the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor 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. 2035

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2059, supra.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2569

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2687

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2687, a bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2744

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2744, a bill to amend the Workforce Investment Act of 1998 to increase the Nation's competitiveness and enhance the workforce investment systems by authorizing the implementation of Workforce Innovation in Regional Economic Development plans, the integration of appropriate programs and resources as part of such plans, and the provision of supplementary grant assistance and additional related activities, and for other purposes.

S. 2755

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2755, a bill to provide funding for summer youth jobs.

S. 2770

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. RES. 506

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 506, a resolution expressing the sense of the Senate that funding provided by the United States to the Government of Iraq in the future for reconstruction and training for security forces be provided as a loan to the Government of Iraq.

S. RES. 515

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mrs. CLINTON):

S. 2877. A bill to improve and enhance research and programs on cancer survivorship, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise to introduce the Pediatric, Adolescent, and Young Adult Cancer Survivorship and Quality of Life Act, legislation introduced on the House side by Representatives SOLIS and BONO.

The National Cancer Institute estimates that there are more than 10 million cancer survivors in the United States. Advances in medical research have resulted in earlier diagnoses, more effective treatments, and improvements in medical outcomes for Americans with cancer.

These advances in cancer care are especially evident when examining our gains for pediatric cancers. The 5-year survival rate for children with cancer has improved markedly over the past decades, from 56 percent for those diagnosed in the mid-1970s to 79 percent for those diagnosed between 1995 and 2000. There are now more than 270,000 childhood cancer survivors in the U.S., and that number is expected to increase as we gain a better understanding of pediatric cancers and ways to treat them.

But in the years that we have made these gains in addressing cancer in children, we have also learned that many of these survivors experience what are known as ''late effects'' resulting from either the cancer or its treatment. These late effects include things like additional cancers, osteoporosis, heart problems and reduced lung capacity. As many as a quarter of childhood cancer survivors experience late effects that are serious or life-threatening. We must be doing more to ensure that the quality of life of children who have survived cancer is as high as possible, and that life-saving treatments result in as few long-term side effects as possible.

It is also important to note that health care disparities also impact pediatric cancer care and survivorship. African-Americans, Hispanics, and Asian/Pacific Islander children have

higher rates of certain cancers than their white counterparts. In addition, due to disparities in access to care, these individuals may fail to receive adequate treatments for late effects of cancers. We need to improve our efforts to ensure that racial and ethnic disparities are eliminated from cancer care.

In a 2005 report, titled ''From Cancer Patient to Cancer Survivor: Lost in Transition'', the Institute of Medicine, IOM, recommended several measures we can take as a nation to improve the quality of life for children and young adults who are impacted by cancer. The legislation that I am introducing today will allow us to implement some of those recommendations, including expansion of cancer control and surveillance programs, increasing research in survivorship, and developing model systems of care and monitoring for cancer survivors. It will also create grants to establish childhood cancer survivorship clinics, and help childhood cancer organizations expand and improve their work in providing care and treatment.

I look forward to working with my colleagues in the Senate to ensure that we address the needs of cancer survivors throughout the lifespan, and help to improve the quality of life for the many children and families that struggle with a cancer diagnosis.

By Mr. SALAZAR:

S. 2879. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to introduce legislation to ensure responsible development of the energy resources under Colorado's Roan Plateau in a manner that minimizes the adverse impacts on its unique ecological resources while maximizing the financial returns to the State of Colorado and to our country. This legislation was developed jointly with my colleagues Representative JOHN SALAZAR and Representative MARK UDALL, who plan to introduce the legislation today in the House.

The Roan Plateau, an area of pristine wilderness in northwestern Colorado, rises 3,500 feet out of the Colorado River Valley. It boasts native cutthroat trout streams and has some of the best winter elk and mule deer habitat left in the heavily developed Piceance Basin. The Roan has long been a favorite destination for hunters and anglers. The mule deer, elk, black bear, and native trout that find habitat on top and at the base of the Roan Plateau are an economic engine all their own, drawing tourism and recreation dollars to towns like Glenwood Springs, Rifle, Silt, and Parachute.

Recently the Department of Interior's Bureau of Land Management, which oversees the public lands on the Roan and the minerals beneath them, announced that it is opening these lands for energy development. Under the BLM plan, 67,000 acres of public lands on and around the Roan Plateau will be open for natural gas drilling as soon as this year. We in Colorado are blessed to be home to significant energy resources, and tapping these resources is important to sustain our Nation's energy needs and invigorate the Colorado State economy. But in its current form, the BLM plan lacks adequate protections for the Roan's land, water, and wildlife—the very things that support the outfitters, guides, hotels and restaurants in the area. And by proposing to lease all of the undeveloped public lands at once, the BLM plan would sell Colorado short.

Drilling is already happening on roughly half of the plateau that is either owned or leased by the natural gas industry. Without question, western Colorado is experiencing a boom in energy development. During the decade of the 1990s, the average number of completed gas wells per year in Garfield County—the home of the Roan—was 80. The number of completed wells has climbed rapidly since 2000, setting a new high each year. In 2006, 840 new wells were completed in Garfield County. This rapid expansion of activity has created new jobs in the region, but has also stoked new conflicts between the energy values and environmental, ecological, and recreation values of these lands. The impacts of this development are being felt by landowners and outdoor enthusiasts alike. Sportsmen have watched as public hunting areas, habitat, and important watersheds have been irreparably degraded as a result of widespread development.

With this level of development occurring we must ensure that the most pristine areas of the plateau that remain are protected, that oil and gas development in the region occurs with minimal disturbance, and that Colorado receives the best possible financial return on any oil and gas leases.

Our legislation has three main functions that work to address these issues. First, it requires phased leasing on top of the plateau to maximize state revenues and better protect wildlife habitat and the environment. Second, it ensures protection of critical cutthroat trout watersheds and other wildlife habitat on top and around the base of the Roan Plateau. Lastly, it contains a conforming amendment to the Transfer Act to ensure that Colorado receives its fair share of leasing revenues rather than directing this money, as the Transfer Act specifies, to the Anvil Points cleanup fund, which is in surplus.

The phased leasing provision requires BLM to lease less sensitive areas outside of cutthroat trout watersheds first, rather than leasing all available development areas at once. In selecting areas for leasing, BLM must take into consideration various factors designed to maximize leasing revenues and to minimize the environmental and ecological impacts of development. Phased leasing will generate higher per-lease bids from industry—and more money for the Treasury and Colorado—than the current BLM plan to lease the entire designated development areas at once.

The special protection provisions of the bill expand BLM's designated ''Areas of Critical Environmental Concern,'' ACECs, to include the headwaters of Northwater Creek and the East Fork of Parachute Creek above the confluence with First Anvil Creek—both of which are critical native cutthroat trout watersheds. The bill also permits gas development activities on top of the plateau outside ACECs that are within development corridors along existing ridge-top roads on slopes not exceeding 20 percent. These measures will protect critical elk and mule deer habitat around the base of the plateau, while allowing development and recovery of the available natural gas under the Roan.

In 1907, President Teddy Roosevelt told a crowd that, ''In utilizing and conserving the natural resources of the Nation the one characteristic more essential than any other is foresight. The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our national life.'' President Roosevelt's wisdom—over a century later—is as valuable as ever to a Nation committed to protecting its land and water, but that is in dire need of affordable, domestic sources of energy.

The Roan is a special place. Protecting our State's last few remaining wild spaces, maximizing oil and gas leasing revenues from these areas and supporting the communities that surround them need not be at odds. This bill will replace BLM's plan with a better, more balanced approach that will protect the most critical areas on the top of the Roan and provide the most benefit to the State of Colorado.

By Mr. DURBIN:

S. 2881. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, if I said there was an industry that generates millions of gallons of wastewater every day and that can dump that waste with virtually no oversight, you might think that I was recalling the days before the Clean Water Act. The truth is, though, that such an industry exists today. I am talking about cruise ships.

That is why I am introducing the Clean Cruise Ship Act of 2008. This bill will require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology, which has been shown to significantly reduce the amount of pollutants discharged from ships. This technology is already being

used successfully on cruise ships in Alaska, thanks to that State's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year. Some of these ships can carry 3,000 passengers. That is the size of a small city. As cities do, these ships produce massive amounts of waste—over 200,000 gallons of sewage each week; a million gallons of graywater from galleys, laundry, and showers; and over 35,000 gallons of oily bilge water that collects in ship bottoms.

Wastewater from cities, of course, is highly regulated. America wouldn't tolerate anything less. A city cannot simply dump waste into our waterways. We've seen, of course, what happens when municipal wastewater treatment systems are poorly operated or break down. People fall ill, beaches are closed, and ecosystems are harmed.

So what's the story for waste from cruise ships? Let us start with ''black water'' sewage—human body wastes and other toilet waste. Within three miles of shore, vessels can discharge this waste provided that a ''marine sanitation device'' is installed. The Environmental Protection Agency released a draft report in December, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships are free to dump their sewage and foul U.S. waters with impunity.

The situation for graywater may be even more serious. Except in Alaska, cruise ship graywater requires no treatment whatsoever before being discharged, and there are no restrictions on where that dumping can be done. Yet graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants—amounts that would never be tolerated from a land-based business. Fecal coliform concentrations, for example, are ten to a thousand times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

The Clean Cruise Ship Act seeks to solve this oversight in the current regulations, just as Alaska State law has done. No discharges whatsoever would be allowed within 12 miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency study found that these ''advanced wastewater treatment'' systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned everywhere. No dumping would be allowed of sewage sludge and incinerator ash in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance to the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

There is one thing at this point I'd like to make clear. Many of us here have been working hard to stop aquatic invasive species that slip into our lakes and coastal waters in discharged ballast water. Alien species that have escaped into U.S. waters are causing massive harm. We have to do everything in our power to prevent new invasive species from getting loose.

With this in mind, many of us have been closely watching court cases surrounding the Environmental Protection Agency's responsibility for regulating ballast water under the Clean Water Act. That litigation may have implications for cruise ship wastewater pollution.

