CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

AMENDMENT NO. 4364
(Purpose: To provide a deficit-neutral reserve fund to provide for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals)

At the appropriate place, insert the following:

 SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), by the amounts provided in that legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018.

AMENDMENT NO. 4365
(Purpose: To provide for a deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018)

On page 27, after line 25, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018.

Mr. REID. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I understand we are now proceeding to the Boxer amendment.

Mr. CONRAD. Mr. President, if I may just review for our colleagues, that is 30 amendments that were just cleared. We now go to an amendment by Senator Boxer.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 4368, AS MODIFIED

Mrs. BOXER. Mr. President, I have a modification at the desk seen by both sides. We left out the second page originally. It asked unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. Boxer] proposes an amendment numbered 4368, as modified.

The amendment is as follows:

(Purpose: To increase funding for the Department of Justice for the vigorous enforcement of laws protecting children)

On page 24, line 16, increase amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

Mrs. BOXER. Mr. President, this is a little complicated. The only reason I am offering this amendment is as a substitute to the Ensign amendment which is coming next. The Ensign amendment does something I have never seen in all my years in the Senate. It funds a program that is not the law of the land. It funds a program that Senator Ensign strongly supports. It did pass the last Congress—not this Senate, the last Senate. He is setting aside $50 million in the Justice Department for this particular priority. What if we each came down here with our priority bill? I have one to fund preschool for all kids, but it is not passed. If I asked you to set aside $50 million for a bill that was not law yet, it would make no sense. When I asked Senator Ensign, he said: Well, it could pass. The Child Custody Protection Act could pass. It could pass here. It could pass the House. It could be signed by the President. But my friends, what I do here is just say: Let’s take that same amount of money and use it for all child protection laws. I hope Members will support my amendment.

Mr. ENSIGN. Mr. President, what we have done with the Child Custody Protection Act—Senator Boxer is correct, it is a bill that passed the U.S. Senate on a bipartisan vote of 65 to 34. What we are doing is setting up a reserve fund that says if it passes this year, the money will be there to enforce it.

We know around here a lot of times things are authorized, things are passed, but then the money is not there to enforce it. So what we want to do is set up a reserve fund so that if the law is passed, we will have the money there to enforce it. This has to do with protecting minor children. There are many States in this country that have passed laws—parental notification, parental consent laws—that want to protect the rights of parents and children from being taken across State lines by adults. That is what this bill will allow the enforcement of, to make sure the Child Custody Protection Act has the money to be enforced by law enforcement across this country.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENSIGN. Mr. President, what we have done with the Child Custody Protection Act—Senator Boxer is correct, it is a bill that passed the U.S. Senate on a bipartisan vote of 65 to 34. What we are doing is setting up a reserve fund that says if it passes this year, the money will be there to enforce it.

We know around here a lot of times things are authorized, things are passed, but then the money is not there to enforce it. So what we want to do is set up a reserve fund so that if the law is passed, we will have the money there to enforce it. This has to do with protecting minor children. There are many States in this country that have passed laws—parental notification, parental consent laws—that want to protect the rights of parents and children from being taken across State lines by adults. That is what this bill will allow the enforcement of, to make sure the Child Custody Protection Act has the money to be enforced by law enforcement across this country.

The motion to lay on the table was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 335, as modified.

The clerk will call the roll.

The legislative clerk called the roll. Mr. DURBIN announced that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Bond
Bingaman
Bennett
Bayh
Akaka
BYRD, the Senator from Washington (Mr.)

The result was announced—yeas 90, nays 49, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bennett
Bingaman
Bond
Boxer
Bond
Bingaman
Bennett
Bayh
Akaka

The amendment (No. 3368), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASEY. Mr. President, on roll-call vote 70, I voted “nay.” It was my intention to vote “yea.” Therefore, I ask unanimous consent I be permitted to change my vote, since it will not affect the outcome—the outcome being 89 to 6.

The PRESIDING OFFICER. Without objection, it is so ordered. (The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, did we move to reconsider and table?

The PRESIDING OFFICER. It has been done.

Mr. CONRAD. Mr. President, can we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CONRAD. Mr. President, we need to ask people to hold it down so we can conduct business. It will go much faster if we do that and respect the rights of Senators to be heard.

We now go to Senator ENNS. for an amendment.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 335

Mr. ENNS. Mr. President, the last amendment Senator BOXER offered was extra money to have laws that protect children. That is fine. That is why I voted for that last amendment. We could actually have taken that amendment by a voice vote.

