

schedule can be challenged when someone believes that a statute passed by Congress to provide compensation for the service-disabled is being violated.

Veterans seeking to challenge the denial of benefits based on the rating schedule's lack of consistency with other laws are subject to rejection by the court due to the prohibition in current law. The United States Court of Appeals for the Federal Circuit held, in *Wanner v. Principi*, 370 F.3d 1124, 2004, that the language in current law "removes from the Veterans Court's jurisdiction all review involving the content of the rating schedules and the Secretary's actions in adopting or revising them."

One example of the kind of case that would be affected by the change to the law is VA's lack of action in response to legislation enacted in 2002 which allows veterans who qualify for compensation due to the loss of hearing in both ears to receive special "paired organ" benefits. In the years since that law was passed, many veterans serving in Iraq have suffered hearing loss after being exposed to Improvised Explosive Device blasts. However, VA has yet to issue regulations to amend the rating schedule, as required by the law. Under the current state of the law, no one could bring a legal challenge to that failure to act.

I note that the exception to the ban on review of the rating schedule proposed in this bill is a limited one. The bill would not allow for a wholesale assault on the rating schedule. It would merely provide judicial review of cases where compliance with a law passed by Congress is challenged.

I urge all of my colleagues to support this measure, so that veterans seeking justice may have an appropriate forum to challenge the VA's compliance with governing statutes.

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. 2737

*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 "Veterans' Rating Schedule Review Act".

#### SEC. 2. REVIEW BY UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS OF COMPLIANCE OF SCHEDULE OF RATINGS FOR DISABILITIES WITH STATUTORY REQUIREMENTS APPLICABLE TO ENTITLEMENT TO DISABILITY COMPENSATION.

Section 7252(b) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(b)";  
 (2) by striking the third sentence; and  
 (3) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the Court may not review the schedule of ratings for disabilities adopted under section 1155 of this title or any action of the Secretary in adopting or revising that schedule.

"(B) The Court may review whether, and the extent to which, the schedule of ratings

for disabilities complies with applicable requirements of chapter 11 of this title."

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 477—SUPPORTING THE GOALS AND IDEALS OF DESIGNATING MARCH 2008 AS NATIONAL MULTIPLE SCLEROSIS EDUCATION AND AWARENESS MONTH

Mr. CASEY (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

H. RES. 477

Whereas multiple sclerosis can impact men and women of all ages;

Whereas multiple sclerosis affects men and women of all races and ethnicities;

Whereas approximately 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas approximately 200 people a week are diagnosed with multiple sclerosis;

Whereas over 400 cases of childhood multiple sclerosis have been identified in medical journals since 1980 and it is estimated that between 8,000 and 10,000 children and adolescents are affected;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin, destroying it and replacing it with scar tissue and severing nerve fibers interfering with the transmission of nerve signals;

Whereas in rare cases multiple sclerosis is so progressive it is fatal;

Whereas there is no known cure for multiple sclerosis; and

Whereas March 2008 is recognized as National Multiple Sclerosis Education and Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(2) invites the chief executive officers of the States, territories, and possessions of the United States to issue proclamations designating March 2008 as National Multiple Sclerosis Education and Awareness Month and recognizing the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(3) commends the efforts of the States, territories, and possessions of the United States, localities, non-profit organizations, businesses, and other entities and the people of the United States who support the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(4) recognizes and reaffirms our Nation's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(5) recognizes all Americans living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

Mr. President, I offer today, along with my colleague Senator SNOWE, this resolution supporting the goals and ideals National Multiple Sclerosis Education and Awareness Month. I am pleased to introduce this resolution which recognizes and reaffirms our commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research and expanding access to medical treatment. It is also my hope that this resolution that Senator SNOWE and I offer today will help us to more consciously recognize all Americans living with multiple sclerosis. We are grateful to their family members and friends who are a source of love and encouragement to them and we salute the health care professionals and medical researchers who provide assistance to those with MS and who continue to work to find cures and improve treatments.

We know a lot about MS but unfortunately there is still a great deal we do not know. We know it can strike males and females of all ages, races and ethnicities. Today, approximately 400,000 Americans live with this disease and about 2.5 million people have been diagnosed worldwide. Every week, another 200 people are diagnosed and it is estimated that between 8,000 and 10,000 children and adolescents have MS.

The exact cause of multiple sclerosis is still unknown and its symptoms are unpredictable, varying from person to person. We have no laboratory test that will tell us if someone has multiple sclerosis. This disease is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease.

Multiple sclerosis symptoms occur when an immune system attack affects the myelin, destroying it and replacing it with scar tissue and severing nerve fibers, thus interfering with the transmission of nerve signals. There is as yet no known cure for multiple sclerosis. MS can be an especially devastating disease as it is often diagnosed in young adults who are just setting out on their own, beginning their personal and professional lives. While MS is not a fatal disease, it is a noncurable, sometimes progressive disease that can affect every aspect of life.