I have no intention of interfering with this court case. Likewise, I want to emphasize that this bill in no way undermines the provisions of the Clean Water Act that deal with discharges of pollution into the nation's waters. I have always supported the Clean Water Act. It will continue to be an important tool that, in conjunction with the Clean Cruise Ship Act, can significantly reduce wastewater pollution from cruise ships.

The protection of U.S. waters is vital to our Nation's health and economy. There are 4.5 million square miles of ocean in the U.S. territorial seas—23 percent larger than our Nation's landmass. That's more than any other country has. Cruise ship wastewater threatens the very environments that family vacationers want to visit. Current regulations and voluntary guidelines for the cruise ship industry just aren't good enough. No other industry is allowed to pollute our waters at will. The cruise ship industry is growing at nearly 5 percent each year, which means that the problem is growing, as well.

Uncontrolled dumping of cruise ship pollution must stop. We can achieve that goal with the Clean Cruise Ship Act. I recognize, though, that there may be other valid approaches. I encourage my colleagues to work with me to pass legislation this year that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

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. 2881

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Cruise Ship Act of 2008''.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Cruise vessels carry millions of people through North American waters each year, showcase some of the most beautiful ocean areas in the United States, and provide opportunities for passengers to relax and enjoy the oceans and marine ecosystems.

(2) A single cruise vessel generates a tremendous amount of waste each week, including an estimated 140,000 to 210,000 gallons of blackwater (sewage) and 1,000,000 gallons of graywater (including wastewater from dishwashers, showers, laundry, baths, and washbasins). Onboard amenities such as photoprocessing, dry-cleaning, and hairdressing also generate hazardous waste streams.

(3) In its final report, ''An Ocean Blueprint for the 21st Century'', released in 2004, the United States Commission on Ocean Policy found that these waste streams and the cumulative impacts caused when cruise vessels repeatedly visit the same environmentally sensitive areas, ''if not properly disposed of and treated, can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life,'' thus threatening the very environments cruise vessel passengers seek to explore.

(4) The cruise industry has grown by more than 6 percent annually since 2003 and is projected to continue growing. Cruise vessel capacity is also expanding dramatically; today cruise vessels can transport 5,000 passengers and crew members, but the next generation of cruise vessels is expected to carry 7,000 passengers and crew members. As the total number of passengers increases and the number of passengers per ship increases, the volume of waste entering these ocean ecosystems and the impact of that waste on ocean ecosystems will also increase.

(5) In a 2005 report requested by the International Council of Cruise Lines, the Ocean Conservation and Tourism Alliance (OCTA) Science Panel recommended that ''[a]ll blackwater should be treated'', that discharging treated blackwater should be ''avoided in ports, close to bathing beaches or water bodies with restricted circulation,

flushing or inflow'', and that blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats.

(6) The OCTA Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities.

(7) The United States lacks a comprehensive wastewater management policy for large passenger vessels, and a new statutory regime for managing wastewater discharges from large passenger vessels that applies throughout the United States is needed to protect coastal and ocean areas from pollution generated by cruise vessels, to reduce and better regulate discharges from cruise vessels, and to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to protect the health and beauty of the marine and coastal ecosystems that cruise passengers enjoy, by—

(1) prohibiting the discharge of any untreated sewage, graywater, or bilge water from a cruise vessel calling on a port of the United States into the waters of the United States;

(2) prohibiting the discharge of any sewage sludge, incinerator ash, or hazardous waste from a cruise vessel calling on a port of the United States into the waters of the United States;

(3) establishing new national effluent limits for the discharge of treated sewage, treated graywater, and treated bilge water from cruise vessels not less than 12 miles from shore in any case in which the discharge is not within an area in which discharges are prohibited; and

(4) ensuring that cruise vessels calling on ports of the United States comply with all applicable environmental laws.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) BILGE WATER.—The term ''bilge water'' means waste water that includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, or oily waste.

(3) CITIZEN.—The term ''citizen'' means a person that has an interest that is or may be adversely affected by any provision of this Act.

(4) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(5) CRUISE VESSEL.—The term ''cruise vessel''—

(A) means a passenger vessel (as defined in section 2101(22) of title 46, United States Code), that—

(i) is authorized to carry at least 250 passengers; and

(ii) has onboard sleeping facilities for each passenger; and

(B) does not include—

(i) a vessel of the United States operated by the Federal Government; or

(ii) a vessel owned and operated by the government of a State.

(6) DISCHARGE.—The term ''discharge''—

(A) means a release, however caused, of bilge water, graywater, hazardous waste, incinerator ash, sewage, or sewage sludge from a cruise vessel; and

(B) includes any escape, disposal, spilling, leaking, pumping, emitting, or emptying of a substance described in subparagraph (A).

(7) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' has the meaning given that term in section 107 of title 46, United States Code.

(8) GRAYWATER.—The term ''graywater'' means galley, dishwasher, bath, spa, pool, and laundry waste water.

(9) GREAT LAKE.—The term ''Great Lake'' means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario; or

(E) Lake Superior.

(10) HAZARDOUS WASTE.—The term ''hazardous waste'' has the meaning given that term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(11) INCINERATOR ASH.—The term ''incinerator ash'' means ash generated during the incineration of solid waste or sewage sludge.

(12) NO DISCHARGE ZONES.—The term ''no discharge zones'' means important ecological areas including marine sanctuaries, marine protected areas, marine reserves, marine national monuments, national parks, and national wildlife refuges.

(13) PASSENGER.—The term ''passenger'' means a paying passenger.

(14) PERSON.—The term ''person'' means—

(A) an individual;

(B) a corporation;

(C) a partnership;

(D) a limited liability company;

(E) an association;

(F) a State;

(G) a municipality;

(H) a commission or political subdivision of a State; or

(I) an Indian tribe.

(15) SEWAGE.—The term ''sewage'' means—

(A) human body wastes; and

(B) the wastes from toilets and other receptacles intended to receive or retain human body wastes.

(16) SEWAGE SLUDGE.—The term ''sewage sludge''—

(A) means any solid, semi-solid, or liquid residue removed during the treatment of onboard sewage;

(B) includes—

(i) solids removed during primary, secondary, or advanced waste water treatment;

(ii) scum;

(iii) septage;

(iv) portable toilet pumpings;

(v) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations); and

(vi) sewage sludge products; and

(C) does not include—

(i) grit or screenings; or

(ii) ash generated during the incineration of sewage sludge.

(17) TERRITORIAL SEA.—The term ''territorial sea''—

(A) means the belt of the sea extending 12 nautical miles from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation number 5928, dated December 27, 1988; and

(B) includes the waters lying seaward of the line of ordinary low water and extending to the baseline of the United States, as determined under subparagraph (A).

(18) WATERS OF THE UNITED STATES.—The term ''waters of the United States'' means the waters of the territorial sea, the exclusive economic zone, and the Great Lakes.

SEC. 4. PROHIBITIONS ON THE DISCHARGE OF SEWAGE, GRAYWATER, BILGE WATER, SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.

(a) PROHIBITIONS ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—Except as provided in subsection (c) or section 6, no cruise vessel calling on a port of the United States may discharge sewage, graywater, or bilge water into the waters of the United States, unless—

(1) the effluent of treated sewage, treated graywater, or treated bilge water meets all applicable effluent limits established under this Act and is in accordance with all other applicable laws;

(2) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

(3) the cruise vessel is not less than 12 nautical miles from shore;

(4) the cruise vessel is not discharging in no discharge zones; and

(5) the cruise vessel complies with all applicable management standards established under this Act.

(b) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—No sewage sludge, incinerator ash, or hazardous waste may be discharged into the waters of the United States. Such sewage sludge, incinerator ash, and hazardous waste shall be off-loaded at an appropriate land-based facility.

(c) SAFETY EXCEPTION.—

(1) SCOPE OF EXCEPTION.—The provisions of subsections (a) and (b) shall not apply in any case in which—

(A) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving a human life at sea; and

(B) all reasonable precautions have been taken to prevent or minimize the discharge.

(2) NOTIFICATION OF COMMANDANT.—

(A) IN GENERAL.—If the owner, operator, master, or other individual in charge of a cruise vessel authorizes a discharge described in paragraph (1), such individual shall notify the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

(B) REPORT.—Not later than 7 days after the date on which an individual described in subparagraph (A) notifies the Commandant of a decision to authorize a discharge under paragraph (1), the individual shall submit to the Commandant a report that includes—

(i) the quantity and composition of each discharge authorized under paragraph (1);

(ii) the reason for authorizing each such discharge;

(iii) the location of the vessel during the course of each such discharge; and

(iv) such other supporting information and data as are requested by the Commandant.

(C) DISCLOSURE OF REPORTS.—Upon receiving a report under subparagraph (B), the Commandant shall—

(i) transmit a copy of the report to the Administrator; and

(ii) make the report available to the public.

SEC. 5. EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.

(a) EFFLUENT LIMITS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels calling on ports of the United States.

(2) REQUIREMENTS.—The effluent limits shall, at a minimum—

(A) be consistent with the capability of the best available technology to treat effluent;

(B) require compliance with all relevant State and Federal water quality standards; and

(C) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including levels of nutrients, total and dissolved metals, pathogen indicators, oils and grease, classical pollutants, and volatile and semivolatile organics.

(b) MINIMUM LIMITS.—The effluent limits promulgated under subsection (a) shall require, at a minimum, that treated sewage,

treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subsection (d), meet the following standards:

(1) IN GENERAL.—The discharge shall satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation).

(2) FECAL COLIFORM.—With respect to the samples from the discharge during any 30-day period—

(A) the geometric mean of the samples shall not exceed 20 fecal coliform per 100 milliliters; and

(B) not more than 10 percent of the samples shall exceed 40 fecal coliform per 100 milliliters.

(3) RESIDUAL CHLORINE.—Concentrations of total residual chlorine in samples shall not exceed 10 milligrams per liter.

(c) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

(1) review the effluent limits promulgated under subsection (a) at least once every 5 years; and

(2) revise the effluent limits as necessary to incorporate technology available at the time of the review in accordance with subsection (a)(2).

(d) COMPLIANCE DATE.—

(1) IN GENERAL.—The date described in this subsection is—

(A) with respect to new vessels put into water after the date of the enactment of this Act, 2 years after such date of enactment; and

(B) with respect to vessels in use as of such date of enactment, 5 years after such date of enactment.