What my amendment now does is create money so we will be able to enforce the Child Custody Protection Act when we enact that law. Around here, as I said before, too many times we enact laws, we authorize things, and we do not fund them. This is going to set up funding so the Child Custody Protection Act the law that says we are going to protect young children from being taken across State lines to have a surgical procedure, a surgical abortion—we are going to make sure those people are protected.

Mr. President, I call up amendment No. 335.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. ENNS) proposes an amendment numbered 335. Mr. ENNS. Mr. President, I ask unanimous consent on the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for the Department of Justice for the vigorous enforcement of a prohibition against taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions consistent with the Child Custody Protection Act, which passed the Senate by a bipartisan vote of 53–49, with an offset).

On page 24, line 16, increase the amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

Mr. ENNS. Mr. President, I will finish very briefly.

This amendment strictly funds the Child Custody Protection Act that passed the Senate in a bipartisan fashion by a vote of 65 to 34. We will now vote to make sure it is funded. That is simply what my amendment does.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to inform all colleagues on both sides of the aisle that you voted for $50 million to enhance the enforcement of child protective laws. If Senator ENNS’s bill becomes a law—which it is not the law; it has not passed this Senate in this Congress and I do not believe people feel it is going to become law—if it does become law, then that money is already there to be used for such a program.

But now to set aside funding for a bill that is not a law is the oddest kind of precedent. It is kind of “Alice in Wonderland,” to be honest with you. Every one of us could take our favorite bill and say: Let’s set aside funding in case my bill becomes law.

This is not the way to legislate. We have put in $50 million to enhance the enforcement of child protective laws, including this particular bill.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. BOXER. I hope my colleagues will vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ENNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bennett
Bingaman
Bond
Boxer
Bond
Bingaman
Bennett
Bayh
Akaka

The amendment (No. 3368), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASEY. Mr. President, on roll-call vote 70, I voted “nay.” It was my intention to vote “yea.” Therefore, I ask unanimous consent I be permitted to change my vote, since it will not affect the outcome—the outcome being 89 to 6.

The PRESIDING OFFICER. Without objection, it is so ordered.
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McKaskill

Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Rockefeller
Salazar
Sanders

Schumer
Snowe
Spector
Stabenow
Tester
Webb
Whitehouse
Wyden

Byrd
McCain

Mrs. BOXER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

Mr. Byrd. Mrs. Boxer, if you would yield for a moment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the next amendment ready to go is an amendment by the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. DEMINT] presents an amendment numbered 4340.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of amendment No. 4313 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4340.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The PRESIDING OFFICER. The Senator from South Carolina [Mr. DEMINT] is so ordered.

The PRESIDING OFFICER. It is so ordered.

Mr. BOXER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4340.

Mr. DEMINT. Mr. President, with high gas prices becoming an increasingly difficult burden for all American families, it is very important that we consider all the legislation we pass here to make sure it doesn’t further increase the prices of gasoline.

This is a very simple amendment that creates a 60-point vote of order against any legislation that would cause the price of gasoline to increase, as determined by the CBO in consultation with the Energy Information Agency.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, might I ask a series of questions, through the Chair, to the Parliamentarian?

The PRESIDING OFFICER. The Senator may do so.

Mr. CONRAD. Mr. President, I ask the Chair if the amendment by the Senator from South Carolina is germane to the budget resolution?

The PRESIDING OFFICER. The amendment is not germane.

Mr. CONRAD. The second question is, if this amendment is adopted, is it corrosive to the privileged standing of budget resolutions?

The PRESIDING OFFICER. It is corrosive.

Mr. CONRAD. No. 3, if this amendment were adopted and went to conference and if it came back from conference, would it be fatal to the budget resolution’s privileged status?

The PRESIDING OFFICER. It would be.

Mr. CONRAD. This amendment is simply not in the jurisdiction of the Budget Committee. It is in the jurisdiction of the Energy Committee.

I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974. It is not germane.

The PRESIDING OFFICER. The point of order is premature. The Senator from South Carolina still has 29 seconds.

Mr. DEMINT. Parliamentary inquiry: Mr. President, if this point of order is waived and the amendment is adopted, would it cause the budget resolution to lose its privileged status at this time?

The PRESIDING OFFICER. It would not.

