products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S. 3239

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3239, a bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes.

S. 3266

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3266, a bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government.

S. 3268

At the request of Mr. REID, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 3268, supra.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5076

At the request of Mr. THUNE, the names of the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 5076 proposed to S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

AMENDMENT NO. 5081

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 5081 proposed to S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3269. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Nanotechnology Innovation and Prize Competition Act.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Subcommittee on Science, Technology, and Innovation, I have worked long and hard to advance U.S. competitiveness in nanotechnology. Nanotech is a rapidly developing field that offers a wide range of benefits to the country. It can create jobs, expand the economy, and strengthen America's position as a global leader in technological innovation.

Nanotechnology will redefine the global economy and revolutionize it with an amazing array of technological innovation. There is virtually no industry that will not be impacted by the advances we know are possible with nanotechnology. But to unlock the full benefits of nanotechnology's capabilities, the Federal Government must do more to partner with our Nation's innovative entrepreneurs, engineers, and scientists. To that end, I am proposing, along with Senator SNOWE, legislation that will create an X-Prize competition in nanotechnology.

Many people have heard of the X-Prize, a recent and high-profile example of a prize competition like the one Senator SNOWE and I are proposing today. The X-Prize was established in 1996 and set up a $10 million prize fund for the first team who could make civilian space flight a reality. The award was successfully claimed just 8 years later. But that wasn't the only achievement the X-Prize accomplished. During that span of time, the $10 million prize stimulated over $100 million in research and development by the competitors.

Successful prize competitions are not limited to the X-Prize. We have seen the value of these kinds of competitions before. One of the most famous was the Orteig prize, which was to be awarded to the first person to fly nonstop across the Atlantic Ocean. Claimed, of course, by Charles Lindberg in 1927, the Orteig prize stimulated private investment 16 times greater than the amount of the prize. Imagine what kind of explosion in investment and innovation we could achieve in nanotechnology with the competition we're proposing today.

By establishing this nanotechnology prize competition, the Federal Government will promote public-private cooperation to accelerate investment in key areas and help solve critical problems. The very first prize competition was, in fact, a Government-sponsored competition that produced a revolutionary technological breakthrough. In 1714, the British Parliament established a prize for determining a ship's longitude at sea. At the time, the inability to accurately determine longitude was causing many ships to become lost. Solving this critical problem by creating a competition to find the answer paved the way to British naval superiority.

Today, other Government-sponsored prize competitions are driving technological breakthroughs and successes For example, the DARPA Grand Challenge and Urban Challenge have stimulated tremendous advances in remotely-controlled vehicle technology.

The Nanotechnology Innovation and Prize Competition Act is a vital tool to help ensure that public and private resources will be utilized in a coordinated way and will be devoted to solving the complex and pressing problems that America faces today. This bill will also spur technological investment and create jobs here at home. Through this prize competition, the Government will be able to leverage its resources and focus the intellectual and economic capacity of our Nation's best and brightest entrepreneurs on finding the big answers we need in the smallest of technologies—nanotechnology.

The Nanotechnology Innovation and Prize Competition Act creates four priority areas for the establishment of prize competitions: green nanotechnology, alternative energy applications, improvements in human health, and the commercialization of consumer products. In each of these areas, nanotechnology holds the promise of tremendous breakthroughs if the necessary resources are devoted. This competition will make sure we get started as soon as possible on finding those breakthroughs. We all know that the competitive spirit is one of the strengths of our country. This bill will ignite that spirit in nanotech.

Again, I thank my colleague from Maine for her help and cooperation in introducing this bill. I also want to thank the Woodrow Wilson Center and the X-Prize Foundation for their work in helping to develop this bill. I look forward to working with the Commerce Committee, other members of the Congressional Nanotechnology Caucus, the administration and the entire nanotech community to pass the nanotechnology reauthorization bill.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

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. 3269

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nanotechnology Innovation and Prize Competition Act of 2008''.

SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Commerce shall establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of nanotechnology:

(1) Improvement of the environment, consistent with the Twelve Principles of Green Chemistry of the Environmental Protection Agency.

(2) Development of alternative energy that has the potential to lessen the dependence of the United States on fossil fuels.

(3) Improvement of human health, consistent with regulations promulgated by the Food and Drug Administration of the Department of Health and Human Services.

(4) Development of consumer products.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—

(1) an individual who is—

(A) a citizen or legal resident of the United States; or

(B) a member of a group that includes citizens or legal residents of the United States; or

(2) an entity that is incorporated and maintains its primary place of business in the United States.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a board to administer the program established under subsection (a).

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the President, of whom—

(A) not less than 1 shall—

(i) be a representative of the interests of academic, business, and nonprofit organizations; and

(ii) have expertise in—

(I) the field of nanotechnology; or

(II) administering award competitions; and

(B) not less than 1 shall be from each of—

(i) the Department of Energy;

(ii) the Environmental Protection Agency;

(iii) the Food and Drug Administration of the Department of Health and Human Services;

(iv) the National Institutes of Health of the Department of Health and Human Services;

(v) the National Institute for Occupational Safety and Health of the Department of Health and Human Services;

(vi) the National Institute of Standards and Technology of the Department of Commerce; and

(vii) the National Science Foundation.

(d) AWARDS.—The board established under subsection (c) shall make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—The board may recognize an eligible person for superlative achievement in 1 or more nanotechnology applications described in subsection (a). The award shall not include any financial remuneration.

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit funds from a private person to be used for a financial award under subsection (d)(1).

(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) NO ADVANTAGE FOR DONATION.—A donor who is a private person described in paragraph (2) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) LIABILITY.—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to Congress a report on the program established under subsection (a).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(1) For administration of prize competitions under subsection (d), $750,000 for each fiscal year.

(2) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), $2,000,000 for each fiscal year.

By Mr. INHOFE:

S. 3271. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduce a bill that addresses a problem faced by a number of farmers in my State of Oklahoma and around the country when they drive their goods across State lines. Even though these farmers' trucks are within the weight limits set by their home States and the States to which they are traveling, they are triggering an arbitrary Federal weight regulation when they cross State lines in their farm vehicles. As a result, they are being ticketed and generally inconvenienced.

This issue has caused quite a stir in Oklahoma, and many are proposing solutions to address the problem. For example, two of my Oklahoma colleagues in the House of Representatives introduced a bill last year that proposes one solution. The president of the Oklahoma Farm Bureau, Mike Spradling, discussed a number of options when he testified last week on this issue in front of the House Committee on Transportation and Infrastructure. I met today with Ray Wulf, president of the American Farmers and Ranchers Association, and his colleagues who also expressed ideas on how best to resolve this problem.

Today, I am furthering the debate with a solution that is both commonsense and achievable.

The Federal Motor Carrier Safety Administration defines a commercial motor vehicle, CMV, as a vehicle which has a gross vehicle weight rating or a gross combination weight rating of at least 10,001 pounds. However, States are allowed to exempt vehicles up to 26,001 pounds from the CMV determination if they are engaged solely in intrastate commerce. Farmers can cross State lines within 150 miles of their farms if the States have a reciprocity agreement. However, not all States have these agreements.

Once a farmer drives his truck into a State with which his home State does not have a reciprocity agreement, the 10,001 pound definition for a commercial motor vehicle kicks in and the farmer is then responsible for all of requirements of an operator of a commercial motor carrier. This is the case even if the States from which and to which the farmer is traveling each have weight exemptions for farm vehicles.

To illustrate this situation, consider the following example. An Oklahoma farmer lives ten miles from the Kansas border. He loads up his trailer with grain in order to transport his crop to the nearest grain elevator, which is across the State border in Kansas. Both Oklahoma and Kansas allow trucks to weigh up to 26,001 pounds for intrastate commerce. However, the States do not have a reciprocity agreement.