(2) NEW VESSEL DEFINED.—In this subsection, the term ''new vessel'' means a vessel the keel of which is laid, or that is at a similar stage of construction, on or after the date of the enactment of this Act.

SEC. 6. ALASKAN CRUISE VESSELS.

(a) IN GENERAL.—An Alaskan cruise vessel shall not be subject to the provisions of this Act (including regulations promulgated under this Act) until the date that is 10 years after the date of the enactment of this Act.

(b) DEFINITION OF ALASKAN CRUISE VESSEL.—In this section, the term ''Alaskan cruise vessel'' means a cruise vessel—

(1) while the vessel is operating in waters of the State of Alaska, as defined in section 159.305 of title 33, Code of Federal Regulations; and

(2) that complies with all relevant laws and regulations of the State of Alaska while in transit from a port of call outside of the State of Alaska to the waters of the State of Alaska.

SEC. 7. INSPECTION AND SAMPLING.

(a) DEVELOPMENT AND IMPLEMENTATION OF INSPECTION PROGRAM.—

(1) IN GENERAL.—The Administrator shall promulgate regulations to implement a sampling and testing program, and the Commandant shall promulgate regulations to implement an inspection program, sufficient to verify that cruise vessels calling on ports of the United States are in compliance with—

(A) this Act (including regulations promulgated under this Act);

(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including regulations promulgated under that Act);

(C) other applicable Federal laws and regulations; and

(D) all applicable requirements of international agreements.

(2) INSPECTIONS.—The program shall require that—

(A) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges; and

(B) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant, in consultation with the Administrator, shall promulgate regulations that, at a minimum—

(A) require the owner, operator, master, or other individual in charge of a cruise vessel to maintain and submit annually a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel;

(B) provide for routine announced and unannounced inspections of—

(i) cruise vessel environmental compliance records and procedures; and

(ii) the functionality and proper operation of installed equipment for abatement and control of any cruise vessel discharge, including equipment intended to treat sewage, graywater, or bilge water;

(C) require the sampling and testing of cruise vessel discharges that require the owner, operator, master, or other individual in charge of a cruise vessel—

(i) to conduct that sampling or testing at the point of discharge; and

(ii) to produce any records of the sampling or testing;

(D) require any owner, operator, master, or other individual in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of this Act (including regulations promulgated under this Act) to report immediately the discharge to the Commandant, who shall provide notification of the discharge to the Administrator; and

(E) require the owner, operator, master, or other individual in charge of a cruise vessel to provide to the Commandant and Administrator a blueprint of each cruise vessel that includes the location of every discharge pipe and valve.

(2) DISCLOSURE OF LOGBOOKS.—Upon receiving a logbook described in paragraph (1)(A), the Commandant shall—

(A) transmit a copy of the logbook to the Administrator; and

(B) make the logbook available to the public.

(c) EVIDENCE OF COMPLIANCE.—

(1) VESSEL OF THE UNITED STATES.—

(A) IN GENERAL.—A cruise vessel registered in the United States to which this Act applies shall have a certificate of inspection issued by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) VALIDITY OF CERTIFICATE.—A certificate issued under this paragraph—

(i) shall be valid for a period of not more than 5 years, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(D) SPECIAL CERTIFICATES.—The Commandant may issue special certificates to certain vessels that exhibit compliance with this Act and other best practices, as determined by the Commandant, after public notice and comment.

(2) FOREIGN VESSEL.—

(A) IN GENERAL.—A cruise vessel registered in a country other than the United States to which this Act applies may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a certificate of compliance by the Commandant.

(B) ISSUANCE OF CERTIFICATE.—The Commandant may issue a certificate described in subparagraph (A) to a cruise vessel only after the cruise vessel has been examined and found to be in compliance with this Act, including prohibitions on discharges and requirements for effluent limits, as determined by the Commandant.

(C) ACCEPTANCE OF FOREIGN DOCUMENTATION.—The Commandant may consider a certificate, endorsement, or document issued by the government of a foreign country under a treaty, convention, or other international agreement to which the United States is a party, in issuing a certificate of compliance under this paragraph. Such a certificate, endorsement, or document shall not serve as a proxy for certification of compliance with this Act.

(D) VALIDITY OF CERTIFICATE.—A certificate issued under this section—

(i) shall be valid for a period of not more than 24 months, beginning on the date of issuance of the certificate;

(ii) may be renewed as specified by the Commandant; and

(iii) shall be suspended or revoked if the Commandant determines that the cruise vessel for which the certificate was issued is not in compliance with the conditions under which the certificate was issued.

(d) CRUISE OBSERVER PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall establish and carry out a program for the placement of 1 or more trained independent observers on each cruise vessel.

(2) PURPOSES.—The purposes of the cruise observer program established under paragraph (1) are to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

(A) this Act (including regulations promulgated under this Act); and

(B) all other relevant Federal laws, regulations, and international agreements.

(3) RESPONSIBILITIES.—An observer described in paragraph (1) shall—

(A) observe and inspect—

(i) onboard environmental treatment systems;

(ii) use of shore-based treatment and storage facilities;

(iii) discharges and discharge practices; and

(iv) blueprints, logbooks, and other relevant information, including fuel consumption and atmospheric emissions;

(B) have the authority to interview and otherwise query any crew member with knowledge of vessel operations;

(C) have access to all data and information made available to government officials under this section;

(D) immediately report any known or suspected violation of this Act or any other applicable Federal law or international agreement to—

(i) the Coast Guard; and

(ii) the Environmental Protection Agency; and

(E) maintain a logbook to be submitted to the Commandant and the Administrator annually and to be made available to the public.

(4) ADAPTIVE MANAGEMENT.—The program established and carried out by the Commandant under paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) REPORT.—Not later than 3 years after the establishment of the program described in paragraph (1), the Commandant shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for optimal observer coverage; and

(C) other recommendations for improvement of the program.

(e) ONBOARD MONITORING SYSTEM PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator and the Commandant, shall establish, and for each of fiscal years 2008 through 2013, shall carry out, with industry partners as necessary, a pilot program to develop and promote commercialization of technologies to provide real-time data to Federal agencies regarding—

(A) discharges of sewage, graywater, and bilge water from cruise vessels; and

(B) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution.

(2) TECHNOLOGY REQUIREMENTS.—Technologies developed under the program described in paragraph (1)—

(A) shall have the ability to record—

(i) the location and time of discharges from cruise vessels;

(ii) the source, content, and volume of the discharges; and

(iii) the state of components relating to pollution control at the time of the discharges, including whether the components are operating correctly; and

(B) shall be tested on not less than 10 percent of all cruise vessels operating in the territorial sea of the United States, including large and small vessels.

(3) PARTICIPATION OF INDUSTRY.—

(A) COMPETITIVE SELECTION PROCESS.—Industry partners willing to participate in the program may do so through a competitive selection process conducted by the Administrator of the National Oceanic and Atmospheric Administration.

(B) CONTRIBUTION.—A selected industry partner shall contribute not less than 20 percent of the cost of the project in which the industry partner participates.

(4) ADAPTIVE MANAGEMENT.—The program established and carried out by the Administrator of the National Oceanic and Atmospheric Administration pursuant to paragraph (1) shall also include—

(A) a method for collecting and reviewing data related to the efficiency and operation of the program; and

(B) periodic revisions to the program based on the data collected under subparagraph (A).

(5) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report describing—

(A) the results of the program;

(B) recommendations for continuing the program; and

(C) other recommendations for improving the program.

SEC. 8. EMPLOYEE PROTECTION.

(a) PROHIBITION OF DISCRIMINATION AGAINST PERSONS FILING, INSTITUTING, OR TESTIFYING IN PROCEEDINGS UNDER THIS ACT.—No person shall terminate the employment of, or in any other way discriminate against (or cause the termination of employment of or discrimination against), any employee or any authorized representative of employees by reason of the fact that the employee or representative—

(1) has filed, instituted, or caused to be filed or instituted any proceeding under this Act; or

(2) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) APPLICATION FOR REVIEW; INVESTIGATION; HEARINGS; REVIEW.—

(1) IN GENERAL.—An employee or a representative of an employee who believes that the termination of the employment of the employee has occurred, or that the employee has been discriminated against, as a result of the actions of any person in violation of subsection (a) may, not later than 30 days after the date on which the alleged violation occurred, apply to the Secretary of Labor for a review of the alleged termination of employment or discrimination.

(2) APPLICATION.—A copy of an application for review filed under paragraph (1) shall be sent to the respondent.

(3) INVESTIGATION.—

(A) IN GENERAL.—On receipt of an application for review under paragraph (1), the Secretary of Labor shall carry out an investigation of the alleged violation.

(B) REQUIREMENTS.—In carrying out this subsection, the Secretary of Labor shall—

(i) provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation;

(ii) ensure that, at least 5 days before the date of the hearing, each party to the hearing is provided written notice of the time and place of the hearing; and

(iii) ensure that the hearing is on the record and subject to section 554 of title 5, United States Code.

(C) FINDINGS OF SECRETARY.—On completion of an investigation under this paragraph, the Secretary of Labor shall—

(i) make findings of fact;

(ii) if the Secretary of Labor determines that a violation did occur, issue a decision, incorporating an order and the findings, requiring the person that committed the violation to take such action as is necessary to abate the violation, including the rehiring or reinstatement, with compensation, of an employee to the former position of the employee; and

(iii) if the Secretary of Labor determines that there was no violation, issue an order denying the application.

(D) ORDER.—An order issued by the Secretary of Labor under subparagraph (C) shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

(c) COSTS AND EXPENSES.—In any case in which an order is issued under this section to abate a violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of the proceedings, shall be assessed against the person committing the violation.

(d) DELIBERATE VIOLATIONS BY EMPLOYEES ACTING WITHOUT DIRECTION FROM EMPLOYER OR AGENT.—This section shall not apply to any employee who, without direction from the employer of the employee (or agent of the employer), deliberately violates any provision of this Act.

SEC. 9. JUDICIAL REVIEW.

