incentives for clean coal technology, and for other purposes.

S. 3269

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3269, a bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3337

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3375

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3375, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 3398

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 3398, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 3401

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3401, a bill to provide for habeas corpus review for terror suspects held at Guantanamo Bay, Cuba, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Ms. STABENOW), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3407

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 3407, a bill to amend title 10, United States Code, to authorize commanders of wounded warrior battalions to accept charitable gifts on behalf of the wounded members of the Armed Forces assigned to such battalions.

S. RES. 622

At the request of Mr. GRAHAM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 622, a resolution designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week''.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. THUNE), the Senator from Montana (Mr. BAUCUS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. REED, Mr. KERRY, Mr. CARPER, Mrs. CLINTON, and Mr. BIDEN):

S. 3425. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today along with Senators JACK REED, JOHN KERRY, TOM CARPER, HILLARY RODHAM CLINTON, and JOE BIDEN to introduce the Sunscreen Labeling Protection Act of 2008, or the SUN Act. I thank them for their support of this legislation and have enjoyed working with them on the issue of sunscreen labeling. This is an issue I have been working on for more than a decade. I also want to thank the many outside organizations who support this legislation including the American Cancer Society, the Melanoma Research Foundation, and many others as well as the leading U.S. manufacturers of sunscreen, Banana Boat and Hawaiian Tropic.

As we head into yet another steamy, sweltering summer locally in Washington, DC, and as Americans throughout the country hit the outdoors to enjoy a relaxing time at beaches, backyard barbeques and parks, we cannot forget how important it is to protect our skin from the sun's damaging rays.

However, I am profoundly disappointed to report that yet another summer is passing us by without adequate sunscreen labeling to protect consumers from harmful ultraviolet radiation, including UVA and UVB. Americans are being left in the lurch by the inaction of the Food and Drug Administration, which has failed to issue comprehensive and consistent standards for measuring and labeling sunscreen products for their protective value and for guarding against false claims on sunscreen products.

Americans may be surprised to learn that the Sun Protection Factor, SPF, number on the sunscreen they buy at their local convenience store or supermarket measures only the level of UVB protection provided by the sunscreen. It does not include a measure of the level of UVA protection. UVB has long been associated with sunburn while UVA has been recognized as a deeper penetrating radiation that contributes to skin cancer. While many products claim to offer UVA protection, that claim is not backed by enforceable, FDA-recommended standards by which those claims can be substantiated.

The FDA's standards for sunscreen testing and labeling lag 30 years behind our knowledge of the dangers of sun exposure. Research tells us that individual risk of melanoma, the most serious form of skin cancer, is associated with the intensity of sunlight that a person receives over a lifetime. In 2008, it is estimated there will be more than 1 million new cases of skin cancers and 62,480 new cases of melanoma, the deadliest form of skin cancer. Tragically, there will be as many as 8,420 deaths from melanoma this year.

Many sunscreen products carry claims that they protect against cancer-causing UVA rays, but without FDA action to set standards for testing and labeling, these claims can't be validated. Indeed, an analysis released earlier this summer found that many sunscreen products have misleading labels that make unsubstantiated claims.

Senator JACK REED of Rhode Island and I, along with many of my colleagues on both sides of the aisle, have repeatedly urged the FDA—for over a decade now—to follow through with its

development of standards. We have written letters to the FDA dating back more than ten years, we have made phone calls, we have asked questions at hearings, and we even directed the FDA to issue final labeling for UVA and UVB in the fiscal year 2006 Agriculture Appropriations bill.

The American Cancer Society, the American Academy of Dermatology, and numerous other organizations speak of the value of using sunscreen to protect our skin from damaging UVA and UVB rays as an important step in preventing skin cancer. For years, we have heard their repeated cries for industry-wide standards that will help Americans protect themselves from a preventable cause of cancer. And still there is no final action by the FDA.

The public deserves better. If you take one look at the startling numbers of Americans who will be diagnosed with skin cancer this year and who will likely die from this disease, it is clear that the public must know that what they read on the label of a sunscreen product represents a scientifically valid claim of protection from both UVA and UVB radiation.

Almost a year ago, the FDA issued a proposed rule that would set standards for testing and labeling sunscreen that includes UVA and UVB. I applaud this progress. It was a long time in coming. But I must reiterate that until the proposed rule is finalized, consumers and manufacturers lack an enforceable, consistent and comprehensive standard for testing and labeling of sunscreen products.

That is why I am introducing the SUNscreen Labeling Protection Act of 2008, or the SUN Act. This simple, straightforward bill gives the FDA 180 days from the date of enactment to finalize the proposed rule for comprehensive labeling, including formulation, testing and labeling requirements for both UVA and UVB, after which point the proposed rule would become effective.

I cannot emphasize enough the importance of this issue. The public continues to be misled by false claims that cannot be effectively challenged because there are no enforceable FDA standards for measuring and labeling UVA protection.

If the FDA would finalize its proposed rule including UVA and UVB protection, this legislation would not be necessary. But, a year and an entire summer season has nearly passed since the rule was proposed, as have decades of inaction prior to the proposed rule even being issued. All the while, consumers have gone without the information and protection they need which is what makes this legislation so critical.

I urge my colleagues to support this critically important bill.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

CANCER ACTION NETWORK,
July 30, 2008.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Networks℠ (ACS CAN), the partner advocacy organization of the American Cancer Society, we want to express our thanks for your leadership in introducing the Sunscreen Labeling Protection Act of 2008 (SUN Act). The SUN Act will direct the Food and Drug Administration (FDA) to issue final regulations related to labeling for sunscreen products.

Skin cancer is the most common of all cancer types with more than one million skin cancer diagnoses each year in the United States. Because exposure to ultraviolet (UV) radiation from the sun is the most important known risk fact for skin cancers, we believe this long-awaited proposal from the FDA will better inform consumers on the value and limits of sunscreen use.

We have provided extensive comments on the FDA proposed rules to ensure that the new regulations will require the most accurate and user-friendly presentation of sun protection possible on sunscreen products. The majority of skin cancers are caused primarily by UVB rays, and we know that UV exposure from the sun increases the risk of skin cancer, premature skin aging and other skin damage. Therefore, it is important to decrease UV exposure by wearing protective clothing, seeking shade whenever possible, and using a sunscreen with a high enough SPF Value to protect against some level of both UVB and UVA rays. ACS CAN believes that by raising the highest labeled sun protection factor (SPF) Value from 30 to 50 and including a UVA protection measure, consumers will be able to better select their protection level.

ACS CAN views cancer prevention as the most important attribute of sunscreens, and there is now convincing evidence that consistent use of appropriate sunscreens will result in the prevention of squamous cell carcinoma of the skin and may lower melanoma risk. Hence it is our strong conviction that all sunscreen packages must note the importance of applying sunscreen before going into the sun and reapplying as needed. We hope the new FDA regulations will help to achieve this by requiring a principle display panel on packages that is simple and easy for consumers to read, so they have clear directions on sun safety to make the most appropriate choice about protection levels.

