

It is not presently known how much surface water will be needed to support future development of an oil shale industry. Depending on a need, there could be a noticeable reduction in local agricultural production and use.

We do not know whether it is 100,000 acre feet or 200,000 acre feet or 1 million acre feet. We simply do not know. Finally, the BLM also said on that same day:

The lack of a domestic oil shale industry makes it speculative to project the demand for oil shale leases, the technical capability to develop the resource, and the economics of producing shale oil.

I conclude by simply saying that as we look at energy solutions for this very difficult challenge America faces today, let's focus on real solutions. Let's not focus on phantom solutions.

One of the real solutions we will be voting on tomorrow will be the energy provisions of the tax extender bill that will embrace a new energy frontier with what is the cornerstone of energy independence that says alternative fuels are one of the ways in which we will get to that energy independence.

Mr. WEBB. Mr. President, I rise today in support of the Jobs, Energy, Families and Disaster Relief Act of 2008, S. 3335. Earlier versions of this bill failed to overcome minority opposition. But now is the time for the Senate to pass this legislation in an expeditious manner.

This narrowly targeted and fair-minded bill contains several important provisions. Some of these provisions will help promote economic fairness. For example, this bill extends critical tax relief for working families and college students. Moreover, this legislation will help incentivize the development of alternative energies that will reduce our Nation's dependence on foreign sources of oil.

In addition, I support this bill because it contains provisions to help repair our Nation's aging infrastructure, provide relief for Americans suffering from recent natural disasters, and require parity for mental health care treatment with other medical treatment.

One of the noteworthy provisions in this legislation relates to an issue that is important to constituents in my home State of Virginia—namely the research and development tax credit—referred to as the “R&D” tax credit. This bill will extend the R&D tax credit for another year.

As most of my colleagues know, Congress originally enacted the temporary R&D tax credit in 1981. Expenditures for R&D go to wages paid to employees performing qualified research activities, as well as supplies used to conduct this research. Since 1981, U.S.-based research and development have had a track record of spurring U.S.-based innovation.

The Commonwealth of Virginia has helped to lead the innovation revolution. Since the 1980s, small and large businesses across Virginia have thrived. Many of these Virginia busi-

nesses engage in fields such as information technology, telecommunications, manufacturing, computer software, aerospace, and energy. A renewed R&D tax credit extension will help Virginia's businesses continue to compete effectively around the world and help protect Virginia's economy.

As Virginia's research-driven companies have flourished, many Virginians have found employment in the R&D field. These jobs traditionally are stable, high-paying jobs that have helped to strengthen not only Virginia's business sector but also Virginia's families and communities.

The Commonwealth of Virginia is among the top States ranked by number of firms engaged in R&D activity. Virginia's industrial R&D activity totals over \$2 billion per year. And my home State is among the top States contributing to our Nation's R&D performance.

If Congress allows the R&D tax credit to lapse, the consequences will be large. The lapse of the tax credit could cost the American economy tens of millions of dollars per day, as companies delay or cancel R&D-related activities. Many of our Nation's overseas competitors—including China and several European nations—offer an R&D tax credit and would gain a big competitive advantage over the United States. Failure to renew the R&D tax credit would allow our foreign competitors to attract researchers and facilities at the expense of U.S. research. But most importantly, if Congress does not renew this much-needed tax credit, we will see more Americans lose their jobs at a time when hardworking families already are suffering.

On three occasions this year, many Senators have thwarted the majority leader's attempts to begin debate on tax extenders legislation. I ask my colleagues this time to allow this tax legislation—including the R&D tax credit—to move toward final passage. Let us work together to keep our R&D sector competitive and let us support policies that will drive the next generation of American innovation.

MORNING BUSINESS

AUTISM

Mr. DURBIN. Mr. President, as a Senator, I often meet with constituents about their concerns. I hear a lot of stories about their lives. No story is more compelling than that of a parent looking for help for their sick child. My office receives hundreds of letters and phone calls each year from Illinoisans asking Congress to do something to help with the burden that autism brings, and we are hearing from more families every year.

Two years ago, I heard from one woman whose story reflects the experience of so many families. Ellen wrote to let me know that her son's autism was a constant source of worry for her.