(a) REVIEW OF ACTIONS BY ADMINISTRATOR OR COMMANDANT; SELECTION OF COURT; FEES.—

(1) REVIEW OF ACTIONS.—

(A) IN GENERAL.—Any interested person may petition for a review, in the United States court of appeals for the circuit in which the person resides or transacts business directly affected by the action of which review is requested—

(i) of an action of the Administrator in promulgating any effluent limit under section 5; or

(ii) of an action of the Commandant or the Administrator in carrying out an inspection, sampling, or testing under section 7.

(B) DEADLINE FOR REVIEW.—A petition for review under subparagraph (A) shall be made—

(i) not later than 120 days after the date of promulgation of the limit or standard with respect to which the review is sought; or

(ii) if the petition for review is based solely on grounds that arose after the date described in clause (i), as soon as practicable after that date.

(2) CIVIL AND CRIMINAL ENFORCEMENT PROCEEDINGS.—An action of the Commandant or Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any civil or criminal proceeding for enforcement of such action.

(3) AWARD OF FEES.—In any judicial proceeding under this subsection, a court may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party in any case in which the court determines such an award to be appropriate.

(b) ADDITIONAL EVIDENCE.—

(1) IN GENERAL.—In any judicial proceeding instituted under subsection (a) in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to introduce additional evidence and demonstrates to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to introduce the evidence in the proceeding before the Commandant or Administrator, the court may order the additional evidence (and evidence in rebuttal of the additional evidence) to be taken before the Commandant or Administrator, in such manner and on such terms and conditions as the court determines to be appropriate.

(2) MODIFICATION OF FINDINGS.—On admission of additional evidence under paragraph (1), the Commandant or Administrator—

(A) may modify findings of fact of the Commandant or Administrator, as the case may be, relating to a judicial proceeding, or make new findings of fact, by reason of the additional evidence; and

(B) shall file with the return of the additional evidence any modified or new findings, and any related recommendations, for the modification or setting aside of any original determinations of the Commandant or Administrator.

SEC. 10. ENFORCEMENT.

(a) IN GENERAL.—Any person that violates a provision of section 4 or any regulation promulgated under this Act may be assessed—

(1) a class I or class II civil penalty described in subsection (b); or

(2) a civil penalty in a civil action under subsection (c).

(b) AMOUNT OF ADMINISTRATIVE PENALTY.—

(1) CLASS I.—The amount of a class I civil penalty under subsection (a)(1) may not exceed—

(A) $10,000 per violation; or

(B) $25,000 in the aggregate, in the case of multiple violations.

(2) CLASS II.—The amount of a class II civil penalty under subsection (a)(1) may not exceed—

(A) $10,000 per day for each day during which the violation continues; or

(B) $125,000 in the aggregate, in the case of multiple violations.

(3) SEPARATE VIOLATIONS.—Each day on which a violation continues shall constitute a separate violation.

(4) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under subsection (a)(1), the Commandant or the court, as appropriate, shall consider—

(A) the seriousness of the violation;

(B) any economic benefit resulting from the violation;

(C) any history of violations;

(D) any good faith efforts to comply with the applicable requirements;

(E) the economic impact of the penalty on the violator; and

(F) such other matters as justice may require.

(5) PROCEDURE FOR CLASS I CIVIL PENALTY.—

(A) IN GENERAL.—Before assessing a civil penalty under this subsection, the Commandant shall provide to the person to be assessed the penalty—

(i) written notice of the proposal of the Commandant to assess the penalty; and

(ii) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed penalty.

(B) HEARING.—A hearing described in subparagraph (A)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide a reasonable opportunity to be heard and to present evidence.

(6) PROCEDURE FOR CLASS II CIVIL PENALTY.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

(B) RULES.—The Commandant may promulgate rules for discovery procedures for hearings under this subsection.

(7) RIGHTS OF INTERESTED PERSONS.—

(A) PUBLIC NOTICE.—Before issuing an order assessing a class II civil penalty under this subsection, the Commandant shall provide public notice of, and reasonable opportunity to comment on, the proposed issuance of each order.

(B) PRESENTATION OF EVIDENCE.—

(i) IN GENERAL.—Any person that comments on a proposed assessment of a class II civil penalty under this subsection shall be given notice of—

(I) any hearing held under this subsection relating to such assessment; and

(II) any order assessing the penalty.

(ii) HEARING.—In any hearing described in clause (i)(I), a person described in clause (i) shall have a reasonable opportunity to be heard and to present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—

(i) IN GENERAL.—If no hearing is held under subparagraph (B) before the date of issuance of an order assessing a class II civil penalty under this subsection, any person that commented on the proposed assessment may, not later than 30 days after the date of issuance of the order, petition the Commandant—

(I) to set aside the order; and

(II) to provide a hearing on the penalty.

(ii) NEW EVIDENCE.—If any evidence presented by a petitioner in support of the petition under clause (i) is material and was not considered in the issuance of the order, as determined by the Commandant, the Commandant shall immediately—

(I) set aside the order; and

(II) provide a hearing in accordance with subparagraph (B)(ii).

(iii) DENIAL OF HEARING.—If the Commandant denies a hearing under this subparagraph, the Commandant shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for the denial.

(8) FINALITY OF ORDER.—

(A) IN GENERAL.—An order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of issuance of the order unless, before that date—

(i) a petition for judicial review is filed under paragraph (10); or

(ii) a hearing is requested under paragraph (7)(C).

(B) DENIAL OF HEARING.—If a hearing is requested under paragraph (7)(C) and subsequently denied, an order assessing a class II civil penalty under this subsection shall become final on the date that is 30 days after the date of the denial.

(9) EFFECT OF ACTION ON COMPLIANCE.—No action by the Commandant under this subsection shall affect the obligation of any person to comply with any provision of this Act.

(10) JUDICIAL REVIEW.—

(A) IN GENERAL.—Any person against which a civil penalty is assessed under this subsection, or that commented on the proposed assessment of such a penalty in accordance with paragraph (7), may obtain review of the assessment in a court described in subparagraph (B) by—

(i) filing a notice of appeal with the court within the 30-day period beginning on the date on which the civil penalty order is issued; and

(ii) simultaneously sending a copy of the notice by certified mail to the Commandant and the Attorney General.

(B) COURTS OF JURISDICTION.—Review of an assessment under subparagraph (A) may be obtained by a person—

(i) in the case of assessment of a class I civil penalty, in—

(I) the United States District Court for the District of Columbia; or

(II) the district court of the United States for the district in which the violation occurred; or

(ii) in the case of assessment of a class II civil penalty, in—

(I) the United States Court of Appeals for the District of Columbia Circuit; or

(II) the United States court of appeals for any other circuit in which the person resides or transacts business.

(C) COPY OF RECORD.—On receipt of notice under subparagraph (A)(ii), the Commandant shall promptly file with the appropriate court a certified copy of the record on which the order assessing a civil penalty that is the subject of the review was issued.

(D) SUBSTANTIAL EVIDENCE.—A court with jurisdiction over a review under this paragraph—

(i) shall not set aside or remand an order described in subparagraph (C) unless—

(I) there is not substantial evidence in the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Commandant of the civil penalty constitutes an abuse of discretion; and

(ii) shall not impose additional civil penalties for the same violation unless the assessment by the Commandant of the civil penalty constitutes an abuse of discretion.

(11) COLLECTION.—

(A) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after the assessment has become final, or after a court in a proceeding under paragraph (10) has entered a final judgment in favor of the Commandant, the Commandant shall request the Attorney General to bring a civil action in an appropriate district court to recover—

(i) the amount assessed; and

(ii) interest that has accrued on the amount assessed, as calculated at currently prevailing rates beginning on the date of the final order or the date of the final judgment, as the case may be.

(B) NONREVIEWABILITY.—In an action to recover an assessed civil penalty under subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to judicial review.

(C) FAILURE TO PAY PENALTY.—Any person that fails to pay, on a timely basis, the amount of an assessment of a civil penalty under subparagraph (A) shall be required to pay, in addition to the amount of the civil penalty and accrued interest—

(i) attorneys' fees and other costs for collection proceedings; and

(ii) for each quarter during which the failure to pay persists, a quarterly nonpayment penalty in an amount equal to 20 percent of the aggregate amount of the assessed civil penalties and nonpayment penalties of the person that are unpaid as of the beginning of the quarter.

(12) SUBPOENAS.—

(A) IN GENERAL.—The Commandant may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection.

(B) REFUSAL TO OBEY.—In case of contumacy or refusal to obey a subpoena issued under this paragraph and served on any person—

(i) the district court of the United States for any district in which the person is found, resides, or transacts business, on application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before the Commandant or to appear and produce documents before the Commandant; and

(ii) any failure to obey such an order of the court may be punished by the court as a contempt of the court.

(c) CIVIL ACTION.—The Commandant may commence, in the district court of the United States for the district in which the defendant is located, resides, or transacts business, a civil action to impose a civil penalty under this subsection in an amount not to exceed $25,000 for each day of violation.

(d) CRIMINAL PENALTIES.—

(1) NEGLIGENT VIOLATIONS.—A person that negligently violates section 4 or any regulation promulgated under this Act commits a Class A misdemeanor under title 18, United States Code.

(2) KNOWING VIOLATIONS.—Any person that knowingly violates section 4 or any regulation promulgated under this Act commits a Class D felony under title 18, United States Code.

(3) FALSE STATEMENTS.—Any person that knowingly makes any false statement, representation, or certification in any record, report, or other document filed or required to be maintained under this Act or any regulation promulgated under this Act, or that falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under

this Act or any regulation promulgated under this Act, commits a Class D felony under title 18, United States Code.

(e) REWARDS.—

(1) PAYMENTS TO INDIVIDUALS.—

(A) IN GENERAL.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, of an amount not to exceed ½ of the civil penalty or fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

(B) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in subparagraph (A), the amount available for payment as a reward shall be divided equitably among the individuals.

(C) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this subsection.

(2) PAYMENTS TO STATES OR INDIAN TRIBES.—The Commandant or the court, as the case may be, may order payment, from a civil penalty or criminal fine collected under this section, to a State or Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

(3) PAYMENTS DIVIDED AMONG STATES, INDIAN TRIBES, AND INDIVIDUALS.—In a case in which a State or Indian tribe and an individual under paragraph (1) are eligible to receive a reward payment under this subsection, the Commandant or the court shall divide the amount available for the reward equitably among those recipients.