Again, ACS CAN is encouraged that the SUN Act may finally lead to implementation of new regulations related to sunscreen labeling, and we look forward to working with Congress and the FDA to provide consumers with the most accurate and forthright information regarding sun protection and sunscreen use. If we can ever be of assistance or provide information, please contact Kelly Green Kahn, Associate Director, Federal Relations.

Sincerely,

DANIEL E. SMITH,
President,
DICK WOODRUFF,
Senior Director, Federal Relations.

CITIZENS FOR SUN PROTECTION,
Washington, DC, July 30, 2008.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD, On behalf of the Citizens for Sun Protection, an organization of parents, cancer survivors, healthcare professionals, business advocates and community leaders, joined together to advocate for stronger standards for sunscreen protection, I am writing you to express our strong support for the Sunscreen Labeling Protection Act of 2008 (SUN Act). This legislation would provide for the enactment within 180 days of the sunscreen standards rule that was first proposed by the Food and Drug Administration (FDA) in August 2007, and has yet been acted upon. We applaud your leadership in advancing federal sunscreen standards to protect Americans against cancer-causing UVB and UVA rays.

The delay in upgrading U.S. sunscreen standards, which has dragged on for now close to 20 years, can no longer be tolerated. Several other countries, including the European Union, already have strong sunscreen standards that provide protection from both UVA and UVB rays for their citizens. Your legislation will assure that the FDA issues final standards for UVA and UVB protection within 180 days of enactment and thus provide Americans with vitally important protection against skin cancer, premature aging, and skin damage.

A comprehensive FDA rule would require that sunscreen manufacturers properly label products so consumers will know the level of protection provided in the sunscreen they use for themselves and their families. Today, the average American using sunscreens that are commercially available in this country mistakenly believes that the product is providing equal protection for both UVB and UVA exposure. In reality Sun Protection Factor designations only apply only to UVB rays, those that primarily cause sunburn, and do not protect against UVA rays which cause skin cancer and other skin damage.

Compelling facts drive the need for change: According to the American Cancer Society one million new cases of skin cancer will be diagnosed in the United States this year and over 10,000 Americans will die from the disease. Every year the FDA proposal is delayed leaves our citizens at increased risk. It is critical to the health and welfare of the U.S. public to have access to strong, protective sunscreens they can trust. On behalf of the Citizens for Sun Protection, I wish to once again affirm our strong support for the SUN Act. We applaud your efforts to establish strong standards and an accurate labeling system for UVA and UVB protection in the United States.

Sincerely,

ROBERT F. HURLEY,
Executive Director.

ENVIRONMENTAL WORKING GROUP,
Washington, DC, July 30, 2008.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Children and Families, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the summer sun is upon us, we are again reminded of the need to ensure that sunscreens protect consumers from the damaging rays of both ultraviolet A (UVA) and ultraviolet B (UVB) radiation. The Food and Drug Administration first proposed to set safety standards in 1978, yet failed to act. That is why EWG supports the Sunscreen Labeling Protection Act of 2008, The SUN Act, which would require FDA to finalize sunscreen safety standards within 6 months, ending 30 years of delay.

The need for these standards is clear. A recent EWG study found that 85 percent of sunscreens that we tested do not offer enough protection from UV rays, are made with potentially harmful ingredients, or have not been tested for safety. Many products on the market present obvious safety and effectiveness concerns, including one of every seven that does not protect from UVA radiation. Overall we identified 143 products that offer

very good sun protection with ingredients that present minimal health risks to users. Many sunscreens: lack UVA protection; break down in the sun; make questionable product claims, i.e. ''waterproof''; contain nano-scale materials that raise questions; and absorb into the blood.

These problems are aggravated by the fact that FDA has not finalized comprehensive sunscreen safety standards, called the ''Sunscreen Monograph,'' they began drafting 30 years ago. It took FDA 29 years to propose a Sunscreen Monograph. It has been nearly a year and it has yet to finalize the Monograph. EWG hopes it will do so quickly, but after 30 years of delay, we must ensure consumers get the protections they believe they are getting.

We commend you for your continued leadership in this area and the introduction of The SUN Act. We look forward to working with you to ensure its quick passage.

Sincerely,

RICHARD WILES
Executive Director.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, and Mr. SANDERS)):

S. 3431. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators KENNEDY and SANDERS, to introduce the Time for Innovation Matters in Education, or TIME Act, of 2008. This bill would improve and expand students' instructional time, while ensuring rigorous standards, as a means to help close the academic achievement gap that exists for so many of our disadvantaged students.

The fundamental principle underlying this bill is that the amount of instructional time provided by the vast majority of school calendars is simply inadequate for today's students and teachers. Teachers need more time to plan and deliver instruction, and students need more time for 21st century learning.

The demands on 21st century learners reflect the rapid increase in technological advances that we have all experienced in the last 30 or 40 years. Twenty first century learning demands an increase in the rigor of mathematics and science education, and the acquisition of subject area knowledge in areas that simply did not exist years ago, such as computer literacy. These increased demands should not be met at the expense of ignoring other subjects such as social studies, art, and physical education. Yet, these other areas are often ignored to allow for time for some of the major academic subjects. That is the consequence of failing to match the gradual increase in educational demands with a corresponding increase in instructional time.

Instead, here we are in the 21st century, continuing to adhere to a school calendar that was established over 100 years ago, and which was designed to accommodate a predominantly agricultural society. In nearly every State, the school calendar is based on approximately 180 or fewer instructional days, or on approximately 1000 instructional hours, per school year. This means that American students are spending fewer than 20 percent of their waking hours in school.

In the recent National Research Council report entitled, How People Learn, the authors comment on the importance of being realistic about the amount of time it takes to learn complex subject matter. Simply put, they note that ''significant learning takes major investments of time.'' The TIME Act is an initial investment that will provide teachers and students with the expanded opportunities they need to achieve high quality instruction and learning. We know that time needs are significant if our students are to achieve a 21st century education.

Although all students are likely to benefit from expanded learning time, we must prioritize these opportunities for students who are most at risk for poor academic achievement. International reports like the PISA study demonstrate that although American students, as a group, have poor academic achievement relative to students in other industrialized nations, this disparity is most pronounced for students that are overrepresented among our Nation's poor. In fact, the 2006 PISA report shows that achievement scores for White, non-Hispanic students meet or exceed average scores reported across participating nations, whereas the average scores for Black or Hispanic students are well below that average.

Likewise, although research has demonstrated that all students are at risk for losing educational gains during the extended summer breaks that are currently the norm for most schools, children from low income households experience significantly greater achievement losses during summer breaks because they lack opportunities to attend the quality summer programs available to their less disadvantaged peers. Each year, this disparity contributes to the growing achievement gap. Researchers have shown us that these out-of-school experiences account for most of the achievement difference observed by 9th grade, which in turn influences when and whether students will graduate from high school and attend postsecondary school. Investing in more time during the school year can help to diminish these achievement gaps, improve graduation rates, and make a lasting difference in these students' lives.