This farmer's truck weighs 24,000 pounds. Therefore, as long as he complies with the laws concerning farm vehicles in the State of Oklahoma, he is able to drive within the State without meeting all of the requirements of a commercial motor carrier. Likewise, if he lived in Kansas, he would be able to drive within the State without meeting CMV requirements.

Unfortunately, as soon as this farmer drives across the border from Oklahoma into Kansas—and becomes subject to the Federal laws for interstate commerce—his truck is considered a commercial motor vehicle because it weighs more than 10,001 pounds.

When a truck is considered a commercial motor vehicle, the driver must comply with the Federal requirements of a professional truck driver. These requirements include possessing a commercial driver's license and medical examination certificate, having Department of Transportation markings on

the vehicle, documenting hours of service, and becoming subject to controlled substance and alcohol testing. While these requirements serve important purposes for long-haul truck drivers, they are unnecessary for farmers who carry these loads only a few times a year.

After hearing from many farmers in Oklahoma who are frustrated by this seemingly illogical Federal regulation, today I am proposing legislation to make it so the Federal commercial motor vehicle definition of 10,001 pounds does not automatically apply when a farm vehicle crosses State lines. Instead, my bill states that the weight definition for a commercial motor vehicle for agricultural purposes is the weight as defined by the State in which the vehicle is being operated.

Currently, 32 States define a commercial motor vehicle as weighing 26,001 pounds or more. Under my bill, farmers will be able to drive between those States, like Oklahoma and Kansas, without triggering the Federal CMV definition of 10,001 pounds for interstate commerce and getting ticketed for a weight violation.

The second section of my bill states that the Department of Transportation cannot withhold grant money from States that choose to raise their weight limits above 10,001 pounds up to 26,001 pounds. If my bill passes, States with lower weight definitions may desire to increase them. This section will erase the concern that they may lose grant funding from DOT.

This bill is an effort to relieve American farmers from undue burdens and regulations when they transport their crops or livestock from one place to another. I look forward to working with my colleagues in the Senate and House to provide relief to farmers on this issue.

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. 3271

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

SECTION 1. DEFINITION OF COMMERCIAL MOTOR VEHICLE.

Section 31101(1)(A) of title 49, United States Code, is amended to read as follows:

''(A)(i) except for vehicles described in clause (ii), has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds; or

''(ii) is primarily engaged in the transportation of agricultural commodities or farm supplies and has a gross vehicle weight rating or gross vehicle weight of at least the minimum weight of a commercial motor vehicle (as defined by the State in which it is being operated);''.

SEC. 2. PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.

Section 31102 of title 49, United States Code, is amended by adding at the end the following:

''(f) PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.—The Secretary may not withhold grant funding from a State under this section solely because the State authorizes drivers of vehicles engaged in the transportation of agricultural commodities or farm supplies that have a gross vehicle weight of more than 10,000 pounds and less than 26,001 pounds, to operate without complying with Federal regulations relating to commercial motor vehicles.''.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3272. A bill to make emergency supplemental appropriations for the National Institutes of Health for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

Mr. SPECTER. Mr. President, the bill that Senator HARKIN and I are introducing today would provide an additional $5.2 billion in fiscal year 2008 for the National Institutes of Health—$1.2 billion for the National Cancer Institute and $4 billion for other NIH institutes.

The increases that the Labor, Health and Human Services and Education Subcommittee has provided over the past 20–30 years have dramatically improved the survival rates for many diseases—deaths from coronary artery disease declined by 18 percent between 1994 and 2004, stroke deaths also fell by 24.2 percent during that same time period. The 5-year survival rates for Hodgkin's lymphoma have increased from 40 percent in the 1960s to more than 86 percent today. Survival rates for localized breast cancer have increased from 80 percent in the 1950s to 98 percent today. Over the past 25 years, survival rates for prostate cancer have increased from 69 percent to nearly 99 percent. So we are seeing real progress. But for many other maladies, the statistics are not so good.