(f) LIABILITY IN REM.—A cruise vessel operated in violation of this Act or any regulation promulgated under this Act—

(1) shall be liable in rem for any civil penalty or criminal fine imposed under this section; and

(2) may be subject to a proceeding instituted in the district court of the United States for any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If the Commandant determines that any person is in violation of section 4 or any regulation promulgated under this Act, the Commandant shall—

(A) issue an order requiring the person to comply with such section or requirement; or

(B) bring a civil action in accordance with subsection (c).

(2) COPIES OF ORDER; SERVICE.—

(A) CORPORATE ORDERS.—In any case in which an order under this subsection is issued to a corporation, a copy of the order shall be served on any appropriate corporate officer.

(B) METHOD OF SERVICE; SPECIFICATIONS.—An order issued under this subsection shall—

(i) be by personal service;

(ii) state with reasonable specificity the nature of the violation for which the order was issued; and

(iii) specify a deadline for compliance that is not later than—

(I) 30 days after the date of issuance of the order, in the case of a violation of an interim compliance schedule or operation and maintenance requirement; or

(II) such date as the Commandant, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements, determines to be reasonable, in the case of a violation of a final deadline.

(h) CIVIL ACTIONS.—

(1) IN GENERAL.—The Commandant may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which the Commandant is authorized to issue a compliance order under this subsection.

(2) COURT OF JURISDICTION.—

(A) IN GENERAL.—A civil action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business.

(B) JURISDICTION.—A court described in subparagraph (A) shall have jurisdiction to grant injunctive relief to address a violation and require compliance by the defendant.

SEC. 11. CITIZEN SUITS.

(a) AUTHORIZATION.—Except as provided in subsection (c), any citizen may commence a civil action on the citizen's own behalf—

(1) against any person (including the United States and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States) that is alleged to be in violation of—

(A) the conditions imposed by section 4;

(B) an effluent limit or performance standard under this Act; or

(C) an order issued by the Administrator or Commandant with respect to such a condition, an effluent limit, or a performance standard; or

(2) against the Administrator or Commandant, in a case in which there is alleged a failure by the Administrator or Commandant to perform any nondiscretionary act or duty under this Act.

(b) JURISDICTION.—The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

(1) to enforce a condition, effluent limit, performance standard, or order described in subsection (a)(1);

(2) to order the Administrator or Commandant to perform a nondiscretionary act or duty described in subsection (a)(2); and

(3) to apply any appropriate civil penalties under section 10(b).

(c) NOTICE.—No action may be commenced under this section—

(1) before the date that is 60 days after the date on which the plaintiff gives notice of the alleged violation—

(A) to the Administrator or Commandant; and

(B) to any alleged violator of the condition, effluent limit, performance standard, or order described in subsection (a)(1); or

(2) if the Administrator or Commandant has commenced and is diligently prosecuting a civil or criminal action on the same matter in a court of the United States (but in any such action, a citizen may intervene as a matter of right).

(d) VENUE.—

(1) IN GENERAL.—Any civil action under this section shall be brought in—

(A) the United States District Court for the District of Columbia; or

(B) any other district court of the United States for any judicial district in which a cruise vessel or the owner or operator of a cruise vessel is located.

(2) INTERVENTION.—In a civil action under this section, the Administrator or the Commandant, if not a party, may intervene as a matter of right.

(3) PROCEDURES.—

(A) SERVICE.—In any case in which a civil action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(B) CONSENT JUDGMENTS.—No consent judgment shall be entered in a civil action under this section to which the United States is not a party before the date that is 45 days after the date of receipt of a copy of the proposed consent judgment by—

(i) the Attorney General;

(ii) the Administrator; and

(iii) the Commandant.

(e) LITIGATION COSTS.—

(1) IN GENERAL.—A court of jurisdiction, in issuing any final order in any civil action brought in accordance with this section, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any prevailing or substantially prevailing party, in any case in which the court determines that such an award is appropriate.

(2) SECURITY.—In any civil action under this section, the court of jurisdiction may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(f) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this section restricts the rights of any person (or class of persons) under any statute or common law to seek enforcement or other relief (including relief against the Administrator or Commandant).

(g) CIVIL ACTION BY STATE GOVERNORS.—A Governor of a State may commence a civil action under subsection (a), without regard to the limitation under subsection (c), against the Administrator or Commandant in any case in which there is alleged a failure of the Administrator or Commandant to enforce an effluent limit or performance standard under this Act, the violation of which is causing—

(1) an adverse effect on the public health or welfare in the State; or

(2) a violation of any water quality requirement in the State.

SEC. 12. SENSE OF CONGRESS ON BALLAST WATER.

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for ballast water to reduce the threat of aquatic invasive species.

SEC. 13. SENSE OF CONGRESS ON AIR POLLUTION.

It is the sense of Congress that action should be taken to enact legislation requiring strong, mandatory standards for air quality with respect to incineration and engine activities of cruise vessels to reduce the level of harmful chemical and particulate air pollutants.

SEC. 14. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant and the Administrator such sums as are necessary to carry out this Act for each of fiscal years 2009 through 2013.

(b) CRUISE VESSEL POLLUTION CONTROL FUND.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account to be known as the ''Cruise Vessel Pollution Control Fund'' (referred to in this section as the ''Fund'').

(2) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subsection (c)(5).

(3) USE OF AMOUNTS IN FUND.—The Administrator and the Commandant may use amounts in the Fund, without further appropriation, to carry out this Act.

(c) FEES ON CRUISE VESSELS.—

(1) IN GENERAL.—The Commandant shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this Act.

(2) ADJUSTMENT OF FEE.—

(A) IN GENERAL.—The Commandant shall biennially adjust the amount of the fee established under paragraph (1) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during each 2-year period.

(B) ROUNDING.—The Commandant may round the adjustment in subparagraph (A) to the nearest 1/10 of a dollar.

(3) FACTORS IN ESTABLISHING FEES.—

(A) IN GENERAL.—In establishing fees under paragraph (1), the Commandant may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

(i) size;

(ii) economic share; and

(iii) such other factors as are determined to be appropriate by the Commandant and Administrator.

(B) FEE SCHEDULES.—Any fee schedule established under paragraph (1), including the level of fees and the maximum amount of fees, shall take into account—

(i) cruise vessel routes;

(ii) the frequency of stops at ports of call by cruise vessels; and

(iii) other relevant considerations.

(4) COLLECTION OF FEES.—A fee established under paragraph (1) shall be collected by the Commandant from the owner or operator of each cruise vessel to which this Act applies.

(5) DEPOSITS TO FUND.—Notwithstanding any other provision of law, all fees collected under this subsection, and all penalties and payments collected for violations of this Act, shall be deposited into the Fund.

SEC. 15. EFFECT ON OTHER LAW.

(a) UNITED STATES.—Nothing in this Act restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States.

(b) STATES AND INTERSTATE AGENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act precludes or denies the right of any State (including a political subdivision of a State) or interstate agency to adopt or enforce—

(A) any standard or limit relating to the discharge of pollutants by cruise vessels; or

(B) any requirement relating to the control or abatement of pollution.

(2) EXCEPTION.—If an effluent limit, performance standard, water quality standard, or any other prohibition or limitation is in effect under Federal law, a State (including a political subdivision of a State) or interstate agency may not adopt or enforce any effluent limit, performance standard, water quality standard, or any other prohibition that—

(A) is less stringent than the effluent limit, performance standard, water quality standard, or other prohibition or limitation under this Act; or

(B) impairs or in any manner affects any right or jurisdiction of the State with respect to the waters of the State.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. ISAKSON):

S. 2882. A bill to amend title 10, United States Code, to provide for the presentation of a flag of the United States to the children of members of the Armed Forces who die in service; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today with my colleagues Senator COLLINS and Senator ISAKSON to introduce legislation that would provide the secretaries of the military departments the authority to pay the necessary expenses that would accompany the presentation of a flag to each child of a servicemember killed in the service of the Nation.

The presentation of a remembrance flag to the family of a deceased servicemember is a time-honored tradition for each of the services which commemorates and memorializes the service of our men and women in uniform who have made the ultimate sacrifice to protect the liberties and freedoms we cherish. The remembrance flag is a profound symbol of the enduring appreciation of a grateful Nation.

Regrettably, however, there is an oversight in current law affecting which family members of a deceased servicemember may receive a flag. At present, the statute authorizes the secretaries of the services to present only two remembrance flags—one to the parents of the deceased servicemember and one to the person authorized to direct disposition of the servicemember. In many instances, the person authorized to direct disposition is also a primary next of kin of the servicemember. However, in cases where the primary next of kin are the children of the deceased servicemember, which can occur in extended family situations, authorities do not exist for the secretaries of the services to provide a remembrance flag to the children of deceased servicemembers.

The legislation that my colleagues and I are introducing today will remedy this oversight. We believe that the children of deceased servicemembers should also be able to receive a remembrance flag in honor of the sacrifice made by their parent. Clearly, this is the right thing to do. I sincerely hope that my colleagues will join Senator COLLINS, Senator ISAKSON, and me in supporting this important legislation.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 2883. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to the women of our Nation who have the cherished title of mother and grandmother. Whether through natural means, adoption or foster care, their patience and unending well-spring of love and affection make an incredible difference in the lives of children.

No treasure, no riches can ever compare with a profoundly reassuring hug, the kind words that soothe broken spirits, or that reminder, rooted in affection, that we're not living up to our full potential. They inspire, believe and ultimately profess enormous pride in us—no matter our successes or failures.

That is why it is not surprising that a young woman from Grafton, West Virginia, took to the streets of her hometown to honor her recently departed mother's love and life by passing out white carnations to all those who passed by. Anna Jarvis' one simple act of personal commemoration in May 1908, grew year after year. Eventually, Grafton's efforts would be recognized by the entire State of West Virginia in 1910. This was the first time a state recognized Mother's Day, and many more would soon follow.

In 1914, President Woodrow Wilson declared the first national Mother's Day, and from that day until now, mothers have been honored with flowers, breakfast in bed, and of course, those endearing homemade cards by little children that are steeped in sentiment—and often covered in glitter, macaroni and school paste.