But effective expanded learning opportunities require more than just more time. The time must be well spent. Students must be appropriately engaged in their learning, and teachers must have the training and support to use the longer school time effectively. Researchers have identified that expanded learning time benefits teachers, by providing more opportunities for cooperative planning and more time to individualize instruction. Involved students and teachers are critical to successful expanded learning time programs, and both benefit from effective programming.

States have begun to explore expanded learning programs, and have demonstrated their effectiveness. In Massachusetts, 10 schools converted their calendars to expand the mandatory number of school days and the number of hours within a school day. Outcomes include not only increased student achievement, but greater school satisfaction among parents, teachers, and students. In my own State of New Mexico, expanded learning initiatives have been pursued, in the form of longer school days or additional school days throughout the year. Early reports demonstrate increased achievement in math and reading, beyond grade-level expectations. Unfortunately, the funds available for these initiatives are limited to voluntary participation. We must make these programs become a regular part of the school day for all students and teachers, particularly those who are greatest risk for academic failure.

Most districts and State educational agencies do not have the capacity or infrastructure to guide, support, and fund expanded learning day programs, but good models for turning around low-performing schools do exist. Federal support can be used to build States' and schools' capacity based on evidence from such models.

Towards this goal, the TIME Act will: provide incentives for States and local educational agencies to develop plans for research-based, sustainable, and replicable expanded learning programs, for high-priority schools, with a focus on increasing rigorous and varied instructional opportunities for students and teachers; allow local educational agencies to determine appropriate objectives of their extended learning programs, such as increasing math and science scores for all students, enhance art or physical education, or increase academic English proficiency for English language learners; encourage States to take a leadership role and deliver technical assistance to schools that implement such programs; encourage schools to form partnerships with organizations that have successful track records in supporting or delivering effective expanded learning programs; and promote research on expanded learning program implementation, through local, State, and national data collection efforts. The results of these evaluations can inform best practices for future delivery of expanded learning models to additional schools.

I would like to thank Chairman KENNEDY for his leadership on this legislation, and for his ongoing commitment to enhancing educational opportunities for all Americans; particularly our most disadvantaged youths. Moreover, Senator KENNEDY's State of Massachusetts is a leader in school-wide expanded learning initiatives. Massachusetts has demonstrated that expanded

learning enhances students' success, and it has done so in formerly struggling schools in some of the State's poorest school districts.

The TIME Act expands upon these models of success by promoting similar initiatives across the country. I hope that this legislation will be incorporated into reauthorization of the Elementary and Secondary Education Act, and I urge my colleagues to support it.

Like my colleagues Senator KENNEDY and SANDERS, I believe that all students deserve the time needed for a quality education. I also believe that all schools should expand well beyond their current limited calendar, especially if America is to maintain and increase its competitive edge in the global economy. We must invest in a systematic approach to improving schools so that every child graduates prepared for success. The TIME Act is an initial investment toward this goal.

By Mr. BIDEN (for himself, Mr. HAGEL, Mr. CASEY, Mr. VOINOVICH, and Mr. WEBB):

S. 3433. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Relations.

Mr. BIDEN. Today I join a bipartisan group of Senators in introducing the Iraq Security Agreement Act of 2008. This bill, consistent with the Constitution of the United States, prohibits the Bush administration from entering into a binding security agreement with Iraq without the approval of Congress. It would also prohibit the obligation of any funds to implement such an agreement.

I regret that I am compelled to introduce this legislation. If the President had embarked on these negotiations in a more responsible manner—by being clear about the objective, by ensuring that the agreements would not tie the hands of the next administration, by actively consulting with Congress as a partner in the process—this bill would be unnecessary. But the Administration has done none of these things, and so my colleagues and I want to ensure that Congress, and thus the American people, is brought into the process.

Let me take a step back and summarize how we got to this point. From October 2003 until the present day, the American military presence in Iraq has been authorized under international law through a series of UN Security Council Resolutions. Last November, President Bush and Prime Minister Maliki signed a ''Declaration of Principles,'' which set out a framework for our countries to negotiate, by yesterday—July 31, 2008—agreements governing cooperation in the political, economic and security spheres. The Declaration indicated that the two countries would not seek to renew the United Nations mandate for American troops in Iraq past December 31, 2008. Among other things, the Declaration contemplates ''providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq'' and supporting Iraq ''in its efforts to combat all terrorist groups,'' including Al-Qaeda, Saddamists, and ''all other outlaw groups regardless of affiliation.'' In other words, all the folks fighting in Iraq and killing each other.

The Declaration may result in two pacts. One would be a ''Strategic Framework Agreement'' that will ''set the broad parameters of the overall bilateral relationship in every field,'' according to the U.S. Ambassador to Iraq, Ryan Crocker. This might be better titled ''What the United States will do for Iraq,'' because it consists mostly of a series of promises that flow in one direction—promises by the United States to a sectarian government that has thus far failed to reach the political compromises necessary to build a stable country.

The second agreement is a ''Status of Forces Agreement'' or SOFA, governing the presence of U.S. forces in Iraq, including their entry into the country and the immunities to be granted to them under Iraqi law. The administration claims that this agreement is mostly ''routine'' because we have SOFAs with over 90 countries around the globe. But conditions our soldiers face in Iraq are far from ''routine,'' despite recent improvements in security. Moreover, this SOFA would be much broader than the typical SOFA, from what we know. It would provide us with access to bases from which our military would operate, provisions that are usually in a separate facilities or ''basing'' agreement. This SOFA would also deal with contractor immunity, would permit U.S. forces to engage in combat operations in Iraq, and would provide authority for detaining insurgents. This is not a typical SOFA.

One of these agreements will reportedly contain a ''security arrangement''—a pledge by the United States to consult on next steps if Iraq is threatened. The Administration suggests that such an agreement is unremarkable, and that it does not bind the United States. But at a time when we have over 100,000 troops on the ground, an expansive program to train and equip Iraqi forces, and multiple U.S. military facilities, the pledge is, in reality, little different from a binding security commitment. Certainly, the government of Iraq and its people will perceive that we are signing up to defend Iraq against external threats.

Yesterday's deadline has apparently not been met. The New York Times reports, however, that the Bush administration and Iraqi government are close to an agreement. But Congress still remains largely in the dark.

We have not seen draft language. We do not definitively know which portions of the agreement will be binding, and which will not be. We are not in a position to evaluate whether the agreement will create obligations—either legal or political—that will constrain the next administration, whether Democratic or Republican. The President cannot make such a sweeping commitment on his own authority. Congress must grant approval. The legislation we introduce today requires that Congress be made part of the process.

