with Senator CRAPO earlier this year. This new tax credit reflects the reality that with oil prices soaring, wood is again the fuel of choice for many families throughout the country, just as it was during the height of the oil crisis in the 1970's.

I urge my colleagues to work together in a bipartisan way so that we can help Americans overcome the challenge of high oil prices and restore and strengthen our Nation's economy.

By Mr. BIDEN (for himself, Mr. GRASSLEY, and Mrs, FEINSTEIN):

S. 3351. A bill to enhance drug trafficking interdiction by creating a Federal felony for operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; to the Committee on Commerce, Science, and Transportation.

Mr. BIDEN. Mr. President, I rise today to introduce the Drug Trafficking Interdiction Assistance Act of 2008. The operation of unregistered, unflagged, semi- and fully-submersible vessels to traffic narcotics and other contraband through international waters poses a serious threat to the safety of our communities and the security of our Nation.

Self-propelled semi-submersible water-craft, or SPSSs, can operate with a significant portion of their hull below the surface of the water, making detection very difficult. Recently we've seen an increase in the production and use of SPSSs originating in Colombia and embarking north in the Pacific Ocean with up to 12 tons of cocaine packed on board. SPSSs are typically less than 100 feet long, carry 4–5 crew, travel at speeds of up to 8 knots, and have a maximum range of 3,500 miles.

These submarines are often equipped with valves that allow the operators to quickly flood and sink the SPSS in the event of interception by law enforcement, sending the vessel and any drugs or other contraband on board to an unrecoverable depth. As the last part of the scuttling process, the operators eject from the SPSS, and law enforcement has no choice but to rescue them from the ocean in accordance with our obligations under international law. They avoid prosecution because no drugs are recovered. For the operators of these SPSSs, they are able to avoid prosecution—for now.

This bill turns the tables on the traffickers. It builds off of the good work by my colleagues Senators LAUTENBERG, SMITH, CANTWELL, and SNOWE, who have a bill that criminalizes the operation of an unregistered, stateless semi-submersible or submersible vessel. The legislation that I have drafted would clarify that the defendant's intent in operating the SPSS was to evade detection, add a robust affirmative defense to protect legitimate researchers and explorers who may happen to use a semi-submersible vessel, include a tough criminal penalty provision to prosecute SPSS operators, and direct the United States Sentencing Commission to account for mitigating and aggravating factors in the Sentencing Guidelines.

As Chair of the Caucus International Narcotics Control and Judiciary Subcommittee on Crime and Drugs, I have worked to not only curb drug demand and increase treatment options, but also to drug traffickers and disrupt supply. This bill is an important step in curbing this emerging threat and shutting down this new mode of trafficking.

Between 2001 and 2007, there were 23 identified SPSS drug smuggling events. At the time, these vessels were largely seen by drug traffickers as risky and impractical. But after increasingly successful interdiction of go-fast boats and other means, drug traffickers began seeing SPSSs as a viable option. Between October 1, 2007 and February 1, 2008, alone, there were a reported 27 SPSS events that successfully delivered an estimated 111 tons of cocaine. At between $500,000 and $2 million per SPSS, they cost only a fraction of the profits these traffickers reap.

These vessels have the capacity to deliver more than just illegal drugs—an SPSSs could easily accommodate other contraband, like terrorist operatives and weapons of mass destruction in its cargo-holds. Their operation poses a significant danger to the United States and this legislation criminalizes their use while allowing for the continuation of legitimate research and exploring activities.

I want to recognize my friend Senator LAUTENBERG for his leadership on this issue. I look forward to working with him to enact a tough and fair law that disrupts drug trafficking and other illegal smuggling activities. I also thank Senators GRASSLEY and FEINSTEIN for their support, and I urge our colleagues to join us in supporting this important legislation.

By Mr. REID (for Mr. KENNEDY):

S. 3352. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

Mr. REID. 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. 3352

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''July 31, 2008'' and inserting ''August 15, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on July 31, 2008.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 95—EXPRESSING THE SENSE OF CONGRESS THAT A SITE TO BE SELECTED BY THE SECRETARY OF THE ARMY SHOULD BE PROVIDED FOR A MEMORIAL MARKER TO HONOR THE MEMORY OF THE 40 MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES IN THE AIR CRASH AT BAKERS CREEK, AUSTRALIA, ON JUNE 14, 1943

Mr. CASEY (for himself, Mrs. MCCASKILL, Mr. SPECTER, Mr. CORNYN, and Mr. CARDIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

Whereas during the Second World War, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia;

Whereas from the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay;

Whereas these servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough;

Whereas they usually were carried by two B–17C Flying Fortresses converted for transport duty;

Whereas on Monday, June 14, 1943, at about 6 a.m., a B–17C, Serial Number 40–2072, took off from Mackay Airport for Port Moresby;

Whereas there were 6 crew members and 35 passengers aboard;

Whereas the aircraft took off into fog and soon made two left turns at low altitude;

Whereas a few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident;

Whereas the cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia;

Whereas United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war;

Whereas due to wartime censorship, the news media did not report the crash;

Whereas relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific;

Whereas the remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943;

Whereas in early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial

Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial;

Whereas 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B–17C airplane accident;

Whereas this discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia;

Whereas retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost four of his World War II fellow service members in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families;

Whereas the Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past two years;

Whereas Joy Shingleton, Donnie Tenney, Wendy Andrus, and Wilma Post, the family of Army Air Corps Corporal Edward J. Tenney, of Buckhannon, West Virginia, helped to bring this recently uncovered World War II tragedy to light; and

Whereas as of February 24, 2005, the commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site to be selected by the Secretary of the Army should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army have exclusive authority to approve the design and site for the memorial marker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5249. Mr. BROWNBACK 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.

TEXT OF AMENDMENTS

SA 5249. Mr. BROWNBACK 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; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN FUEL STANDARDS.

(a) SHORT TITLE.—This section may be cited as the ''Open Fuel Standard Act of 2008'' or the ''OFS Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) in a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines;

(3) technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance;

(4) fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status;

(5) the current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly $500,000,000,000 per year;

(6) much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies;

(7) alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States;

(8) alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels;

(9) it is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available;

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) OPEN FUEL STANDARD FOR TRANSPORTATION.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''SEC. 32920. OPEN FUEL STANDARD FOR TRANSPORTATION.

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.—The term 'light-duty automobile manufacturer's annual inventory' means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

''(i) the supply of any component required for compliance with the regulations; or

''(ii) the use and installation by the manufacturer of such component.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufactures under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.

''(F) LABELING.—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

''(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and