She loves her son. At the same time, she worries that her son's siblings carry a genetic tendency for autism and that their own hopes for marriage and children are tainted with concerns about this genetic tendency. She worries that one day, her other son will have to bear the strain of raising a child who is affected by autism. Ellen writes, “As much as we love our son, we would give anything to have him be ‘typical.’ He will always require supervision and assistance. He is the great passion of my life and also a very great burden.”

Autism has become the fastest-growing developmental disability in America. In the past decade, the State of Illinois has seen a 353 percent increase in the number of children diagnosed with autism. Today, one out of every 150 children born will eventually be diagnosed with some form of autism. When a family has to hear that their child, sibling, or loved one is diagnosed with autism, there are a number of questions that immediately arise. Is there a cure? What caused this? Where do we seek help? How will this affect our family financially?

Parents are searching for answers, and through medical and public health research, we can further our understanding of the challenges families are facing. During the 109th Congress, I was a cosponsor of the Combating Autism Act, which the President signed into law in December 2006. The new law calls on the Federal Government to increase research into the causes and treatment of autism, and to improve training and support for individuals with autism and their caretakers. The law will help millions of Americans whose lives are affected by autism and will begin to give us answers to outstanding questions related to an individual's diagnosis. But more importantly, the new law demonstrates the commitment of Congress to delve deeper into this critically important issue for millions of families. Recently, the Centers for Disease Control and Prevention launched the Study to Explore Early Development—a study primarily focused on the causes of autism spectrum disorders related to genetic and environmental factors. This study is the first to comprehensively look for causes of autism with over 2,700 families involved.

In addition to looking into the causes of autism, we are working to improve the quality of life for those living with autism today. I am proud to cosponsor the Expanding the Promise for Individuals with Autism Act. This bill would expand access to treatment, interventions, and support services for people with autism. All families living with autism do not have the ability to access services like those offered at the Hope School in Illinois. Through committed staff and a community-based treatment approach, the Hope School makes every day a little better for kids living with autism. This bill would help replicate resources like the Hope

School in other States to better serve the autism community.

And Illinois has gone further to help families in need of financial assistance. Because the cost of autism-related services is so overwhelming, both the Illinois General Assembly and the Illinois State Senate have passed legislation requiring health plans to provide coverage for the diagnosis and treatment of autism. Like many other States throughout the country, Illinois is responding to the voices of 26,000 children saying their families need help.

Last week, the Director of the NIH, Dr. Elias Zerhouni, testified before the Labor-HHS Appropriations Subcommittee. During the hearing, I asked him to tell us what the NIH is doing with regard to research on autism. He discussed recent findings related to potential genetic links, which may help target the search for the causes of autism. For the sake of the millions of people living with autism and the families and friends who love them, we in Congress have to do our part by funding the NIH so that the research community can proceed quickly to unlock the mysteries surrounding this terrible disorder.

RULE XLIV COMPLIANCE

Mr. INOUE. Mr. President, as chairman of the Committee on the Conference of H.R. 4040, in compliance with rule XLIV of the Standing Rules of the Senate, I certify that that no provisions contained in the conference report meet the definition of a congressionally directed spending item under the rule.

HOUSING ASSISTANCE TAX ACT

SECTION 42 HOUSING PROJECTS

Mr. BINGAMAN. Mr. President, I wish to thank the chairman of the Finance Committee, Senator BAUCUS, for including language in H.R. 3221, which this body passed on July 26, to clarify the "general public use" requirement relating to the Low-Income Housing Tax Credit Program. That clarification responds to recent Internal Revenue Service guidance to State and local housing credit agencies that has cast a cloud on existing properties and future development targeted to special populations.

Since enactment of the Housing Credit Program in 1986, and prior to the recent IRS activity, the general public use requirement was understood to prohibit projects from being (1) rented in a manner inconsistent with HUD housing policies regarding nondiscrimination, (2) rented to members of a social organization or to employees of specific employers, or (3) part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically disabled. This understanding has resulted in numerous sec-

tion 42 housing projects being developed nationwide that target certain populations, including, for example, veterans, farm workers, first responders, teachers, artists, low-income parents attending college, pregnant or parenting teens, and domestic abuse victims.