I have often stated that no foreign policy can be sustained without the informed consent of the American people. More than 5 years ago, President Bush went to war in Iraq without gaining that consent—by overstating the intelligence and understating the difficulty, cost and duration of the mission.

In the final months of his term, President Bush is once again acting without the informed consent of the American people, putting us on a course to commit the Nation to a new phase of a long war in Iraq, and thereby bind his successors to his vision of U.S. policy in Iraq. By these agreements, the President will make it harder for his successor to change course.

Let me be clear. I support the concept of a Status of Forces Agreement with Iraq. But not at the cost of limiting our operational latitude or making security commitments—legal or political—that are not approved by Congress.

Administration officials have indicated that the Iraqi government is resisting the inclusion of key provisions that U.S. forces need in order to operate in Iraq. Given the difficulty of securing Iraq's consent to the broad authorities that the United States now has by virtue of the U.N. Security Council Resolutions, I believe the best option for the United States at this juncture is to seek an extension of the current United Nations Security Counsel resolution for Iraq.

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. 3433

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 ''Iraq Security Agreement Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On November 26, 2007, President George W. Bush and Prime Minister of Iraq Nouri al-Maliki signed the Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America (in this Act referred to as the ''Declaration of Principles''), with the goal of concluding a final agreement or agreements between the United States and Iraq by July 31, 2008, ''with respect to the political, cultural, economic, and security spheres.''

(2) The Declaration of Principles contemplates the United States ''providing security assurances and commitments to the Republic of Iraq to deter foreign aggression.''

(3) In 1992, pursuant to section 1457 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404c), the executive branch submitted a report to Congress on then-existing security commitments and arrangements.

(4) The report described in paragraph (3) defined a ''security commitment'' as an ''obligation, binding under international law, of the United States to act in the common defense in the event of an armed attack on that country.'' The report noted that all current security commitments of the United States are ''embodied in treaties which receive the advice and consent of the Senate.''

(5) The report defined a ''security arrangement'' as a ''pledge by the United States to take some action in the event of a threat to that country's security. Security arrangements typically oblige the United States to consult with a country in the event of a threat to its security. They may appear in legally-binding agreements, such as treaties or executive agreements, or in political documents, such as policy declarations by the President, Secretary of State or Secretary of Defense.''

(6) The United States Ambassador to Iraq, Ryan Crocker, has stated that the agreements to be concluded as anticipated by the Declaration of Principles will ''deal with the status of U.S. and coalition forces in Iraq past 2008'' and ''set the broad parameters of the overall bilateral relationship in every field''.

(7) On November 26, 2007, Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, Lieutenant General Douglas Lute, stated, ''We don't anticipate now that these negotiations [under the Declaration of Principles] will lead to . . . formal inputs from Congress.''

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) any agreement that sets forth the ''broad parameters of the overall bilateral relationship [as between the United States and the Republic of Iraq] in every field,'' particularly one that includes a security commitment or arrangement provided to the Republic of Iraq by the United States, would result in serious military, political, and economic obligations for the United States, and thus, consistent with past practice, should involve a joint decision by the executive and legislative branches; and

(2) a short-term extension of the mandate of the Multi-National Force in Iraq (currently provided by United Nations Security Council Resolution 1790 (2007)), would, in concert with Iraqi law, provide United States forces with the authorities, privileges, and immunities necessary for those forces to carry out their mission in Iraq.

SEC. 4. ANNUAL REPORT ON SECURITY AGREEMENTS.

(a) REPORTS REQUIRED.—Not later than 180 days after date of the enactment of this Act, and every February 1 thereafter, the President shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on United States security commitments to, and arrangements with, other countries.

(b) CONTENT.—Each report submitted under subsection (a) shall include the following:

(1) The text, and a description, of each security commitment to, or arrangement with, one or more other countries, whether based upon—

(A) a formal document (including a mutual defense treaty, a status of forces agreement, a pre-positioning arrangement or agreement, an access agreement, or a non-binding declaration or letter); or

(B) an expressed policy, whether expressed orally or in writing.

(2) An assessment of the need to continue, modify, or discontinue each of those commitments and arrangements in view of the changing international security situation.

SEC. 5. CONSULTATION WITH CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall consult with the appropriate congressional committees about the negotiations pursuant to the Declaration of Principles. After the initial consultation, the Secretary of State and the Secretary of Defense shall keep such committees fully and currently informed regarding the status of the negotiations. Prior to finalizing any agreement that includes a security commitment or security arrangement with Iraq, the Secretary of State should provide the text of the agreement to the appropriate congressional committees.

SEC. 6. PROHIBITIONS.

(a) PROHIBITION ON ENTRY INTO FORCE OF CERTAIN AGREEMENTS.—No agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, may enter into force except pursuant to Article II, section 2, clause 2 of the Constitution of the United States (relating to the making of treaties) or unless authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article I, section 7, clause 2 of the Constitution (relating to the enactment of laws).

(b) PROHIBITION ON USE OF FUNDS.—No funds may be obligated or expended to implement an agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, unless it enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article I, section 7, clause 2 of the Constitution.

(c) POINT OF ORDER.—It shall not be in order for either House of Congress to consider any bill, resolution, amendment, or conference report that provides budget authority for the implementation of an agreement entered into in contravention of subsection (a).

SEC. 7. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Armed Services of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

By Mr. DURBIN:

S. 3434. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to discuss legislation that I am introducing today, the it Combating Organized Retail Crime Act of 2008.

This bill addresses a persistent and growing problem that costs retailers billions of dollars and poses serious health and safety risks for consumers. Organized retail crime involves the coordinated theft of large numbers of items from retail stores with the intent to resell those items. Typically, crime organizations hire teams of professional shoplifters to steal over-the-counter drugs, health and beauty aids, designer clothing, razor blades, baby formula, electronic devices and other items from retail stores. Using sophisticated means for evading anti-theft measures, and often the assistance of employees at stores, the thieves target 10–15 stores per day. They steal thousands of dollars worth of items from each store and deliver the items to a processing and storage location. There, teams of workers sort the items, remove anti-theft tracking devices, and remove labels that identify the items with a particular store. In some instances, they change the expiration date, replace the label with that of a more expensive product, or dilute the product and repackage the modified contents in seemingly-authentic packaging. The items are then stored in a warehouse, often under poor conditions that result in the deterioration of the contents.

Organized retail crime rings typically sell their stolen merchandise in different markets, including flea markets, swap-meets, and online auction sites. Online sales are of particular concern, since the internet reaches a worldwide market and allows sellers to operate anonymously and maximize return. A growing number of multi-million dollar organized retail crime cases involve internet sales. For example, in Florida recently law enforcement agents arrested 20 people in a $100 million case involving the sale of stolen health and beauty aids on an online auction site and at flea markets.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that it costs retailers billions of dollars in revenues and costs states hundreds of millions of dollars in sales tax revenues. With respect to certain products, such as baby formula and diabetic test strips, improper storage and handling by thieves creates a serious public safety risk when the products are resold. The proceeds of organized retail crime are often used to finance other forms of criminal behavior, including gang activity and drug trafficking.