Mr. DEMINT. Mr. President, in that case, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia [Mr. BYRD] is necessarily absent.

Mr. KYL. The following Senator is necessarily absent; the Senator from Arizona [Mr. MCCAIN].

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 72 Leg.]

NAYS—59

Byrd
McCain

Akaka
Alexander
Baucus
Bayh
Baucus
Benett
Biden
Bingaman
Bingo
Brown
Brown
Boxer
Burry
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Conrad
Corker
DeMint
Dodd
Dorgan
Domenici
Dorgan

Durbin
Feingold
Feinstein
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levine
Lugar
Martin
McConnell

Menendez
Mikulski
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Perry
Reid
Reid
Reid
Roberts
Sanders
Schumer
Schockley
Spectrum
Stabenow
Stearns
Stevens
Tester
Whitehouse
Wyden

NOT VOTING—2

Yeas 39, nays 59, as follows:

Byrd
McCain

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 59. Three-fifths of the Senators duly chosen and sworn have voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from North Dakota [Mr. CONRAD]. The next amendment in order is the amendment of the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I call up amendment No. 4313 and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I call up amendment No. 4313 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4313.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.
The amendment is as follows:

(Purpose: To protect the family budget from runaway Government spending by increasing the number of Senators necessary to waive the PAYGO Point of Order from 60 to 100.)

At the end of title II, insert the following:

SEC. __. INCREASING THE NUMBER OF SENATORS NECESSARY TO WAIVE THE PAYGO POINT OF ORDER FROM 60 TO 100.

Section 201(b) of S. Con. Res. 21 (110th Congress) is amended by striking "three-fifths" both places it appears and inserting "all."

Mr. CORNYN. Mr. President, my amendment concerns pay-go or pay-as-you-go. Right now pay-go may be waived if 60 Senators support doing so. My amendment would strengthen the pay-go provision by requiring that all 100 Members of the Senate support waiving pay-go before it may be waived.

Pay-go is so riddled with exceptions that the Wall Street Journal has referred to it as the "pay-go farce." If the Senate is serious about fiscal discipline and believes that pay-go is a useful tool in helping control Government spending, then the Senate should be unanimous in passing any bill that violates pay-go, a tool the majority, including members of the Budget Committee, has advocated as a way to keep check on expanding or creating a new Government program. It has been criticized because it does not apply to discretionary spending and has failed to constrain the growth in entitlement programs.

Pay-go needs to be honest. There are concerns pay-go or pay-as-you-go. Right now pay-go may be waived if 60 Senators support doing so. My amendment would strengthen the pay-go provision by requiring that all 100 Members of the Senate support waiving pay-go before it may be waived.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

Mr. CONRAD. I move to waive section 305(b)(2) of the Congressional Budget Act for consideration of this amendment to S. Con. Res. 70. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

The question is on agreeing to the motion. The clerk will call the roll.

The assistant journal clerk called the roll.

The yeas and nays resulted—yeas 27, nays 71, as follows:

YEAS—27

Yates

NAYS—71

Mr. CONRAD. Mr. President, so the challenge of this amendment is it is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. CONRAD. We thank the leaders for their courtesy.

We can go now to the Kyl amendment.

Mr. KYL. While we are getting order, I think it would be helpful to vote on the Kyl amendment before we get to the next, the reconciliation amendment. The reconciliation amendment is a significant one and will be the subject of a 10-minute debate. It may be more efficient and effective.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KYL. Prior to that time, we are going to have a finite list.

Mr. REID. Prior to that time, we are going to have a finite list.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the chairman for his courtesy.

One of the questions we are most frequently asked is, are we, for sure, going to do the tax extenders—the R&D tax credit, the sales tax deduction, the $250 teacher deduction, and the tuition deduction. These already expired at the end of last year, and there are three more that will expire at the end of this year. We need to provide a definitive answer—yes, we are going to do the extenders package.

Mr. KYL. Mr. President, I am having a hard time hearing. I think the Senator deserves to be heard. This is a serious amendment.

Mr. REID. Mr. President, let me just help people understand where we are. We have what conceivably could be 9 or 10 more rollcall votes but dozens of additional amendments that are out there pending—as many as a total of 50. So that is the circumstance we face. The only way that Senator Gregg and I can see to reach conclusion tonight is if we devise another managers' package, put together amendments that can be cleared on both sides and deal with these other votes that require rollcalls, starting with Senator Kyl on his extenders.

