

of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

"2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant Party, as well as the United States District Courts for the District of Columbia and the District Court in which the Council maintains offices. The remedies available to any such court shall include, but not be limited to, equitable relief and civil penalties.

"b. Each Party may issue orders within its respective jurisdiction and may initiate actions to compel compliance with the provisions of its respective statutes and regulations adopted to implement the authorities contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's jurisdiction.

"3. Any aggrieved Person, Party or the Council may commence a civil action in the relevant Party's courts and administrative systems to compel any Person to comply with this Compact should any such Person, without approval having been given, undertake a New or Increased Withdrawal, Consumptive Use or Diversion that is prohibited or subject to approval pursuant to this Compact.

"a. No action under this subsection may be commenced if:

"i. The Originating Party or Council approval for the New or Increased Withdrawal, Consumptive Use or Diversion has been granted; or,

"ii. The Originating Party or Council has found that the New or Increased Withdrawal, Consumptive Use or Diversion is not subject to approval pursuant to this Compact.

"b. No action under this subsection may be commenced unless:

"i. A Person commencing such action has first given 60 days prior notice to the Originating Party, the Council and Person alleged to be in noncompliance; and,

"ii. Neither the Originating Party nor the Council has commenced and is diligently prosecuting appropriate enforcement actions to compel compliance with this Compact. The available remedies shall include equitable relief, and the prevailing or substantially prevailing party may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

"4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

"ARTICLE 8

"ADDITIONAL PROVISIONS

"Section 8.1. Effect on Existing Rights.

"1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

"2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

"3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the

federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

"4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

"Section 8.2. Relationship to Agreements Concluded by the United States of America.

"1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to derogate any right, claim, or remedy that already exists under any treaty or international agreement.

"2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

"3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

"Section 8.3. Confidentiality.

"1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

"2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

"Section 8.4. Additional Laws.

"Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

"Section 8.5. Amendments and Supplements.

"The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

"Section 8.6. Severability.

"Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

"Section 8.7. Duration of Compact and Termination.

"Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated. This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

"ARTICLE 9

"EFFECTUATION

"Section 9.1. Repealer.

"All acts and parts of acts inconsistent with this act are to the extent of such inconsistency hereby repealed.

"Section 9.2. Effectuation by Chief Executive.

"The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

"Section 9.3. Entire Agreement.

"The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

"Section 9.4. Effective Date and Execution.

"This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

"In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this _____ day of (month), (year).": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble; and

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 620—DESIGNATING THE WEEK OF SEPTEMBER 14-20, 2008, AS NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK, TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE, AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

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

S. RES. 620

Whereas polycystic kidney disease (known as “PKD”), one of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas this devastating disease comes in 2 hereditary forms, with autosomal dominant polycystic kidney disease (ADPKD) affecting 1 in 500 worldwide, including 600,000 PKD patients in the United States, according to prevalence estimates by the National Institutes of Health;

Whereas families in which 1 or both parents have ADPKD have a 50 percent chance of passing the disease on to each of their children;

Whereas autosomal recessive polycystic kidney disease (ARPKD), a rarer form of PKD, affects 1 in 20,000 live births and too often leads to death early in life;

Whereas parents who carry the gene for ARPKD pass on the disease to 25 percent of the children the parents conceive;

Whereas, in addition to patients directly affected by PKD, countless friends, loved ones, family members, colleagues, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the fourth leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the “baby boomers”, continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated \$2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and the resulting consequences of depression due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can

generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the third week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 14-20, 2008, as “National Polycystic Kidney Disease Awareness Week”;

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator HATCH to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide. There is no treatment or cure for this devastating disease. Families and friends struggle to fight PKD and provide unwavering support to their suffering loved ones.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done, however, and the government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 14th through the 20th be designated as National Polycystic Kidney Disease Awareness Week. This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, where over 10,000 patients are living with the disease, residents gather across the state to take part in this very special walk.

Increasing awareness will help all those affected by Polycystic Kidney Disease, and I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I rise today to join my colleague from Wisconsin, Senator HERB KOHL, in introducing a resolution to designate September 14-20, 2008, as National Polycystic Kidney Disease Awareness Week. Approximately 600,000 Americans and more than 12 million people worldwide suffer from polycystic kidney disease or PKD. Through this resolution, we hope to raise awareness of this disease that is relatively unknown but affects so many people.

PKD is one of the most common life-threatening genetic diseases impacting America today. According to the PKD Foundation, the disease afflicts more people than Down syndrome, cystic fibrosis, muscular dystrophy and sickle cell anemia combined.