The Combating Organized Retail Crime Act would address this problem in several ways. First, it would toughen the criminal code's treatment of organized retail crime by refining certain offenses to capture conduct that is currently being committed by individuals engaged in organized retail crime, and by requiring the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would require physical retail marketplaces, such as flea markets, and online retail marketplaces, such as auction websites, to review the account of a seller and file a suspicious activity report with the Justice Department when presented with documentary evidence showing that the seller is selling items that were illegally obtained. If the physical or online retail marketplace is presented

with clear and convincing evidence that the seller is engaged in such illegal activity, it must terminate the activities of the seller. This requirement will lead to greater cooperation between retail marketplaces, retailers and law enforcement, and will result in an increased number of organized retail crime prosecutions.

Third, the bill would require high-volume sellers on online auction sites (meaning sellers that have obtained at least $10,000 in annual gross revenues on the site) to display a physical address, post office box, or private mail box registered with a commercial mail receiving agency. This requirement will help online buyers get in touch with sellers, and assist law enforcement agents who wish to identify people who may be selling stolen goods online. It is analogous to a provision in the federal CAN–SPAM Act, which also requires persons who send mass emails to disclose their physical addresses.

This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail giants as Home Depot, Target, Wal-Mart, Safeway, Walgreens, and Macy's.

In summary, the Combating Organized Retail Crime Act addresses a serious problem that hurts businesses that are struggling to survive in a weak economy, and that harms consumers who unknowingly purchase stolen items that have been subjected to tampering. It heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This bill is a big step forward in the fight against a nationwide problem, and I urge my colleagues to support it.

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. 3434

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 ''Combating Organized Retail Crime Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) TRANSPORTATION OF STOLEN GOODS.—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after ''more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(b) SALE OR RECEIPT OF STOLEN GOODS.—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after ''$5,000 or more,'' the following: ''or, during any 12-month period, of an aggregate value of $5,000 or more during that period,''.

(c) FRAUD IN CONNECTION WITH ACCESS DEVICES.—Section 1029(e)(1) of title 18, United States Code, is amended by inserting ''Universal Product Code label,'' after ''code,''.

(d) REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.—

(1) REVIEW AND AMENDMENT.—

(A) IN GENERAL.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing such illegally obtained items in the stream of commerce.

(B) OFFENSES.—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; or

(ii) any other relevant provision of the United States Code.

(2) REQUIREMENTS.—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where such conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 2323. ONLINE RETAIL MARKETPLACES.

''(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

''(1) HIGH VOLUME SELLER.—The term 'high volume seller' means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

''(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of $20,000 or more in gross revenues; or

''(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of $10,000 or more in gross revenues.

''(2) INTERNET SITE.—The term 'Internet site' means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol (or any successor protocol), or that is identified by a uniform resource locator.

''(3) ONLINE RETAIL MARKETPLACE.—The term 'online retail marketplace' means an Internet site where users other than the operator of the Internet site can enter into transactions with each other for the sale or distribution of goods or services, and in which—

''(A) such goods or services are promoted through inclusion in search results displayed within the Internet site;

''(B) the operator of the Internet site—

''(i) has the contractual right to supervise the activities of users with respect to such goods or services; or

''(ii) has a financial interest in the sale of such goods or services; and

''(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into—

''(i) multiple discrete transactions for the sale of goods or services aggregating a total of $500,000 or more in gross revenues; or

''(ii) 1,000 or more discrete transactions for the sale of goods or services aggregating a total of $250,000 or more in gross revenues.

''(4) OPERATOR OF AN ONLINE RETAIL MARKETPLACE.—The term 'operator of an online retail marketplace' means a person or entity that—

''(A) operates or controls an online retail marketplace; and

''(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

''(5) OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.—The term 'operator of a physical retail marketplace' means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to such goods.

''(6) PHYSICAL RETAIL MARKETPLACE.—The term 'physical retail marketplace' may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment, and means a venue or event in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to such goods; and

''(A) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

''(B) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

''(7) STRUCTURING.—The term 'structuring' means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

''(8) TEMPORARY PLACE OF BUSINESS.—The term 'temporary place of business' means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

''(9) TRANSIENT VENDOR.—The term 'transient vendor' means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of such property.

''(10) USER.—The term 'user' means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

''(11) VALID PHYSICAL POSTAL ADDRESS.—The term 'valid physical postal address' means—

''(A) a current street address, including the city, State, and Zip code;

''(B) a Post Office box that has been registered with the United States Postal Service; or

''(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

''(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY-OBTAINED ITEMS.—

''(1) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS.—In the event that an operator of a physical or online retail marketplace is presented with documentary evidence showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of such transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

''(A) not later than 15 days after receiving such evidence—

''(i) file a suspicious activity report with the Attorney General of the United States; and

''(ii) not later than 5 days after filing the report, notify any person or entity that presented the documentary evidence that the operator filed the report; and

''(B)(i) initiate a review of the account of such transient vendor or user for evidence of illegal activity; and

''(ii) as soon as possible, but not later than 45 days after receiving such evidence—

''(I) complete this review; and

''(II) submit the results of such account review to the Attorney General.

''(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

''(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace reasonably determines that, based on the documentary evidence presented to it or the account review conducted by it under paragraph (1), there is clear and convincing evidence that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee or agent of such transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring, the operator shall, not sooner than 21 days and not later than 45 days after submitting the results of the account review to the Attorney General pursuant to paragraph (1), either—

''(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

''(II)(aa) if the transient vendor or user fails to present such information within 45 days of such request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

''(bb) if the transient vendor or user presents such information within 45 days, then the operator shall report such information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

''(B) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, authorize the operator in writing to take such action prior to 21 days after submitting the results of the account review to the Attorney General or direct the operator in writing and for good cause to delay such action to a date later than 45 days after submitting the results of the account review.

''(3) DOCUMENTARY EVIDENCE.—The documentary evidence referenced in paragraphs (1) or (2)—

''(A) shall refer to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, or other illegal activity; and

''(B) shall be—

''(i) video recordings;

''(ii) audio recordings;

''(iii) sworn affidavits;

''(iv) financial, accounting, business, or sales records;

''(v) records or transcripts of phone conversations;

''(vi) documents that have been filed in a Federal or State court proceeding; or

''(vii) signed reports to or from a law enforcement agency.

''(4) RETENTION OF RECORDS.—

''(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

''(i) a record of all documentary evidence presented to it pursuant to paragraph (1) for 3 years from the date the operator received the evidence;

''(ii) a record of the results of all account reviews conducted pursuant to paragraph (1), and any supporting documentation, for 3 years from the date of the review; and

''(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

''(B) ONLINE RETAIL MARKETPLACE.—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

''(5) CONFIDENTIALITY OF REPORTS.—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of such operator, may notify any individual or entity that is the subject of a suspicious activity report filed pursuant to paragraph (1), or of an account review performed pursuant to paragraph (1), of the fact that the operator filed such a report or performed such an account review, or of any information contained in the report or account review.

