

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

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

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

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

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

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

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

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

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5249. Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 5249.** Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 3268, to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . OPEN FUEL STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

##### "SEC. 32920. OPEN FUEL STANDARD FOR TRANSPORTATION.

"(a) **DEFINITIONS.**—In this section:

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

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

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

"(A) a flexible fuel automobile; or

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

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

"(A) a passenger automobile; or

"(B) a non-passenger automobile.

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

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

"(b) **OPEN FUEL STANDARD FOR TRANSPORTATION.**—

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

"(2) **TEMPORARY EXEMPTION FROM REQUIREMENTS.**—

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

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

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

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

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

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

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

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

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

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

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

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

“(ii) may only be removed after recall and installation of the required components.

“(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

“(3) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to carry out this section.”.

## NOTICES OF HEARINGS

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a public markup of a bill to reauthorize the Small Business Innovation Research program on Wednesday, July 30, 2008, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 30, 2008, at 10 a.m. to hear testimony on S. 3212, the “Bipartisan Electronic Voting Reform Act of 2008.”

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 224-7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 31, at 9:30 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a meeting on pending legislative issues, to be followed immediately by a hearing entitled “Indian Health Service Management: Lost Property, Wasteful Spending and Document Fabrication.”

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## MEASURE PLACED ON THE CALENDAR—S. 3344

Mr. DURBIN. Mr. President, I understand S. 3344 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 3344) to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

Mr. DURBIN. Mr. President, I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar under rule XIV.

## MEASURE READ THE FIRST TIME—S. 3348

Mr. DURBIN. Mr. President, I understand that S. 3348, introduced earlier today by Senator COBURN, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The bill clerk read as follows:

A bill (S. 3348) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will remain at the desk and have its second reading on the next legislative day.

## TEMPORARY EXTENSION OF PRO- GRAMS UNDER HIGHER EDU- CATION ACT OF 1965

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3352, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3352) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3352) was ordered to a third reading, was read the third time, and passed.

S. 3352

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

## SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

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

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

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

## ORDERS FOR TUESDAY, JULY 29, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Tuesday, July 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the Republicans control the first 30 minutes and the majority control the next 30 minutes; finally, that the Senate recess from 12:30 to 2:15 p.m. for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 7:55 p.m., recessed until Tuesday, July 29, 2008, at 10 a.m.