The remarkable medical advances we have seen thus far did not happen overnight. It takes a sustained commitment of time, effort and money for research institutions to train and recruit scientists skilled in the latest research techniques, and to develop the costly infrastructure where research takes place. Over the past several years Senator HARKIN and I have worked hard to find ways to increase NIH funding. We have offered amendments to budget resolutions, encouraged our colleagues on the Appropriations Committee to increase the subcommittee's allocation, and undertook what some would call creative budgeting to make more resources available for NIH. As scientists, doctors, and patients can attest, these efforts have paid off; these funding increases have been instrumental in realizing the medical breakthroughs we are experiencing today.

The $875,000,000 increase for NIH approved recently by the Appropriations Committee is a step in the right direction, but it falls far short of the billions needed to make up lost ground and revitalize medical research in this country. Regrettably, Federal funding for NIH has steadily declined from the $3.8 billion increase provided in 2003—when the 5-year doubling of NIH was completed—to only $328 million in fiscal year 2008. Beginning in 2004—if we would have sustained increases of $3.5 billion per year, plus inflation—we would have $23 billion more in funding for today. The shortfall in the President's fiscal year 2009 budget due to inflationary costs alone is $5.2 billion. This funding decline has disrupted the flow of research progress, not just for today, but for years to come. The problem is that an entire generation of research scientists is being discouraged from going into the field of medical research, due to a lack of NIH research grants. This breach in Federal support, if it continues, will further slow ongoing research and hamper the ability to fund new research opportunities for the future.

The legislation that Senator HARKIN and I are introducing today would provide an immediate infusion of new research dollars, and while it will only make up the $5.2 billion inflationary costs—it is a good starting point. The $1.2 billion contained in this bill for the National Cancer Institute is consistent with the Institute's professional judgment budget and the recent recommendations of the cancer research community.

On June 6, 2008, I wrote to Ms. Nancy Brinker, Founder of the Susan G. Komen Breast Cancer Foundation; Dr. Richard Schilsky, American Society of Clinical Oncology; Ms. Ellen Stovall, President and CEO, National Coalition for Cancer Survivorship; Dr. Raymond Dubois, President, American Association for Cancer Research; Mr. Lance Armstrong, Lance Armstrong Foundation; and Dr. Ellen Sigal, Chairperson, Friends of Cancer Research and asked for their estimate and timeline on conquering cancer. Their reply was $335 billion or approximately $22 billion a year over the next 15 years.

While that may seem like a staggering amount of money, it pales in comparison to the savings research breakthroughs would produce in terms of lower health care costs and caregiver expenses, savings to business and the nation's overall economy.

Senator HARKIN and I, along with Senator KENNEDY and HUTCHISON are looking for ways to provide not just the $5.2 billion contained in the legislation that we are introducing today, but to provide the billions of dollars needed for treatment and cures.

The partnership that TOM HARKIN and I have had since 1989 is solid and together we will find a way to increase this nation's investment in biomedical research.

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

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

S. 3272

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NIH Emergency Supplemental Appropriations Act of 2008''.

SEC. 2. SUPPLEMENTAL APPROPRIATIONS.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2008, and for other purposes, namely:

(1) For an additional amount for the ''Office of the Director, National Institutes of Health'', $4,000,000,000 which shall be transferred to the Institutes and Centers of the National Institutes of Health to be used to support additional scientific research.

(2) For an additional amount for the National Cancer Institute, $1,200,000,000 to be used to support additional scientific research.

SEC. 3. GENERAL PROVISIONS.

(a) AVAILABILITY OF FUNDS.—No part of the appropriation contained in this Act shall remain available for obligation beyond the current fiscal year.

(b) EMERGENCY DESIGNATION.—Amounts in this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL):

S. 3273. A bill to promote the international deployment of clean technology, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, with every new scientific report, the threat of global climate change becomes clearer. With every new economic report, the energy needs of developing countries continue to grow as millions of their citizens move out of poverty.