''(6) HIGH VOLUME SELLERS.—

''(A) VALID POSTAL ADDRESS.—An operator of an online retail marketplace shall require each high volume seller to display a valid physical postal address whenever other information about the items or services being sold by the high volume seller is displayed on the online retail marketplace. Such valid physical postal address must be displayed in a format clearly visible to the average consumer.

"(B) FAILURE TO PROVIDE.—In the event that a high volume seller has failed to display a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall—

"(i) within 15 days notify the user of its duty to display a valid physical postal address; and

"(ii) if 45 days after providing this initial notification the user still has not displayed a valid physical postal address, shall—

"(I) terminate the ability of the user to conduct transactions on marketplace; and

"(II) file within 15 days a suspicious activity report with the Attorney General of the United States.

"(7) CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.—A suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (1) or (6) shall contain the following information:

"(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

"(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

"(C) A copy of the documentary evidence and other information that led to the filing of the report pursuant to paragraph (1) or (6).

"(D) A detailed description of the results of the account review conducted pursuant to paragraph (1).

"(E) Such other information as the Attorney General may by regulation prescribe.

"(c) VOLUNTARY REPORTS.—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that such operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

"(d) STRUCTURING.—No individual or entity shall engage in structuring as defined in this section.

"(e) ENFORCEMENT BY ATTORNEY GENERAL.—

"(1) IN GENERAL.—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with the requirements specified in, paragraph (1), (2), (4), (5), (6), or (7) of subsection (b), or subsection (d), shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

"(2) FALSE STATEMENTS.—

"(A) INTENT TO INFLUENCE AN OPERATOR.—Any person who knowingly makes any material false or fictitious statement or representation with the intent to influence an operator of a physical retail marketplace or an operator of an online retail marketplace to file a suspicious activity report under subsection (b) shall be liable to the United States Government for a civil penalty of not more than $10,000 per violation.

"(B) SUSPICIOUS ACTIVITY REPORT.—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

"(f) ENFORCEMENT BY STATES.—

"(1) CIVIL ACTION.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

"(A) to enjoin further violation of this section by the defendant;

"(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

"(C) to impose civil penalties in the amounts specified in subsection (e).

"(2) WRITTEN NOTICE.—

"(A) IN GENERAL.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

"(B) ATTORNEY GENERAL ACTION.—Upon receiving a notice respecting a civil action under subparagraph (A), the Attorney General of the United States shall have the right—

"(i) to intervene in such action;

"(ii) upon so intervening, to be heard on all matters arising therein; and

"(iii) to file petitions for appeal.

"(3) STATE POWERS PRESERVED.—For purposes of bringing any civil action under this subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) PENDING FEDERAL ACTION.—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in such complaint.

"(5) JURISDICTION.—

"(A) IN GENERAL.—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

"(B) PROCESS.—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(g) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item for section 2322 the following:

"2323. Online retail marketplaces.".

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mr. HAGEL, Mr. FEINGOLD, and Mr. WYDEN):

S. 3437. A bill to limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, today, Senators ROCKEFELLER, WHITEHOUSE, HAGEL, FEINGOLD and I introduce legislation to end coercive interrogations and secret detentions by the Central Intelligence Agency.

These practices have brought shame to our Nation, have harmed our ability to fight the war on terror, and, I believe, violate U.S. law and international treaty obligations.

It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to the lowest bidder. It is time to return to the norms and values that have driven the United States to greatness for decades, but have been tarnished in the past 7 years.

It is now public knowledge that the Bush administration, in the Vice President's words, turned to "the dark side." The "gloves came off." In the name of counterterrorism, the CIA resorted to waterboarding—an interrogation technique invented in the Spanish Inquisition to force false confessions and punish enemies.

In a mistaken effort to gain better intelligence, the CIA used this same technique that the Justice Department has prosecuted and the State Department has decried overseas. The administration used warped logic and faulty reasoning to say waterboarding technique was not torture. It is.

Waterboarding is the only technique to be publicly confirmed by this administration. There are others that have not been acknowledged but are still authorized for use. This has to end.

But we will never turn this sad page in our Nation's history until all coercive techniques are banned, and are replaced with a single, clear, uniform standard across the United States Government.

That standard is the one set out in the Army Field Manual. Its techniques work for the military and for the Federal Bureau of Investigation. If the CIA would abide by its terms, it would work for the CIA as well.

The first provision in this legislation requires the Intelligence Community to follow the Army Field Manual. That is already the law for the Department of Defense.

It is supported by 43 retired generals and admirals and by a bipartisan group of former Secretaries of State and Defense, Ambassadors, and national security advisors.

Majorities in both houses of Congress passed this provision earlier this year, sending a clear message that we do not support coercive interrogations. Regrettably, the President's veto stopped it from becoming law.

The second provision in this legislation requires that access to any detainee being held by the intelligence community be provided to members of the International Committee of the Red Cross.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. We believe that granting access to the ICRC is the best way to ensure that the same right will be afforded to U.S. forces if they are ever captured overseas.

But ICRC access has been denied at CIA black sites in the war on terror. This has, in part, opened the door to the abuses in detainee treatment. Independent access prevents abuses like we witnessed at Abu Ghraib and Guantanamo Bay. It is time that the same protection is in place for the CIA as well, in the well-established rules that the military has used for years.

Finally, this legislation contains a ban on contractor interrogators at the CIA. As General Hayden has testified, the CIA uses outside contractors to conduct these interrogations.

We should not be using coercive interrogation techniques at all. But I firmly believe that outsourcing these interrogations to private companies is a way to diminish accountability and to avoid getting the Agency's hands dirty. I also believe that the use of contractors leads to more brutal interrogations than if they were done by Government employees.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But that is not what the CIA detention and interrogation program has provided.

Every single experienced interrogator tells us that coercive techniques will get someone to say what the interrogator wants to hear. But that doesn't make it true.

In fact, coercive interrogations and the threat of torture produced the information that Saddam Hussein was providing al Qaeda with WMD training. That wasn't true, but it helped lead us to war in Iraq.

Military and FBI interrogators also tell us that when they build a rapport with a detainee, they get more information, and more valuable information, than when it is coerced.

Beyond that, our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships, crucial to winning the war on terror, have been strained.

Look at two of our closest allies in the world. The British Parliament no longer trusts U.S. assurances that we will not torture detainees. The Canadian Government recently added the United States to its list of nations that conduct torture.

This is not the country that we want to be. Torture and disappearances do not befit the nation that I know.

It is time to restore America's integrity.

It will take time to resume our place as the world's beacon of liberty and justice. This bill will put us on that path and start the process. I urge its passage.