Do we want to go to Senator DeMint?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, let me thank all colleagues for their extraordinary patience. This will be, before the end of the day, I think, a record number of votes on a budget resolution in 1 day. I don't think that is anything particularly to be proud of, but it is the reality of what we are confronting.

We can go now to the Kyl amendment.

Mr. GREGG. Mr. President, as I understand it, the next two amendments will first be Kyl, and then we will go to the DeMint amendment, which has been anxiously awaited by large numbers of people.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the chairman for his courtesy.

One of the questions we are most frequently asked is, are we, for sure, going to do the tax extenders—the R&D tax credit, the sales tax deduction, the $250 teacher deduction, and the tuition deduction. These already expired at the end of last year, and there are three more that will expire at the end of this year. We need to provide a definitive answer—yes, we are going to do the extenders package.

Now, the budget accommodates generally expiring tax provisions.

Mr. CONRAD. Mr. President, I am having a hard time hearing. I think the Senator deserves to be heard. This is a serious amendment.

Mr. KYL. Mr. President, let me just help people understand where we are. We have what conceivably could be
The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:
The Senator from Arizona (Mr. Kyl) proposes an amendment numbered 4398.

Mr. KYL. I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:
(Purpose: To provide certainty to taxpayers by extending expiring tax provisions such as the Research & Tax Credit that helps U.S. companies innovate, the combat pay exclusion for our soldiers in the field, the education deduction to make colleges more affordable and the alternative energy incentives to make the environment cleaner through the end of 2009)

On page 3, line 10, decrease the amount by $3,692,000,000.

On page 3, line 11, decrease the amount by $10,346,000,000.

On page 3, line 12, decrease the amount by $8,659,000,000.

On page 3, line 13, decrease the amount by $3,692,000,000.

On page 3, line 14, decrease the amount by $2,396,000,000.

On page 3, line 15, decrease the amount by $3,720,000,000.

On page 3, line 16, decrease the amount by $1,446,000,000.

On page 3, line 17, decrease the amount by $2,396,000,000.

On page 3, line 18, decrease the amount by $2,070,000,000.

On page 3, line 19, decrease the amount by $310,000,000.

On page 3, line 20, decrease the amount by $33,600,000.

On page 3, line 21, decrease the amount by $1,277,000,000.

On page 3, line 22, decrease the amount by $1,068,000,000.

Mr. KYL. Mr. President, just to conclude, the budget says expiring provisions are accommodated, but I don’t think the Senate is going to raise $50 billion in new taxes to pay for these, to pay permanently for 1 or 2 years of these extenders. In fact, in recent times, more often than not, we have extended these tax provisions without offsets. In fact, this was done when the Democratic Party was in control of this Chamber, of this body, in the year 2002.

So what this amendment does is it simply explicitly extends all of these expiring tax provisions, which would expire at the end of this year and that have already expired, and it would not be required to have a permanent increase in taxes in order to accommodate that extension.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. I move to lay that motion on the table.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

Mr. KYL. Mr. President, is there any time remaining on my side?

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia, (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—49

Alexander  Grapo  McCain
Allard  DeMint  McConnell
Barrasso  Dole  Murkowski
Baucus  Domenici  Roberts
Brown  Enzi  Sasser
Bud  Enzi  Shelby
Baucus  Graham  Smith
Brownback  Grassley  Snowe
Burr  Gregg  Specter
Chambliss  Hagel  Stevens
Cochran  Hatch  Sununu
Collins  ischem  Vitter
Corker  Kyl  Warner
Cornyn  Lincoln  Wicker
Craig  Martinez

NAYS—50

Akaka  Harkin  Nelson (FL)
Baucus  Inouye  Nelson (NE)
Brownback  Johnson  Obama
Bingaman  Kennedy  Pryor
Boxer  Kerry  Reed
Brown  Klobuchar  Reid
Cantwell  Kohl  Rockefeller
Cardin  Landrieu  Salazar
Carper  Lautenberg  Sanders
Casey  Leahy  Schumacher
Clinton  Levin  Schumer
Craig  Lieberman  Shelby
Dodd  Lincoln  Tester
Durbin  McConnell  Voinovich
Feingold  Menendez  Whitehouse
Feinstein  Murray  Wyden

NOT VOTING—1

Byrd

The amendment (No. 4348) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

Mr. REID. Mr. President, this has been cleared by the minority and the majority managers.