From the beginning of the Industrial Revolution, we here in the United States, along with the other industrial nations, grew our economies using cheap energy, building up the stock of greenhouse gases now in our atmosphere. But, today, even as we try to maintain economic growth with lower emissions, developing nations threaten to overwhelm any gains we can make in the fight against climate change.

No matter what we in the U.S. do about our own energy use, the developing world's demand for energy—in its cheapest form, from fossil fuels—will continue to rise. That would be a disaster. According to the International Energy Agency, by 2030 energy demand worldwide will increase by 55 percent, and nearly 80 percent of this rise will be in developing countries.

To address the threat of climate change, we must steer those countries onto a path of cleaner energy and cleaner development. It is in our national interest to reduce the environmental, economic, and national security threat of a changed global climate. But this is not just about avoiding threats. This can be an opportunity for the U.S. to capture the markets of the future, the next generation of clean power technologies.

That is why I am joining today with Senators LUGAR, MENENDEZ, and HAGEL to introduce legislation to create an International Clean Technology Deployment Fund. This fund will be available to promote the international deployment of U.S. technology as a new component to our overall international economic development assistance. By supporting the market for that technology, it can help to stimulate research, investment, and job creation in industries with the potential for long-term growth. This can be a win for the planet and a win for our economy.

From its beginning in 1992, the United Nations Framework Convention on Climate Change has called for mechanisms whereby the developed, industrialized nations can provide the means for developing nations to reduce their greenhouse gas emissions. As recently as the last major meeting of the parties to that convention at Bali last December, that principle was reiterated as part of the Bali Action Plan.

In a similar vein, when President Bush submitted his budget earlier this year, he called for funding to support U.S. participation in a Clean Technology Fund, to be housed at the World Bank. That is one approach for which the resources our legislation authorizes could be used. Our allies, including Great Britain, and Japan, are among other donors interested in the establishment of that fund, whose goals are similar to those of the legislation we are introducing today.

The purpose of our legislation is, and I quote, ''to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.''

An important goal of our legislation is to add the consideration of climate change more consistently and systematically to our foreign assistance strategy. The majority of greenhouse gas emissions in the future will be coming from the developing countries of the world. The choice is simple—we can ignore the climate impact of our assistance programs, or we can move those programs into a comprehensive strategy of clean economic development.

In this legislation, we establish an International Clean Technology Deployment Fund, to support the export of U.S. clean energy technology and expertise to developing nations. The Fund will be administered by a Board composed of relevant executive branch officials. They are authorized to distribute money in a number of ways, provided certain triggers are met. These ways include through multilateral trust funds, bilateral initiatives, existing U.S. programs such as USAID and technical assistance programs.

Funds can only go to eligible countries. A country, to be eligible, first must be a developing country. More importantly, it must take on its own climate change commitments, either through an international agreement to which the U.S. is a party, or by taking on what the Board certifies are sufficient binding national commitments. Additionally, every distribution of funding will require prior congressional notification.

Our bipartisan coalition, in consultation with many interested groups, worked to achieve a structure that will ensure that we have a range of options to help developing countries grow on a cleaner path, but still achieve real reductions in global greenhouse gas emissions.

The Bali Action Plan, which the U.S. agreed to last December, sets the goal of reaching a new global agreement by December 2009, when parties will meet in Copenhagen. This is an ambitious schedule, made more complicated by our election schedule here at home.

With the time so short, it is our hope that this bill will begin to address some part of the Bali Action Plan, which includes support for developing countries in addressing technology deployment, adaptation, and deforestation. Our legislation addresses just one part of that framework, but it is an important one.

