net. For the first time ever, farmers will be able to enroll in a program that ensures against revenue instability, which for many farmers means either a bad yield or low prices. But either can be devastating.

With the right resources and the right incentives, farmers can help decrease our dependence on foreign oil and produce clean, sustainable, renewable energy.

This bill, the farm bill which we hope to pass before we leave this month, increases food stamp benefits and indexes the benefits to inflation. When the purchasing power of food stamps erodes, so does our progress against hunger. Food stamps today amount to about $1 per person per meal. A mother with two children gets about $9 in food stamps. That is the extent of the benefit. This farm bill, bipartisanly agreed to, will increase that.

We are the wealthiest country in the world, a caring and compassionate people. Families in our country, especially families who work hard and play by the rules, should never, ever go hungry.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—DESIGNATING MARCH 11, 2008, AS NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. KOHL submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 390

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a meaningful funeral ceremony;

Whereas funeral directors and morticians have dedicated their professional lives to serving the families of their communities in their times of need for generations with caring, compassion, and integrity;

Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and

Whereas on this special day, March 11, 2008, it would be appropriate to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the Senate—

(1) takes this opportunity to pay the Nation's collective debt of gratitude for all the hours and all the times they have put someone ahead of themselves by serving the living while caring for the dead;

(2) urges every American of every walk of life to embrace each of these special individuals with heartfelt thanks for their dedication to their profession; and

(3) designates March 11, 2008, as ''National Funeral Director and Mortician Recognition Day''.

SENATE RESOLUTION 391—CALLING ON THE PRESIDENT OF THE UNITED STATES TO ENGAGE IN AN OPEN DISCUSSION WITH THE LEADERS OF THE REPUBLIC OF GEORGIA TO EXPRESS SUPPORT FOR THE PLANNED PRESIDENTIAL ELECTIONS AND THE EXPECTATION THAT SUCH ELECTIONS WILL BE HELD IN A MANNER CONSISTENT WITH DEMOCRATIC PRINCIPLES

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 391

Whereas the Republic of Georgia, which is an emerging democracy strategically located between Turkey and Russia, is an important political and geopolitical ally of the United States;

Whereas Georgia has made significant economic progress since 2000, with an economic growth rate that now exceeds 9 percent on an annual basis, and was named the top economic reformer in the world by the World Bank in 2006;

Whereas the Government of Georgia has been a leader in addressing the proliferation of weapons of mass destruction under the Nunn-Lugar Cooperative Threat Reduction Program;

Whereas the Government of Georgia is working to become a candidate for membership in the North Atlantic Treaty Organization (NATO) and the European Union;

Whereas the United States Government strongly supports the territorial integrity of Georgia and works actively toward a peaceful settlement of the Abkhazia and South Ossetia conflicts that might lead those regions toward greater autonomy within a unified Georgia;

Whereas the popular uprising in Georgia in 2003, the Rose Revolution, led to the establishment of democracy in that country;

Whereas opposition parties in Georgia engaged in demonstrations lasting several days beginning on November 2, 2007;

Whereas the President of Georgia, Mikheil Saakashvili, declared a state of emergency on November 7, 2007, after which the country's main opposition television station, Imedi, was closed;

Whereas Deputy Assistant Secretary of State Matthew Bryza visited Georgia on November 10-11, 2007, and urged the Government of Georgia to reopen its private television stations, stating on Georgian state television: ''A cornerstone of democracy is that all TV stations should remain open.'';

Whereas President Saakashvili ended emergency rule on November 17, 2007, and announced presidential elections to be held on January 5, 2008;

Whereas the Government of Georgia has announced the reopening of the major opposition television station, Imedi;

Whereas the Government of Georgia has invited international election monitors to oversee the elections and thereby contribute to greater international recognition of the Georgian political process; and

Whereas freedom of the press, freedom of political expression, and a fair and impartial judiciary are among the most fundamental tenets of democracy: Now, therefore, be it

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

(1) the President should publicly state strong support for free and fair elections to be held in Georgia on January 5, 2008, in accordance with democratic principles; and

(2) the Government of Georgia, in order to restore faith in the democratic evolution of the country—

(A) must conduct free and fair elections, without government interference; and

(B) must permit all independent media to remain open and report on the elections.

Mr. LUGAR. Mr. President, I send a resolution to the desk concerning the upcoming elections in the Republic of Georgia.

I am pleased that Senators BIDEN and DODD have agreed to cosponsor this legislation. Our goal is to express our strong hopes that the Republic of Georgia will return to the democratic path and embrace a free and fair election process. The United States was founded on the principles of personal rights and liberties, and we must champion a respect for democracy and human rights. This must include U.S. efforts to expand initiatives that promote freedom of the press and freedom of the media worldwide, which I believe underpin a nation's ability to respect human rights and practice democratic governance.