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. 3437

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 ''Restoring America's Integrity Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTRUMENTALITY.—The term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. LIMITATION ON INTERROGATION TECHNIQUES.

No individual in the custody or under the effective control of personnel of an element of the intelligence community or instrumentality of an element of the intelligence community, regardless of nationality or physical location of such individual or personnel, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

SEC. 4. NOTIFICATION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) REQUIREMENT.—The head of an element of the intelligence community or an instrumentality of such element who detains or has custody or effective control of an individual shall notify the International Committee of the Red Cross of the detention of the individual and provide access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

SEC. 5. PROHIBITION ON INTERROGATIONS BY CONTRACTORS.

The Director of the Central Intelligence Agency may not permit a contractor or subcontractor to the Central Intelligence Agency to carry out an interrogation of an individual. Any interrogation carried out on behalf of the Central Intelligence Agency shall be conducted by an employee of such Agency.

By Ms. LANDRIEU:

S. 3438. A bill to prohibit the use of funds for the establishment of National Marine Monuments unless certain requirements are met; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I introduce this bill today to prevent misuse of the Antiquities. Act of 1906 to create very large marine monuments. The Antiquities Act was intended to protect landmarks, not create the largest protected areas in the United States unilaterally without congressional assent.

The Bush administration acted covertly to convey protected status to 139,000 square miles of the northwestern Hawaiian Islands. In so doing, the administration short-circuited the extensive Marine Sanctuaries process that was already underway and notified the delegation only after the press conference. Now they have turned their attention to the Gulf of Mexico.

We learned that the President, with mixed support from his top advisors, is considering using his authorities under the Antiquities Act to unilaterally and permanently declare ''marine monuments'' in various locations of the U.S. Exclusive Economic Zone. Some of these areas are in my backyard—in the Gulf of Mexico—but other areas of the Atlantic and Pacific are also under consideration.

I certainly understand the need to conserve and appropriately manage our most sensitive and vulnerable marine areas, which can serve as nurseries for fish stocks and provide critical habitat for other important species. That is why I support the processes Congress established in the National Marine Sanctuaries Act. But any declarations of new or additional protected status to marine areas should continue to follow the scientific and public processes outlined in the Sanctuaries Act. This is a good process that allows all affected parties—from the environmental community to recreational fishermen to the oil and gas industries—to have a say.

By Ms. LANDRIEU:

S. 3447. A bill to reprogram $15,000,000 in savings in the Jackson Barracks military construction to the Department of the Interior for the Historic Preservation Fund of the National Park Service for the purpose of restoring Jackson Barracks to its pre-Hurricane Katrina status as a national historic treasure; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I introduce this bill today to restore historic Jackson Barracks in New Orleans to its pre-Hurricane Katrina status as a national historic treasure. Jackson Barracks represents the rich military history of New Orleans, and indeed our great State. However, the rebuilding of the structures on this significant garrison has been hindered by bureaucratic roadblocks and gaps in funding. This bill directly addresses those challenges.

As you know, Hurricane Katrina brought torrential floods and driving

winds to New Orleans and the surrounding region. The devastation from the storm touched every structure at Jackson Barracks. The original Jackson Barracks consists of 14 Antebellum Garrison Structures built between 1834 and 1835. These historic buildings were not spared and suffered tremendous damage.

There is a pressing need to complete the restoration and renovation of the barracks. Jackson Barracks requires additional renovations and restorations that are not within the scope of the Federal Emergency Management Agency hurricane restoration funding. With the agreement of the Chief, National Guard Bureau and the Secretary of the Interior, this bill would reprogram the savings from several military construction projects elsewhere on Jackson Barracks to assist in the completion of historic preservation at the post.

I ask the support of my colleagues in enabling the National Park Service to aid in the restoration of Jackson Barracks through the Historic Preservation Fund. I am not asking for additional dollars, but rather that the money that was saved on previous projects be recommitted and used for this vital need.

By Ms. LANDRIEU:

S. 3448. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation to reauthorize the Cane River National Heritage Area Commission and modify the boundaries of the heritage area. In 1994, Congress recognized this area as one of the nation's cultural and historic treasures. In the 1700s, Creole culture flowered across the stunning landscapes of the Cane River, and the Creole culture continues to enliven the region to this day. In terms of beauty, it is not only the landscape but the Creole architecture from that time period that charms visitors. Today, the 35 mile region includes the Cane River Creole National Historical Park, seven national historic landmarks, three state historic sites, and 24 properties listed on the National Register of Historic Places.

Anchored by the city of Natchitoches, which traces its history to a French colonial settlement established in 1714 near the Natchitoches Indian village on the Red River, the region's colonial forts, Creole plantations, churches, cemeteries, archeological sites, historic transportation routes, and commercial centers provide a unique view into Louisiana's past.

I am proud to represent the people of Louisiana by asking the 110th Congress to reauthorize this National Heritage Area and reaffirm the importance of the Cane River Creole culture as a nationally significant element of American heritage.

This should not be a difficult task. Congress has once before agreed to establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river. Now, I ask this Congress to do it again by reauthorizing the Cane River National Heritage Area.

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. 3448

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 "Cane River National Heritage Area Reauthorization Act of 2008".

SEC. 2. CANE RIVER NATIONAL HERITAGE AREA.

(a) BOUNDARIES.—Section 401 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–21) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

"(4) fostering compatible economic development;

"(5) enhancing the quality of life for local residents; and"; and

(2) in subsection (c), by striking paragraphs (1) through (6) and inserting the following:

"(1) the area generally depicted on the map entitled 'Revised Boundary of Cane National Heritage Area Louisiana', numbered 494/80021, and dated May 2008;

"(2) the Fort Jesup State Historic Site; and

"(3) as satellite site, any properties connected with the prehistory, history, or cultures of the Cane River region that may be the subject of cooperative agreements with the Cane River National Heritage Area Commission or any successor to the Commission.".

(b) CANE RIVER NATIONAL HERITAGE AREA COMMISSION.—Section 402 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–22) is amended—

(1) in subsection (b)—

(A) by striking "19" and inserting "23";

(B) in paragraph (4), by inserting "the Natchitoches Parish Tourist Commission and other" before "local";

(C) in paragraph (7), by striking "Concern Citizens of Cloutierville" and inserting "Village of Cloutierville";

(D) in paragraph (13), by striking "are landowners in and residents of" and inserting "own land within the heritage area";

(E) in paragraph (16)—

(i) by striking "one member" and inserting "2 members"; and

(ii) by striking "and" at the end; and

(F) by redesignating paragraph (17) as paragraph (19); and

(G) by inserting after paragraph (16) the following:

"(17) 2 members, 1 of whom represents African American culture and 1 of whom represents Cane River Creole culture, after consideration of recommendations submitted by the Governor of Louisiana;

"(18) 1 member with knowledge of tourism, after consideration of recommendations by the Secretary of the Louisiana Department of Culture, Recreation and Tourism; and".