It can put the developing countries on a path of clean, sustainable economic growth, protect us and our children from the economic and security threats of global climate change, and help us create the industries and jobs of the future.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 3276. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act) and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

Mr. GRASSLEY. Mr. President, the Smithsonian Institution is an important icon to many Americans. It houses treasures of our national history in its museums across the country. The Smithsonian Institution is not just a museum but also an educational institution and a research complex. It consists of 19 museums and galleries, 9 research facilities, and has 144 affiliated museums around the world. The Smithsonian manages this vast array of facilities and receives 70 percent of its funding directly from the federal government through congressional appropriations. There is no debate that the Smithsonian is an important part of our country.

However, over the last few years I have been critical of the management

of the Smithsonian Institution, beginning with story after story detailing the ''Champagne lifestyle'' the former Secretary of the Smithsonian enjoyed at institution expense. Through my oversight of the Smithsonian as a tax-exempt entity, and investigative reporting by the Washington Post, other egregious examples have emerged. These revelations have detailed the Smithsonian's management failures and lax accountability over the spending of millions of institution dollars.

The former secretary spent millions of institution dollars on the redecoration of his office, housing allowances, and household expenses including chandelier cleaning and a new heater pump for his lap pool. He and his wife enjoyed first-class plane travel and top hotels.

Ultimately, Secretary Small resigned on March 26, 2007.

The deputy secretary and chief operating officer of the Smithsonian Institution, announced her resignation on June 18, 2007, after earning more than $1.2 million in 6 years for outside duties, including highly compensated seats on corporate boards, and that she and other top executives were frequently absent from their Smithsonian duties.

An independent management report released in June 2007 concluded that Smithsonian leaders took extraordinary measures to keep secret top executives' compensation, expense-account spending, ethical missteps, and management failures.

In August 2007, the Smithsonian replaced Gary M. Beer as chief executive of Smithsonian Business Ventures after an inspector general's report found he had abused his institution-issued credit card and billed thousands of dollars in expenditures that were unauthorized or lacked evidence of a business purpose.

In December 2007, W. Richard West, Jr., who was the founding director of the National Museum of the American Indian, retired after disclosures that he spent extensive time away from the museum and spent more than $250,000 in 4 years on trips to places including Paris, Venice, Singapore, and Indonesia.

In February 2008, Pilar O'Leary, the head of the Smithsonian Latino Center, resigned after an internal investigation found that she violated a variety of rules and ethics policies by abusing her expense account, trying to steer a contract to a friend and soliciting free tickets for fashion shows, concerts, and music award ceremonies. Ultimately, the Smithsonian Inspector General concluded that there were 14 violations of ethical and conflict of interest policies. The public did not learn of the reason for her resignation until April 15, 2008, when the Washington Post published a story after requesting under the Freedom of Information Act and ultimately receiving a heavily redacted copy of the Smithsonian Inspector General's report on Ms. O'Leary.

When Ms. O'Leary's resignation was announced to Smithsonian staff, the Smithsonian's official e-mail did not mention ethical lapses and in fact praised her work.

Only upon the specter of public disclosure did the Smithsonian's acting secretary say in a second e-mail to staff that O'Leary had ''engaged in behavior that violated our Standards of Conduct and other Smithsonian policies between August 2005 and September 2007.''

The acting secretary at the time said such reports from the Inspector General were not always public, but Smithsonian officials determined O'Leary ''held a position of such significant responsibility and public visibility that disclosure . . . was warranted.''

This raises a series of disturbing questions. What if a Post reporter had not somehow learned of the O'Leary report and formally asked the Smithsonian for a copy? Would the circumstances of Ms. O'Leary's resignation ever have seen the light of day? Once the report was released in a redacted form, was it appropriately redacted or was it redacted beyond what is reasonable to protect the privacy of third parties? Does the Smithsonian withhold other potentially embarrassing reports? If the individual had not been the head of a Smithsonian agency, and had a lower stature, would the report ever have been disclosed in any form?

If the past is prologue, probably not. The Smithsonian points out that it is not subject to the Freedom of Information Act, FOIA.