My wife Sharon would tell you that there is nothing more important than these simple gifts—first from our children, and now our grandchildren. They are cherished touchstones.

At the same time, we think of our mothers as invincible. However, not even our mothers are immune to age or disease. For many families across the country, Mother's Day takes on even deeper meanings as parents get older.

In my own life, my mother was a tremendous force. Each Mother's Day was a celebration of her spirit, intellect and determination—and all this was put to the test in her battle with Alzheimer's disease. It's not easy seeing the woman who raised you struggle with an illness that robs her of her dignity and quality of life. I know that my family is not the only one that has been touched by this disease—and I am certainly not the only son who could talk in such a deeply personal way about losing a mother. But just like Anna Jarvis, my sisters and I sought to honor our mother—and perhaps in the process help another mother or grandmother or family—by opening the Blanchette Rockefeller Neurosciences Institute.

So it is altogether fitting and proper that as we prepare to commemorate that first, historic Mother's Day celebration in Grafton, that we as a Nation begin to reconnect with what Anna Jarvis was trying to achieve—community recognition of the role that women play in all our lives.

Today, I am introducing legislation that authorizes the U.S. Treasury to mint commemorative coins to celebrate the centennial of Grafton's celebration. I am proud to have Senator ROBERT C. BYRD as an original cosponsor. The companion bill also has been introduced in the House of Representatives by my West Virginia colleague, SHELLEY MOORE CAPITO. The proceeds from the sale of these coins won't go to the Government. Instead they will go to two organizations that are actively working to make a difference in the lives of our Nation's women who are battling breast cancer and osteoporosis—the Susan G. Komen for the Cure Foundation and the National Osteoporosis Foundation.

Every day can, and should be Mother's Day. Through this bill, Americans will now have the chance to show, with the purchase of these coins, the high

regard we have for not only our mothers and grandmothers, but our sisters and nieces, and all the women who have made a difference in our lives. In the process, we can contribute to funding research that will improve the quality of their lives.

I urge my colleagues to support this legislation.

By Ms. COLLINS (for herself and Mr. HATCH):

S. 2884. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Research & Development Tax Credit Improvement Act of 2008, legislation which would extend the R&D tax credit for 5 years, phase-out the Basic Credit, and raise the rate of the Alternative Simplified Credit from 12 percent to 20 percent by 2010.

Those who have followed the ongoing discussions regarding the R&D tax credit will recognize that the legislation I am introducing shares the framework of a proposal already put forward by the senior Senator from the State of Utah, my good friend ORRIN HATCH. Senator HATCH has done a superb job building a consensus around the need to transition to the Alternative Simplified Credit, and to raise that credit to provide a real incentive to the many companies that are unable to benefit from the Basic Credit structure. I applaud his efforts in this regard, and I thank him for lending his support to the bill I am introducing today.

I also want to note the contribution of the distinguished Chairman of the Finance Committee, Senator BAUCUS, who has worked side-by-side with Senator HATCH on the Research and Development tax credit.

The chief distinction between our two bills is the duration of the credit. The Hatch-Baucus bill proposes a permanent credit, while my bill would extend the R&D tax credit for five years. I certainly share the goal of providing a permanent R&D tax credit, but I fear that the cost of doing so puts it beyond our reach. Yet we simply cannot continue to play ''stop-and-go'' with this critical research incentive. Since the R&D tax credit was first enacted in 1981, Congress has had to extend it a dozen times, and it expired again at the end of last year. The constant uncertainty about the status of the credit has made it impossible for companies to plan their research investments, and has seriously diminished the credit's role as an incentive for research and development here in the U.S.

A 5-year extension would give companies enough time to plan their research investments with the credit in mind, restoring the incentive-effect the R&D credit has always been intended to provide. Just as important, the time frame I am proposing, coupled with the increase in the rate to 20 percent will allow for a smooth transition away from the Basic Credit to the Alternative Simplified Credit. The Basic Credit has served its purpose, but it has become hopelessly outmoded. Under the Basic Credit methodology, companies wishing to calculate their R&D credit must measure their current investments against a base that is stuck in the past—literally the tax years between 1984 and 1988. This period is simply not relevant to today's investment decisions, and because of that, fewer and fewer companies get any benefit at all from the Basic Credit.

By contrast, the Alternative Simplified Credit methodology allows companies to calculate their credit using a rolling average of their domestic investments over their three most-recent tax years.

The value of doing this is evidenced by the fact that most companies have already switched to the Alternative Simplified Credit, even though it has been on the books for less than a year-and-a-half, and even though the credit rate is only 12 percent compared to the Basic Credit rate of 20 percent.

The five-year extension I am proposing will allow for a smooth transition to the Alternative Simplified Credit, and will bring the R&D tax credit up-to-date. Companies which still rely on the Basic Credit will be allowed to continue that credit for another two years, just as is contemplated by the legislation that Senators HATCH and BAUCUS have worked so hard on.

Investment in research and development is critical to the breakthroughs we need to keep our economy competitive, and to create the good, high-paying jobs the American people deserve. The R&D tax credit provides an important incentive for this investment, but it needs to be updated so more companies can benefit from it. While making the credit permanent is a worthwhile goal, the 5-year extension I am proposing today is ''do-able'', and I urge my colleagues to support it.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, and Mr. BROWN):

S. 2885. A bill to amend the Internal Revenue Code of 1986 to expand the availability of industrial development bonds to facilities manufacturing intangible property; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would provide State and local development finance authorities with greater flexibility in promoting economic growth that meets the changing realities of an ever more global economy. Specifically, my bill would expand the definition of ''manufacturing'' as it pertains to the small-issue Industrial Development Bond, IDB, program to include the creation of ''intangible'' property. I am pleased to be joined by colleagues from both sides of the aisle including Senators KERRY, SMITH, and BROWN, in introducing this critical legislation to promote economic development.

Our Nation's capacity to innovate is a key reason why our economy remains the envy of the world, even during these difficult economic times. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs in North America.

It is clear that the promotion of knowledge-based industries can be a key economic tool for states and localities. This is especially true for states that have seen a loss in traditional manufacturing. In my home state of Maine, we lost 28 percent of our total manufacturing employment over the last decade. I believe that it critical that we provide states and localities with a wider range of options in promoting economic development. My legislation will do just that by expanding the availability small-issue IDBs to new economy industries, such as software and biotechnology, that have proven their ability to provide high-paying jobs.

These IDBs allow State and local development finance authorities, like the Finance Authority of Maine, to issue tax-exempt bonds for the purpose of raising capital to provide low-cost financing of manufacturing facilities. These bonds, therefore, provide local authorities with an invaluable tool to attract new employers and assist existing one's to grow. The result is a win-win situation for local communities providing them with much needed jobs. Consequently, it only makes since to ensure that these finance authorities have maximum flexibility in options to grow jobs.

In addition, my bill provides some technical clarity to distinguish between the phrases ''functionally related and subordinate facilities'' and ''directly related and acillary facilities.'' Until 1988, there was little confusion based on Treasury regulations going back to 1972 that made it clear that ''functionally related and subordinate facilities'' were clearly eligible for financing through private activity tax-exempt bonds.

But, Congress enacted the Technical and Miscellaneous Revenue Bond Act of 1988 that imposed a limitation that not more than 25 percent of tax- exempt bond financing could be used on ''directly related and ancillary facilities.'' While these two phrases appear to be very similar, they are indeed distinguishable from each other. Unfortunately, the Internal Revenue Service has blurred this distinction between the phrases which has had an adverse impact on the way facilities are able to utilize tax-exempt bond financing. My

legislation would make it clear that ''functionally related and subordinate facilities'' are not susceptible to the 25 percent limitation.

We must continue to encourage all avenues of economic development if Americas to compete in a changing and increasingly global economy and my legislation is one small step in furtherance of that goal. I urge my colleagues to join me in supporting this 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. 2885

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

SECTION 1. EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

(a) EXPANSION TO INTANGIBLE PROPERTY.—

(1) IN GENERAL.—The first sentence of section 144(a)(12)(C) of the Internal Revenue Code of 1986 (defining manufacturing facility) is amended—

(A) by inserting '', creation,'' after ''used in the manufacturing'', and

(B) by inserting ''or intangible property which is described in section 197(d)(1)(C)(iii)'' before the period at the end.

(2) CLARIFICATION.—The last sentence of section 144(a)(12)(C) of such Code is amended to read as follows: ''For purposes of the first sentence of this subparagraph, the term 'manufacturing facility' includes—

''(i) facilities which are functionally related and subordinate to a manufacturing facility (determined without regard to this clause), and

''(ii) facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

''(I) such facilities are located on the same site as the manufacturing facility, and

''(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Mr. KERRY. Mr. President, today, Senator SNOWE and I are introducing legislation that would expand the availability of the Industrial Development Bond, IDB, program. The small-issue IDB program has given State and local governments a low-cost source of financing to create and retain jobs in manufacturing plants.

Over the years, numerous technological advances have driven software and biotechnology to the forefront of our economy. According to the U.S. Census Bureau, there are more than 400 biotechnology companies in Massachusetts alone, employing more than 42,000 and paying more than $5 billion in annual salaries.

Currently, the small-issue IDB program is limited only to manufacturing facilities. As our economy continues to evolve, so must our policies. Our legislation would allow IDBs to be used for high-technology and biotechnology uses. The definition of manufacturing would be broadened to include the creation of intangible property—specifically, patents, copyrights, formulas, processes, designs, patterns, know-how and other similar items.

Expanding the current definition of manufacturing to include ''knowledge based'' companies would promote economic development in our local communities as well as nationwide. This legislation is supported by the Council of Development Finance Agencies.

In addition to expanding the definition of manufacturing, the legislation clarifies that a manufacturing facility includes functionally related and subordinate facilities as part of the facility.

This legislation will provide a boost to the economy by fostering development in technology. I urge my colleagues to support this common sense change.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. CRAPO, Mr. ROCKEFELLER, Mr. KYL, and Ms. SNOWE):

S. 2886. A bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a tax package that would extend relief from the alternative minimum tax and extend other much-needed individual and business provisions.

When the economy is turning down, Americans need certainty about their taxes. Families and businesses need to know what the tax law is.