(2) in subsection (c)(4), by striking ", such as a non-profit corporation,";

(3) in subsection (d)—

(A) in paragraph (5), by striking "for research, historic preservation, and education purposes" and inserting "to further the purposes of title III and this title";

(B) in paragraph (6), by striking "the preparation of studies that identify, preserve, and plan for the management of the heritage area" and inserting "carrying out projects or programs that further the purposes of title III and this title"; and

(C) by striking paragraph (8) and inserting the following:

"(8) develop, or assist others in developing, projects or programs to further the purposes of title III and this title;"; and

(4) in the third sentence of subsection (g), by inserting ", except that if any of the organizations specified in subsection (b) ceases to exist, the vacancy shall be filled with an at-large member" after "made".

(c) PREPARATION OF THE PLAN.—Section 403 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–23) is amended by adding at the end the following:

"(d) AMENDMENTS.—

"(1) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the heritage area shall be reviewed by the Secretary and approved or disapproved in the same manner as the management plan.

"(2) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds made available under this title to implement an amendment to the management plan until the Secretary approves the amendment.".

(d) TERMINATION OF HERITAGE AREA COMMISSION.—Section 404 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–24) is amended—

(1) in subsection (a), by striking "the day occurring 10 years after the first official meeting of the Commission" and inserting "August 5, 2025"; and

(2) in the third sentence of subsection (c), by striking ", including the potential for a nonprofit corporation,".

By Ms. LANDRIEU:

S. 3449. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as a unit of the National Park System. To be eligible for favorable consideration as a unit of the National Park System, an area must possess nationally significant natural, cultural or recreational resources. The Lower Mississippi River area in Plaquemines Parish meets and exceeds these criteria.

I am proud to come to the floor today to introduce this bill. Anyone who has visited Plaquemines Parish knows that it is one of the Nation's unique treasures. The natural beauty there at the mouth of the Mississippi is impossible to describe, but impossible not to love. The area is rich in history, and it is a preserve for one of the nation's most unique cultural mélanges.

That mix began after the Native Americans in the region began to intermingle with the Spanish explorers who traveled along the banks of the river in the 1500s. In 1682, René-Robert Cavelier de LaSalle claimed all the land drained by the Mississippi for France area. In 1699, the area became the site of the first fortification on the Lower Mississippi River, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, originally built in 1749, proved to be instrumental during the Battle of New Orleans by blocking the British Navy from going up river. Fort Jackson was built at the request of General Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard. This fort was the site of the famous Civil War battle know as the ''Battle of Forts'' which is also referred to as the ''night the war was lost.''

As this glimpse of the region's military history shows, the Lower Plaquemines region is of national cultural and historical significance.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the U.S. It is also home to the ancient Head of Passes site, Plaquemines Bend, geological features and two national wildlife refuges.

Finally, the area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for transportation of our Nation's energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana's economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. I hope that my colleagues will join me in supporting this bill which simply allows the National Park Service to study the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

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

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

S. 3449

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 ''Lower Mississippi River National Historic Site Study Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Lower Mississippi area located south of New Orleans, Louisiana, which is known as ''Plaquemines Parish'', has great historical significance;

(2) from the earliest Spanish explorers traveling along the banks of the Lower Mississippi River in the 1500's, to Robert de La-Salle claiming all of the land drained by the Lower Mississippi River in 1682, to the petroleum, fisheries, and transportation industries of today, the area is one of the most unique areas in the continental United States;

(3) while, in 1699, the area became the site of the first fortification on the Lower Mississippi River, known as ''Fort Mississippi'', it has since been home to 10 different fortifications, more than a dozen light houses, and several wildlife refuges, quarantine stations, and pilot stations;

(4) of particular interest to the area are—

(A) Fort St. Philip, originally built in 1749, at which, during the Battle of New Orleans, the British navy was blocked from going up river and a victory for the Colonial Army was ensured; and

(B) Fort Jackson, built across from Fort St. Philip at the request of General Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard, which was the site of the famous Civil War battle known as the ''Battle of the Forts'', which is also referred to as the ''night the war was lost'';

(5) the area is—

(A) at the end of the longest continuous river road and levee system in the United States; and

(B) a part of the River Road highway system;

(6) lower Plaquemines Parish is split down the middle by the Mississippi River, surrounded on 3 sides by the Gulf of Mexico, and crossed by numerous bayous, canals, and ditches;

(7) Fort Jackson and Fort St. Philip are located on—

(A) an ancient Head of Passes site; and

(B) 1 of the most historic areas on the Lower Mississippi River known as ''Plaquemines Bend'';

(8) the modern Head of Passes is only 21 miles south of Fort Jackson and Fort St. Philip where the Mississippi River splits into a bird foot delta to travel the last 20 miles to the Gulf of Mexico;

(9) there are numerous geological features that are unique to a large river mouth or delta that could make a national park in the area a particularly intriguing attraction;

(10) the coastal erosion, subsidence, river hydraulics, delta features, fresh, salt, and brackish water marshes, and other unique features of the area could be an effective classroom for the public on the challenges of protecting our river and coastal zones;

(11) the area includes the beginning of the Mississippi River flyway, which is—

(A) 1 of the most pristine eco-sites in the United States; and

(B) the site of 2 national wildlife refuges and 1 state wildlife refuge;

(12) the area is culturally diverse in history, population, industry, and politics;

(13) many well-known characters lived or performed deeds of great notoriety in the area;

(14) in the area, Creoles, Europeans, Indians, Yugoslav, African-Americans, and Vietnamese all worked together to weave an interesting history of survival and success in a very treacherous environment;

(15) the area has tremendous tourism potential, particularly for historical tourism and eco-tourism, because of the location, pristine ecosystems, and past indifference of the local government to promote tourism in the area; and

(16) since Hurricane Katrina, the local government in the area has—

(A) passed a resolution strongly supporting a national park study; and

(B) shown an interest in developing tourism in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) STUDY AREA.—

(A) IN GENERAL.—The term ''Study Area'' means the Lower Mississippi River area in the State of Louisiana.

(B) INCLUSIONS.—The term ''Study Area'' includes Fort St. Philip and Fort Jackson, the Head of Passes, and any related and supporting historical, natural, cultural, and recreational resources located in Plaquemines Parish, Louisiana.

(2) SECRETARY.—The term ''Secretary'' mean the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the State of Louisiana and interested groups and organizations, shall complete a special resource study that—

(1) evaluates—

(A) the national significance of the Study Area; and

(B) the suitability and feasibility of designating the Study Area as a unit of the National Park System, to be known as the ''Lower Mississippi River National Park'';

(2) includes cost estimates for the acquisition, development, operation, and maintenance of the Study Area; and

(3) identifies alternatives for management, administration, and protection of the Study Area.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

SEC. 5. REPORT.

On completion of the study under section 4, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.