Many people would naturally think that the Smithsonian is subject to FOIA and must comply with requests. I know that I believed it was, especially given that taxpayer funds make up 70 percent of its budget. However, because the creation of the Smithsonian was different than the creation of other Federal Government agencies, there is an open question as to what open government and good governance statutes apply to the Smithsonian. For example, the Smithsonian's own website states, ''The Smithsonian Institution is not an executive branch agency and is not required by statute to provide documents to the public.'' However, the Smithsonian does state that it is guided by ''internal policy, and by FOIA and other relevant law'' when providing documents to the public. What this highly technical answer means is that the Smithsonian doesn't believe it is required to respond under FOIA but it will as long as its interests are in line with the release.

The legal status of the Smithsonian is also an open question with the prevailing law finding that for purposes of the Privacy Act and FOIA, the Smithsonian is not a government ''agency'' subject to the requirements. Instead, the Smithsonian calls itself a ''trust instrumentality of the United States.'' However, the Smithsonian takes a different position when it is faced with a lawsuit filed under the Federal Tort Claims Act and considers itself a ''federal agency.'' Taken together, these decisions have given the Smithsonian the best of both worlds—they are a government entity when information is sought that could embarrass them, but when they are sued, they get all the defenses of a government entity.

In light of the oversight findings and the many scandals that have raised questions about accountability and mismanagement at the Smithsonian, I'm introducing the Open and Transparent Smithsonian Act of 2008. This bill simply states that for the purposes of FOIA, the Privacy Act, and the Federal Advisory Committee Act, the Smithsonian shall be considered a Federal Government agency. This is a simple, straightforward way to bring transparency and accountability to the Smithsonian without expending additional Federal resources. This is especially important given that the Smithsonian received continual increases in congressional appropriations from fiscal years 1999–2008, now totaling $682 million in taxpayer dollars for fiscal year 2008.

On July 1, Wayne Clough took over as only the 12th secretary in Smithsonian history. He comes at a critical juncture. Will the Smithsonian recover from a series of scandals and regain its sterling reputation? Or will it backslide into bad old habits that could lead to more scandals?

The new secretary deserves the best possible chance to succeed. One of the best tools Congress can give him is a clear, definitive statement through legislative action that the Freedom of Information Act does indeed apply to the Institution, and that the Smithsonian's business is the people's business.

In addition to adding the Smithsonian to FOIA and Privacy Act, section 3 of this bill includes another important transparency fix to the Privacy Act. Currently, the Privacy Act provides that disclosure of information by a government agency is limited unless an enumerated exception applies. One of the most widely used exceptions allows for the disclosure of information to ''either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof.'' However, the Department of Justice has interpreted this to only allow for disclosures to chairmen of committees, excluding information from ranking minority members.

In a December 2001 letter opinion, the Department of Justice concluded, ''the Privacy Act prohibits the disclosure of Privacy Act-protected information to the ranking minority member.'' The rationale for this decision was that longstanding executive branch practice on this question shows that ''ranking minority members are not authorized to make committee requests.'' This opinion clearly looks past the plain language of the statute that says that the exception applies to ''either House

of Congress or to the extent of matter within its jurisdiction, any committee or subcommittee thereof.'' This interpretation clearly bypasses the inclusion of the word ''or'' and instead reads that Congress only intended it to apply to committee chairman. Conveniently, this opinion has been repeatedly used to block information requested from ranking members.

Section 3 of the bill corrects this erroneous interpretation by clearly adding in that chairman and ranking members may qualify for the exception under the Privacy Act. This provision is consistent with the intent of the Privacy Act exception and the goals of making the government more transparent and accountable under good governance statutes.