That is why my bill provides a one year patch for the AMT. The patch will hold the number of taxpayers subject to the AMT at 4.2 million. We will not let more taxpayers fall into the alternative minimum tax.

Last year, Congress did not put a patch in place until December. We must act sooner this year. Through this bill, Congress can act.

That is why my package contains a 2-year extension of provisions that expired at the end of last year.

These include the qualified tuition deduction to give families relief from high tuition costs.

My package also includes the teacher expense deduction. This deduction gives teachers some of the money that they spend on school supplies to educate our children.

The package also includes the State and local sales tax deduction for those States without an income tax.

The bill offers an extension of the research and development credit. This credit gives an incentive to businesses to invest in research. It helps to keep America competitive in the global economy.

My package will also extend provisions that expire this year for an additional year.

The bill extends much-needed energy provisions.

Public and private investment in the renewable energy sector was about $90 billion worldwide last year. That's a 27 percent increase over 2006.

Congress can direct this investment toward the U.S.—rather than overseas—by supporting clean energy tax incentives.

These incentives include tax credits for wind and solar power, efficient buildings and appliances, and clean renewable energy bonds.

These provisions are not only good energy policy. They also create jobs.

This package would also extend wind and solar provisions.

The American solar industry employs 20,000 Americans. With a long-term extension of the solar tax credit, that number would triple.

The American wind industry expanded by 45 percent in 2007. It contributed about 30 percent of the new power capacity in America last year.

These job-creating industries are growing fast. We should support them. We know what happens when we don't.

For example, the tax credit for production of renewable energy was enacted in 1992, starting the growth of renewable power in the U.S.

But since 1999, this credit has expired three times. And when it expires, clean energy suffers, leading to declines between 73 percent and 93 percent in wind energy investment.

We need to keep this credit going to ensure consistent investment in the wind power industry.

This package would also promote energy efficiency. Efficiency is the low-hanging fruit in the energy debate. We can make big strides toward energy independence and a clean environment by getting more for our energy buck.

For example, ENERGY STAR—a voluntary labeling program designed to promote energy-efficient products—saved businesses, organizations, and consumers an estimated $14 billion in 2006.

Efficiency also creates jobs. The American Solar Energy Society reported that in 2006, the efficiency industry created 8 million jobs, over half of them in manufacturing.

The government plays a key role in sustaining the efficiency industry, through tax incentives for efficient commercial buildings, homes, and appliances.

This package would also extend the clean renewable energy bonds, or CREBs.

CREBs passed in the Energy Policy Act of 2005. CREBs spurred more than 700 new wind, biomass, solar, and hydro projects. The number of projects far exceeded the funding available to pay for them.

But CREBs funding lapsed at the end of 2007. That halted development of new projects and the green-collar jobs that go with them. We must keep these projects going.

The CREBs provision was written for non-taxable entities like rural co-ops. Those non-taxable entities cannot use other tax incentives in this package.

I've listed just a few of the important energy items in this extenders bill. There are more. And I plan to build upon this package as it makes its way through the legislative process, with edits and additional items. The Finance Committee has been working to that end for the better part of a year.

Last June, the Finance Committee passed a roughly $30 billion energy-tax package, with a resounding bipartisan vote. A majority of the Senate voted for that bill.

But we were just shy of getting the required 60 votes.

We tried again in December, with a slimmer package. That time, we fell short of the required 60 by just one vote.

We then tried in February, as part of economic stimulus bill. We offered a package very similar to what passed last week. That amendment got 58 votes.

Last week, this body passed, by a solid 88–8 vote, a package of energy-tax extenders, similar to the package considered during the economic stimulus debate.

A vote of 88 to 8 might suggest that there is smooth sailing ahead on energy-tax legislation. But I'm afraid that's not the case.

The day before the Senate passed its housing bill, including the energy-tax package, the House Ways and Means Committee passed its own housing relief bill.

The Ways and Means bill restated the House's position on pay-go. The House requires that the most of the tax package be offset.

How did the Ways and Means Committee offset the bill? Largely with a provision called ''basis reporting.'' President Bush included this in his 2009 budget proposal.

In other words, the House paid for a tax package with an item already supported, at least in principle, by the President.

While I believe that this Congress should have paid for energy-tax legislation with the offsets passed by Finance Committee last year, it's not clear that passing that package gets us any further to extending these important tax incentives.

That is why I have been working on offsets that can pass both bodies and be signed by the President. That is what I will continue to do to get these important energy items—as well as other vital extenders—passed.

By taking care of this now, we can spend more of our time on other things like tax reform.

I plan to hold several hearings and roundtables to cuss tax reform. We began this week. I'm serious about simplifying our tax code. I am serious about helping the American people.

Congress should do more than just extend legislation. Congress needs to work on new policy, new legislation, and new ideas. And by enacting this legislation, we can turn to those important goals. I urge my colleagues to support this package.

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. 2886

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax and Extenders Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, or 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting ''and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010'' after ''January 1, 2008''.

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

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking ''December 31, 2007'' and inserting ''December 31, 2009'' in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.''.

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section 41(c) (relating to election of alternative simplified credit) is amended to read as follows:

''(A) IN GENERAL.—

''(i) CALCULATION OF CREDIT.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to the applicable percentage (as defined in clause (ii)) of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(ii) APPLICABLE PERCENTAGE.—For purposes of the calculation under clause (i), the applicable percentage is—

''(I) 14 percent, in the case of taxable years ending before January 1, 2009, and

''(II) 16 percent, in the case of taxable years beginning after December 31, 2008.''.

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, and 2009''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2010'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is

amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and'', and

(3) by adding at the end the following new paragraph:

''(4) after December 31, 2009.''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009'' after ''December 31, 2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2009'' after ''December 31, 2007''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 4 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2007'' and inserting ''2007, 2008, and 2009''.

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

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

''(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2010.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting '' 4-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, or 2009''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting ''January 1, 2010''.

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a

clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

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

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking ''REPORTING'' in the heading thereof and all that follows through ''The Secretary'' in subparagraph (A) and inserting ''REPORTING.—The Secretary'', and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

By Mr. KOHL (for himself, Ms. COLLINS, and Mrs. LINCOLN):

S. 2888. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. The legislation I have introduced with Senators COLLINS and LINCOLN attacks the growing problem of foreclosure rescue scams. I held a revealing hearing in the Aging committee that uncovered the ways scam artists prey on homeowners already in financial and emotional distress. These scams are another consequence of the mortgage crisis that is plaguing our country.

For most people, their home is their greatest asset. When a homeowner falls behind in their mortgage payments, it is a great emotion strain. Scam artists prey on an owner's desperation and give them a false sense of security, claiming they can help ''save their home.'' The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

There are three types of prevalent scams. The first is ''phantom help,'' where the ''rescuer'' claims that they call the homeowner's lender and re-negotiate the loan for a fee. Often the homeowner will pay the fee and the ''rescuer,'' will abandon the homeowner without performing any intervention. The second is a ''rent-to-own'' scheme which is set up to fail. A homeowner will sign over the title of the house and make monthly payments to the scammer in order to help rebuild their credit. However, the monthly payments are extremely high and often result in the homeowner violating the contract and being evicted. Finally, a homeowner may be tricked into unknowingly signing over the title of their house and power of attorney to the scammer and the scammer will then sell the house to a third party. The scam artist might give the homeowner a small amount of money, but often only a fraction of the actual selling price.

As one can clearly see, these scams are well crafted and extremely complicated. Catie Doyle, the Chief attorney for Legal Aid Society of Milwaukee, testified before the Special Committee on Aging, describing the difficulties and problems lawyers are facing when trying to help victims of these scams. One major problem she pointed out was that lawyers have to piece together both state and federal laws to untangle these scams.

The Foreclosure Rescue Fraud Act that Senators COLLINS, LINCOLN and I are offering will remedy Ms. Doyle's concerns. While there are some states that have foreclosure rescue scam laws or are in the process of enacting them, many homeowners still go unprotected from these predators. This legislation will require that all contracts between a foreclosure consultant be in writing and fully disclose the nature of the services and the exact amount. Additionally, the bill prohibits up-front fees from being collected and prohibits a ''consultant'' from obtaining the power of attorney from a homeowner.

I also have a letter of support from a variety of consumer groups including the Center of Responsible Lending, Consumer Federation of America, National Community Reinvestment Coalition, and the National Council of La Raza.

The foreclosure crisis is real. Most communities across the country are experiencing both the primary and secondary effects. It is important that we address fraud at the front end of the lending process, as well, as for those who face foreclosure. I hope that we can work together to move this legislation forward.

By Mr. AKAKA (by request):

S. 2889. A bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This ''by-request'' bill would address a range of issues. On the health care side, it would allow VA to contract with community residential care programs for veterans with serious traumatic brain injury. It would also eliminate copayments for all hospice care. Further, it would expand continuing education benefits for physicians and dentists. Finally, it would allow the Secretary to disclose the names and addresses of certain VA patients without prior written consent to collect payment from third-party health plans.

On the benefits side, this legislation would permanently authorize VA to use data provided by the IRS and the Social Security Administration to verify the incomes of recipients of needs-based benefits from VA. VA uses this data to ensure that it does not disburse benefits and payments to individuals who do not legally qualify to receive them.

This legislation would also provide a cost-of-living increase for VA disability compensation for service-connected veterans and dependency and indemnity compensation for survivors.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 2889

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Care Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

''(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and who, because of these deficits, would otherwise require admission to a nursing home even though such care would generally exceed the veteran's nursing needs.

SEC. 3. REIMBURSEMENT FOR CERTAIN CONTINUING EDUCATION.

Section 7411 is amended to read:

''The Secretary shall provide full-time board-certified physicians and dentists appointed under section 7401(1) of this title the opportunity to continue their professional education through VA sponsored continuing education programs. The Secretary may reimburse the physician or dentist up to $1,000 per year for continuing professional education not available through VA sources.''.

SEC. 4. COPAYMENT EXEMPTION FOR HOSPICE CARE.

(a) Section 1710(f)(1) is amended by adding ''(except if such care constitutes hospice care)'' after ''nursing home care'';

(b) Section 1710(g)(1) is amended by adding ''(except if such care constitutes hospice care)'' after ''medical services''.