The two major forms of PKD are autosomal dominant PKD—also called “adult PKD” because it customarily causes symptoms in adulthood—and autosomal recessive PKD, a rare form that usually causes symptoms in infancy and early childhood. Babies born with this latter type of PKD often do not live longer than the first month of life. About half of autosomal dominant PKD patients eventually develop kidney failure and require dialysis or a kidney transplant. PKD is the fourth leading cause of kidney failure, and it is the leading genetic cause of kidney failure.

PKD is characterized by the growth of fluid-filled cysts on the nephrons of the kidneys. A polycystic kidney can have thousands of these cysts growing on it. In time, the cysts separate from the nephrons and continue to enlarge—and the kidneys enlarge along with the cysts. A normal, healthy kidney is about the size of a fist; but, in fully developed cases of autosomal dominant PKD, a cyst-filled kidney can grow to the size of a football or larger and weigh as much as 20 to 30 pounds. This leads to decreased kidney function and kidney failure.

PKD also can cause cysts in the liver and problems in other organs, such as blood vessels in the brain and heart. High blood pressure is common and develops in most patients by age 20 or 30, and brain aneurysm is a common cause of death in PKD patients.

There is no cure for PKD, only minimal treatments such as medicine to control high blood pressure, or medicine and surgery to reduce pain, and antibiotics for infections. More severe cases of PKD require more intense treatment options such as dialysis for failing kidneys or a kidney transplant.

There may be no cure, but there is hope. According to the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health, scientists have begun to identify what triggers formation of PKD cysts. And advances in genetics have expanded understanding of the abnormal genes responsible for both

forms of PKD. Recent clinical studies of autosomal dominant PKD are exploring new imaging methods for tracking progression of cystic kidney disease. Today, magnetic resonance imaging, MRI, is helping scientists design better clinical trials for new treatments of adult PKD.

There is also hope in awareness and education, which offer patients opportunities to discuss and learn about their disease, provide more resources for research and treatment options for PKD, and lead to more events to heighten visibility and aid in fundraising. As I said earlier, not many people know about the disease, even in my home State of Utah where PKD rates are three times the national average.

To promote greater understanding of this destructive genetic disease, Senator KOHL and I have introduced this resolution to designate a National Polycystic Kidney Disease Awareness Week.

I urge my colleagues to support it.

SENATE RESOLUTION 621—HONORING AND COMMEMORATING THE SELFLESS ACTS OF HEROISM DISPLAYED BY THE LATE DETECTIVE JOHN MICHAEL GIBSON AND PRIVATE FIRST CLASS JACOB JOSEPH CHESTNUT OF THE UNITED STATES CAPITOL POLICE ON JULY 24, 1998, AND EXPRESSING THE GRATITUDE AND APPRECIATION OF THE SENATE FOR THE PROFESSIONALISM AND DEDICATION OF THE UNITED STATES CAPITOL POLICE

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER,

Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 621

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of 3 children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of 5 children;

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and millions of visitors each year to the Capitol Complex;

Whereas the men and women of the United States Capitol Police join with their colleagues in local law enforcement from urban to rural areas coast to coast to perform their duties with honor and courage;

Whereas while the United States Capitol Police endure physical and verbal assaults in some extreme cases, the officers continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for failure to respond to requests and instructions;

Whereas the United States Capitol Police, as the first line of the defense of the Capitol, has shared in the ultimate sacrifice in law enforcement;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress;

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998;

(2) expresses its condolences to the wives, children, and other family members of Pri-

vate First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing;

(3) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(4) expresses appreciation for the dedication United States Capitol Police officers have for protecting the Capitol Complex; and

(5) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5089. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

SA 5090. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5091. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5092. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5093. Mr. FEINGOLD (for himself, Mr. DODD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5094. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5095. Mr. DODD (for himself, Mr. FEINGOLD, Mr. MENENDEZ, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5096. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5097. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3268, supra; which was ordered to lie on the table.

SA 5098. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5099. Mr. REID proposed an amendment to amendment SA 5098 proposed by Mr. REID to the bill S. 3268, supra.

SA 5100. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5101. Mr. REID proposed an amendment to the bill S. 3268, supra.

SA 5102. Mr. REID proposed an amendment to amendment SA 5101 proposed by Mr. REID to the bill S. 3268, supra.

SA 5103. Mr. REID proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 5104. Mr. REID proposed an amendment to amendment SA 5103 proposed by Mr. REID to the bill H.R. 3221, supra.