This bill is a simple, straightforward effort to make our Federal Government more accountable to the American taxpayers. Further, it will help ensure that Congress has the necessary access to documents from the executive branch so it can conduct its constitutionally required duty of oversight. I am pleased that Senator SPECTER has joined as an original cosponsor and urge my colleagues to support swift passage of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—DESIGNATING THE MONTH OF AUGUST 2008 AS ''NATIONAL MEDICINE ABUSE AWARENESS MONTH''

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas in a recently sampled month, 7,000,000 individuals aged 12 or older reported using prescription psychotherapeutic medicines for nonmedical purposes;

Whereas abuse of prescription medicines, including pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas recent studies indicate that 2,400,000 children, or 1 in 10 children aged 12 through 17, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,500,000, or 1 in 5, young adults have used prescription medicines for nonmedical purposes;

Whereas according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using more traditional street drugs;

Whereas the lack of understanding by teens and parents of the potential harms of these powerful prescription drugs makes raising public awareness about the dangers of the misuse of such drugs more critical than ever;

Whereas misused prescription drugs are most often obtained through friends and relatives;

Whereas misused prescription drugs are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine abuse;

Whereas National Medicine Abuse Awareness Month promotes the messages that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational uses or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to become educated about prescription drug abuse and talk to teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the misuse of medicines;

Whereas some groups, including the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important steps by creating educational toolkits, including ''A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts'', which provides guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential dangers of abusing over-the-counter cough and cold medicines;

Whereas the Partnership for a Drug-Free America and community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts about this dangerous trend with teens and to take necessary steps to safeguard prescription and over-the-counter medicines at home; and

Whereas educating the public about the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2008 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

Mr. BIDEN. Mr. President, I rise today to introduce a resolution marking August 2008 as National Medicine Abuse Awareness Month. The intentional misuse of prescription and over-the-counter drugs remains a serious problem in this country. This resolution builds on the progress we have made in raising teens' and parents' awareness of the issue, and it seeks to expand our educational efforts even further.

While recent studies indicate that overall use of illegal drugs has remained relatively stable and use among teens has declined since 2002, the misuse of so-called ''legal'' medications is a serious and growing problem. The figures speak for themselves: 1 in 5 teens has misused a prescription drug, and more people age 12 or older have recently started abusing prescription pain relievers than started smoking marijuana.

Abuse of over-the-counter cough and cold medicines is also alarming. While over-the-counter and prescription medicines are extremely safe and effective when used properly, the abuse and recreational use of these medicines can be lethal. A study by the Partnership for a Drug-Free America indicates that 1 in 10 young people aged 12 through 17, or 2.4 million kids, have intentionally abused cough medicine to get high off its active ingredient, Dextromethorphan, or DXM. In March, I chaired a hearing in the Judiciary Crime and Drugs Subcommittee whereat Misty Fetko told the tragic story of her son Carl's overdose death from a combination of painkillers and over-the-counter cough and cold medicine. These tragedies continue and we have got to work to stop this abuse.

Educating teens and parents about the dangers of medicine abuse is an important component of solving this multifaceted problem. Too many teens think that prescription and over-the-counter medicines are safe anytime, in any dose, and even without a prescription or doctor supervision. They are gravely mistaken. Prescription drug abuse, without a valid prescription and close monitoring by a physician, can lead to dependency, overdose, and even death. Misuse of over-the-counter medicines can similarly cause harmful results.

Another reason driving this abuse is the fact that these drugs are cheap and easy to obtain. A bottle of cough syrup costs a few dollars at the local drug store and prescription drugs can often be found in unguarded medicine cabinets at home. A February 2007 report released by the office of National Drug Control Policy revealed that a shocking 47 percent of youth got their prescription drugs for free from a relative or friend. Parents are becoming their kids' drug dealers and don't even know it.

But we can turn these numbers around through robust education, awareness, and enforcement efforts—and that's just what National Medicine Abuse Awareness Month tries to accomplish by promoting the message that over-the-counter and prescription medicines must be taken only as labeled or prescribed, and that when used recreationally or in large doses they can have serious and life-threatening consequences. The resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in their medicine cabinets at home.

A number of groups have proactively worked to curb this abuse and I hope this resolution pushes their efforts even further. For example, the Consumer Health Care Products Association and the Community Anti-Drug Coalition of America have teamed up to