SEC. 5. UPDATE OF VOLUNTARY HIV TESTING POLICY.

Section 124 of the Veterans' Benefits and Services Act of 1988 (title I of Public Law 100–322, as amended; 38 U.S.C. 7333 note) is repealed.

SEC. 6. DISCLOSURE OF MEDICAL RECORDS.

(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF MEDICAL RECORDS.—Section 5701 is amended by adding at the end of the following new subsection:

''(1) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.''

(b) DISCLOSURES FROM CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) is amended by adding at the end the following new subparagraph: ''(F) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.''

SEC. 7. PERMANENT AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317 is amended by striking subsection (g).

SEC. 8. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2008, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code;

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title;

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title;

(4) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title;

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title;

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title;

(7) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under subsections (c) and (d) of section 1311 of such title;

(8) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2008.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively. consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law No. 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

THE SECRETARY OF VETERANS AFFAIRS,
Washington, March 18, 2008.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We are transmitting a draft bill, ''To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes,'' We request that the bill be referred to the appropriate committee for prompt consideration and enactment. Enclosed with the bill is a sectional analysis that describes each provision, provides a rationale for the provision, and provides estimates of the costs, savings and revenues that would result from enactment. Our draft bill includes proposals contained in the President's FY 09 budget request, to include a cost-of living increase in rates of disability compensation and dependency and indemnity compensation. Two of the proposals are discussed in further detail below.

This Administration advocates focusing greater attention on the long-term residential rehabilitation needs of veterans with traumatic brain injuries who do not require nursing home care but are unable to live independently in their homes. In furtherance of that policy, our bill would authorize the Secretary, in carrying out the Department of Veterans Affairs (VA) community residential care program, to contract for specialized residential care and rehabilitation services for veterans of Operation Enduring Freedom and/or Operation Iraqi Freedom (OEF/OIF) who: (1) suffer from traumatic brain injury, (2) have an accumulation of deficits in activities of daily living and instrumental activities of daily living that affects their ability to care for themselves, and (3) would otherwise receive their care and rehabilitation in a nursing home, which exceeds their nursing needs. This authority would provide the Department with a far more appropriate treatment setting for the provision of long-term rehabilitation services. VA estimates the discretionary cost of this proposal to be $1,427,000 in fiscal year 2009 and $79,156,000 over a 10-year period.

In 2004, Congress amended the law to eliminate copayment requirements for hospice care furnished in a VA nursing home. The bill contains a provision to exempt all hospice care from copayments by amending 38 U.S.C. §1710 to eliminate co-payment requirements for veterans receiving VA hospice care either in a VA hospital or at home on an outpatient basis. The provision would provide equitable treatment for all veterans receiving such care and would also align VA with the Medicare program, which does not impose co-payments for hospice care (regardless of setting). There are no costs associated with enactment of this proposal. Projected discretionary revenue loss is estimated to be $149,000 in fiscal year 2009 and $1,400,000 over 10 years.

The Office of Management and Budget advises that the transmission of this legislative package is in accord with the President's program.

Sincerely yours,

JAMES B. PEAKE, M.D.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. BURR, Mr. GRAHAM, Mr. MARTINEZ, Mr. WARNER, Mr. CHAMBLISS, Mr. LIEBERMAN, and Mr. SUNUNU):

S. 2890. A bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday; to the Committee on Finance.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senators KYL, BURR, GRAHAM, MARTINEZ, WARNER, CHAMBLISS, LIEBERMAN, WICKER and SUNUNU in introducing legislation that would provide all Americans with a ''gas tax holiday'' this summer. This bill would suspend the 18.4 cents-per-gallon Federal tax on gasoline and the 24.4 cents-per-gallon tax on diesel fuel from Memorial Day to Labor Day.

Today, this legislation was put forward on the Senate floor as an amendment to the Highway Technical Corrections bill, but it was blocked from being considered. I now call on my colleagues on both sides of the aisle to come together to support this proposal that would provide immediate relief to all Americans suffering from the high price of gas.

Mr. President, hardworking American families are facing many difficult challenges due to the current economic realities facing our country. Now, more than ever, they find themselves having to choose between basic needs to provide for their families, and this is being greatly exacerbated by rising gasoline prices, which have risen by more than 58 percent in the last 14 months. That is why I am pleased to be joined by so many of my colleagues in offering a proposal to provide some needed relief for every person who will be filling their gas or diesel tanks this summer.

In the past year, the price of unleaded regular gas has increased 53 cents per gallon. Diesel fuel prices nationwide are now over $1.30 more per gallon more than this time last year. With the growing financial strains placed on so many Americans—rising food prices and falling home prices—the additional hit of rising fuel prices is becoming the breaking point.

In an effort to ease some of the hardship caused by the higher fuel prices, our bill would suspend the Federal tax on gas and the tax on diesel fuel from Memorial Day to Labor Day. Last Memorial Day, alone, approximately 32 million Americans traveled by car 50 miles or more from home. Suspending the federal excise tax during the summer, when fuel prices have historically been at the highest annually, would allow Americans to keep a few more of their hard-earned dollars.

Now, let me be clear: this bill would not harm the Highway Trust Fund. This bill would ensure that the Highway Trust Fund remains whole during this ''gas tax holiday'' by transferring monies from the General Treasury. We all agree that our roads and highways must be maintained and improved to ensure the safety of the road-traveling public, and this amendment would do nothing to impact highway construction.

So, my colleagues have an opportunity to take meaningful action to ease some of the financial burdens that are impacting all hardworking Americans every time they fill up their gas or diesel tanks. Let's put some acton behind the usual rhetoric around here and vote to ease their tax burden this summer.

By Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. OBAMA, Mr. BROWN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 2891. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is important for Congress to do more to guarantee graduate students the right to organize and to bargain over their wages and working conditions as teaching and research assistants, so I am introducing legislation today to do so.

More than ever in modern education, teaching and research assistants are in classrooms every day, educating students in colleges and universities across the country. Their numbers are increasing as the number of full time faculty dwindles. Often, teaching and research assistants are now doing the same job as junior faculty members.

In fact, the classroom is a workplace for these scholars. It's where they earn the money they need to pay to put food on their tables and a roof over their heads. They deserve the right to stand together and make their voice heard in their workplace. Like other employees, they should have the right to join a union and improve their working conditions. Obviously, better wages and working conditions for them also means better education for their students.

In 2004, however, a decision by the National Labor Relations Board changed the law and denied fundamental workplace rights and protections for teaching and research assistants. This ruling stopped an active organizing movement in its tracks and deprived thousands of teaching and research assistants of their right to organize and bargain over their wages and working conditions.

It is hardly the only bad decision by the National Labor Relations Board under the Bush administration, which has been the most anti-worker, anti-labor, anti-union NLRB in history. The Board has let workers down at every turn. It has blocked efforts to gain union representation, undermined workers' attempts to improve their pay and benefits, and exposed them to penalties for seeking to improve their working conditions.

The National Labor Relations Board is supposed to protect the rights of American workers, but it is failing teaching and research assistants, just as it has failed so many others. By passing the Teaching and Research Assistants Collective Bargaining Rights Act, Congress will give these workers back the rights that the National Labor Relations Board has taken away. This legislation amends the definition of employee under the National Labor Relations Act to explicitly include teaching and research assistants at private universities and colleges and restores the law to where it was before the Bush board's anti-worker decision.

This bill is a significant step forward in restoring workers' rights, and I urge my colleagues to join in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—WELCOMING POPE BENEDICT XVI TO THE UNITED STATES AND RECOGNIZING THE UNIQUE INSIGHTS HIS MORAL AND SPIRITUAL REFLECTIONS BRING TO THE WORLD STAGE

Mr. BROWNBACK (for himself, Mr. CASEY, Mr. MCCAIN, Mr. COLEMAN, Mr. BURR, Ms. COLLINS, Mr. DOMENICI, Mrs. DOLE, Mrs. HUTCHISON, Mr. CRAIG, Ms. MURKOWSKI, Mr. THUNE, Mr. CHAMBLISS, Mr. ENZI, Ms. MIKULSKI, Mr. HATCH, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas Pope Benedict XVI will travel to the United States for his first pastoral visit as Pope and will visit Washington, DC, and New York;

Whereas Pope Benedict XVI was elected as the 265th Bishop of Rome on April 19, 2005, succeeding the much beloved Pope John Paul II;

Whereas the visit of Pope Benedict XVI will mark the 9th visit of a pope to the United States, recognizing the historical importance of the Catholic Church in American life, the deep faith and charity of its members, and the responsibilities of the United States in world affairs;

Whereas Pope Benedict XVI has spoken approvingly of the vibrance of religious faith in the United States, a faith nourished by a constitutional commitment to religious liberty;

Whereas Pope Benedict XVI remains committed to ecumenical dialogue and, during his trip to the United States, will meet with leaders of world religions and representatives of other Christian denominations and will visit a synagogue in New York City, all demonstrating his commitment to sincere dialogue and unity among all members of the human family;

Whereas Pope Benedict XVI has authored 2 encyclical letters inviting the world to meditate on the virtues of love and hope, ''Deus caritas est'' and ''Spe salvi'';

Whereas millions of Americans have discovered in Pope Benedict 's words a renewed faith in the power of hope over despair and love over hate;

Whereas Pope Benedict XVI has been a clear and courageous voice for the voiceless, working tirelessly for the recognition of human dignity and religious freedom across the globe;

Whereas Pope Benedict XVI has spoken out for the weak and vulnerable;

Whereas Pope Benedict XVI seeks to advance a ''civilization of love'' across our world; and

Whereas Catholics in parishes and schools across the Nation, and countless other Americans as well, eagerly await the visit of Pope Benedict XVI to the United States: Now, therefore, be it

Resolved, That the Senate welcomes Pope Benedict XVI on the occasion of his first pastoral visit to the United States and recognizes the unique insights his moral and spiritual reflections bring to the world stage.

SENATE RESOLUTION 520—DESIGNATING MAY 16, 2008, AS ''ENDANGERED SPECIES DAY''

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Ms. SNOWE, Mr. LEVIN, Mrs. BOXER, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 520

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;