Because MS is an unpredictable disease, it presents those suffering from it with many uncertainties about the future. For instance, one young constituent of mine suffering from MS confided that she felt limited in choosing a career, feeling that she needed to find an occupation that could accommodate any potential disabilities. In considering employment offers, she not

only had to consider the merits of the job itself, but also had to factor in finding employment with someone who provided adequate insurance coverage and leave policies, and was also willing to accommodate situations like the need for flexible work schedules and adaptive equipment.

MS can also complicate decisions about personal relationships, marriage, and child bearing. Since MS affects twice as many women as men, young women with MS often struggle with the decision of whether or not to have children who could potentially inherit the disease. In making such decisions, they also have to consider options for caring for those children in the event that MS leaves them impaired or disabled.

Because many of the symptoms of MS—like fatigue, pain, vision problems, and numbness of extremities—are “invisible” to others, people often don’t realize the extent to which the disease affects those who suffer from it.

For those suffering from MS, some of the most important steps they can take are to seek prompt treatment with a physician qualified to address MS, consider beginning therapy with one of the FDA approved disease modifying drugs, and develop a supportive network of family and friends.

The most important thing that we in Congress can do for those who have MS is recognize the scope of this illness, which we are doing through this resolution, and resolve to find ways to improve treatments for those suffering from this devastating disease, and ultimately, resolve to help find a cure. With this resolution, I also invite the chief executive officers of the States, territories and possessions of the U.S. to issue proclamations designating National Multiple Sclerosis Education and Awareness Month.

**SENATE RESOLUTION 478—SUPPORTING THE GOALS AND IDEALS OF “WORLD WATER DAY”**

Mr. SMITH (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 478

Whereas the United Nations General Assembly, via resolution, has designated March 22 of each year as World Water Day;

Whereas a person needs 4 to 5 liters of water per day to survive;

Whereas a person can live weeks without food, but only days without water;

Whereas every 15 seconds a child dies from a water-borne disease;

Whereas, for children under age 5, water-borne diseases are the leading cause of death;

Whereas millions of women and children spend several hours a day collecting water from distant, often polluted sources;

Whereas every dollar spent on water and sanitation saves on average \$9 in costs averted and productivity gained;

Whereas, at any given time, ½ of the world’s hospital beds are occupied by patients suffering from a water-borne disease;

Whereas 88 percent of all diseases are caused by unsafe drinking water, inadequate sanitation, and poor hygiene;

Whereas 1,100,000,000 (1 in 6) people lack access to an improved water supply;

Whereas 2,600,000,000 people in the world lack access to improved sanitation;

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the participants in the 2002 World Summit on Sustainable Development in Johannesburg, including the United States, agreed to the Plan of Implementation which included an agreement to work to reduce by ½ from the baseline year 1990 “the proportion of people who are unable to reach or to afford safe drinking water”, “and the proportion of people without access to basic sanitation” by 2015; and

Whereas Congress passed and the President signed into law the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), which was intended to “elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs”: Now, therefore, be it

*Resolved, That the Senate—*

(1) supports the goals of ideals of “World Water Day”;

(2) urges an increased effort and the investment of greater resources by the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies toward providing sustainable and equitable access to safe drinking water and sanitation for the poor and the very poor; and

(3) encourages the people of the United States to observe the week with appropriate activities that promote awareness of the importance of access to clean water.

Mr. SMITH. Mr. President, I rise today to introduce a resolution supporting the ideals and goals of World Water Day. I am pleased to have my colleague Senator JOHN KERRY joining me in this cause by serving as the co-sponsor of this resolution.

March 22 was established as World Water Day by the United Nations General Assembly to promote awareness of the importance of access to clean water and improved sanitation. Over 1 billion people lack access to an improved water supply and 2.6 billion people lack access to improved sanitation.

Activities are planned internationally to further the goals and ideals of World Water Day. In many cities across the United States, UNICEF is sponsoring the Tap Project. Restaurants will offer patrons the opportunity to add at least \$1 to their checks during the week of March 16. Each dollar donated will result in a child receiving clean water for 40 days. There are currently 16 featured cities, including Portland, OR, and Boston MA.

In 2000, the United Nations member States adopted eight millennium development goals as a basis for working cooperatively. To ensure environmental stability, one of the goals established is to reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. While some progress has been made, much more remains to be done. The United Nation’s 2007 Millennium Development Goals Report reveals that we are on pace to miss the

2015 target for access to basic sanitation by over 600 million.

Each day millions of women and girls spend hours traveling miles to transport water to their homes. In many cases, the source is polluted. At any given time, half of the world’s hospital beds are occupied by patients suffering from waterborne diseases. These diseases are the leading cause of death for children under 5.

The Senator Paul Simon Water for the Poor Act of 2005 set a goal of providing equal and affordable access to clean and safe water and sanitation in developing countries. This access has long been recognized by the U.S. as a contributing factor to our foreign policy interests. More importantly, access to clean and safe water is basic human right.

We urge our colleagues to support this important piece of legislation.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 4147. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4149. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

SA 4150. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, supra.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 4147. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by \$2,000,000.

On page 18, line 17, increase the amount by \$1,000,000.

On page 18, line 21, increase the amount by \$1,000,000.

On page 27, line 16, decrease the amount by \$2,000,000.