In my home State of New Mexico, the Housing Credit Program has been essential to the construction of housing for many low-income individuals, including housing that is specifically targeted toward farm workers. Among our great success stories is the Franklin Vista development in Anthony, NM. Units already in service at Franklin Vista are targeted specifically for farm worker housing. The current phase 7, now underway, would create an additional 24 units of farm worker housing.

Ms. CANTWELL. I also would like to thank the chairman. In my home State of Washington, the IRS action has threatened a number of innovative housing developments, involving housing for pregnant women, housing for disabled military veterans, and housing for artists that are being used as part of a larger redevelopment strategy to rebuild neighborhoods. The IRS action has been particularly problematic for State efforts to deal with the critical need increase the supply of safe, decent, and affordable housing for migrant and seasonal farm workers. About 10 years ago, Washington established a Farm Worker Housing Program that has led to the creation and preservation of over 1,065 units of permanent housing for farm workers. The IRS's recent position has not only threatened future development of such housing but could potentially result in the recapture of low-income housing tax credits for such units currently in existence, potentially bringing financial ruin to the nonprofit housing providers which have developed and operated this housing.

The language in the bill that this body passed on July 26 on general public use reflects Congress's comfort with the historical application of the general public use requirement prior to the IRS's recent activities, and Congress's intent to remove the uncertainty and risk that the IRS's recent activities have created for the section 42 program.

Mr. BINGAMAN. My understanding, Mr. Chairman, is that the general public use provision in that bill, as passed, clarifies that housing does not fail to meet the general public use requirement solely because occupancy restrictions or preferences that favor tenants with (1) special needs; (2) who are members of a specified group under a Federal program or a State program or policy that supports housing for such a specified group, or (3) who are involved in artistic or literary activities. Is that understanding correct?

Mr. BAUCUS. Yes, the Senator is correct. And for this purpose a special need may relate to the physical facilities of the property, such as a building

that offers day care, the services that are to be provided, or the circumstances of the tenants, such as low-income parents attending college. The basic structure of the low-income housing tax credit is based on the premise that the States have the prime responsibility to administer this program, and they have done an excellent job so far. They currently have the responsibility to determine the housing priorities of the State and to give priority to tenant populations with special housing needs. The newly codified general public use rule reinforces the latitude of the States to decide how housing credit dollars are allocated.

Ms. CANTWELL. I thank the chairman for that response and for his work, along with that of the ranking member, on this important issue that would permit housing credit properties to continue to serve special populations provided that the properties satisfy the nondiscriminatory tenant selection criteria and other requirements of the Low-Income Housing Tax Credit Program. I also thank the Senator from New Mexico, Mr. BINGAMAN, for his tireless leadership on this issue.

ACCESS ACT

Mr. BROWNBACK. Mr. President, I rise to speak about S. 3046 and H.R. 6270, the Access, Compassion, Care, and Ethics for Seriously Ill Patients Act or ACCESS Act. The intent of this bipartisan, bicameral legislation is to expand access to investigational treatment options for patients with serious or life-threatening diseases.

A provision of the ACCESS Act provides for three requirements for a patient to become eligible for access to investigational treatments that have completed at least phase one of the clinical trials process, labeled as compassionate investigational access, CIA. The second of the three requirements provides that a physician document in writing that a seriously ill patient has exhausted all treatment options approved by the Secretary for the condition or disease for which the patient is a reasonable candidate. For this particular provision, the intent of the congressional sponsors of the ACCESS Act is that a patient has examined, not necessarily tried, all Food and Drug Administration-approved treatment options for which the patient is a reasonable candidate.

Accordingly, it is not the intent of the congressional sponsors of the ACCESS Act that a seriously ill patient has tried every combination of treatments for which the patient is eligible before the patient is granted compassionate investigational access or expanded access to the investigational treatment. Moreover, it is not the intent of Congress that the seriously ill patient has exhausted every treatment option for which the patient is a reasonable candidate where a treatment option is known to have severe negative side effects.