I ask unanimous consent the following numbered amendments be the only amendments in order, that if Senator Gregg or Senator Conrad decide they want to call a side-by-side with these, that is at their discretion.

I would ask unanimous consent there be no second-degree amendments in order.

The amendments are: 4242, 4230, 4270, 4267, 4268, 4269, 4270, 4206, 4238, 4209, 4233, 4311, 4307, 4345, 4344, 4357, 4339, 4371, 4347, 4269, 4243, 4270, 4206, 4269, 4334, 4270, 4283, 4265, 4159, 4331, 4351, 4202, 4200, 4255, 4245, 4361, 4300, 4256, 4310 and an unnumbered
amendment by Senator Brown, an unnumbered amendment by Senator Whitehouse, an unnumbered amendment by Senator Bingaman, an unnumbered amendment by Senator Kyl, an unnumbered amendment by Senator DeMint, an amendment No. 4268, an unnumbered amendment by Senator Conrad, and an unnumbered amendment by Senator Vitter.

The PRESIDING OFFICIAL is the majority leader of the floor.

Mr. Reid. I would say to everyone, there is no one trying to take advantage of anyone. If there is a problem we will be happy to work with you. This is a finite list. If there is some misunderstanding, we have two of the most generous, patient men I have ever seen, Senator Conrad and Senator Gregg. We will work with you. Let’s get this locked down. If there is a problem, we will work with you. No one is trying to take advantage of anyone. I ask unanimous consent that we approve this agreement. If there is something that my friend from Louisiana has a problem with, we will talk with him.

The PRESIDING OFFICIAL. Is there objection?

Mr. Vitter. Reserving the right to object because I have no idea off the top of my head what all of those are. I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The majority leader has the floor.

Mr. Reid. I would say to everyone, there is no one trying to take advantage of anyone. If there is a problem we will be happy to work with you. This is a finite list. If there is some misunderstanding, we have two of the most generous, patient men I have ever seen, Senator Conrad and Senator Gregg. We will work with you. Let’s get this locked down. If there is a problem, we will work with you. No one is trying to take advantage of anyone. I ask unanimous consent that we approve this agreement. If there is something that my friend from Louisiana has a problem with, we will talk with him.

The PRESIDING OFFICIAL. Is there objection?

Mr. Vitter. Mr. President, point of clarification. If an amendment is not on that list, is it cut off for the evening?

Mr. Reid. Yes.

Mr. Vitter. I object.

The PRESIDING OFFICIAL. Objection is heard.

Mr. Conrad. Mr. President, while that matter is being resolved, could we go to the next amendment?

And the next amendment in order is Senator DeMint’s amendment No. 4347.

The PRESIDING OFFICIAL. The Senator from South Carolina.

Mr. DeMint. My colleagues, it is time for some straight talk on earmarks. And it is time for some real change that all Americans can believe in. All three of our colleagues running for President are cosponsors of this moratorium on earmarks.

All three of our colleagues running for President are cosponsors of this amendment. Senator McCain particularly for years of warning us of what earmarks and our earmark system were doing to undermine confidence in this Congress. I thank Senator McCaskill for her courage in standing up, and my Democratic co-sponsor Senators Obama, Clinton, and Bayh, and all of my Republican co-sponsors who know what we all know: that this earmark system is out of control.

It has undermined the faith and the confidence of the American people. It is time for a timeout. My amendment creates a 1-year moratorium on all earmarks by establishing—

The PRESIDING OFFICIAL. The Senator’s time has expired.

Does the Senator offer an amendment?

Mr. Gregg. I ask unanimous consent that the Senator be given 30 seconds to discuss this very important amendment.

Mr. Reid. I have no problem with that. I renew my previous unanimous consent request.

The PRESIDING OFFICIAL. Is there objection?

Without objection, it is so ordered.

Mr. DeMint. My amendment creates a 1-year moratorium on all earmarks by establishing a 67-vote point of order against bills with earmarks. We have heard all the excuses; we will hear some more tonight. I encourage all of my colleagues to vote against the status quo and vote for this moratorium to give us time and a sense of urgency to reform the system.

I reserve the remainder of my time.

Mr. DeMint. I call up amendment No. 4347 and ask for its immediate consideration.

The PRESIDING OFFICIAL. The clerk will report.

The assistant legislative clerk read the amendment (No. 4347) as follows:

"The Senator from South Carolina [Mr. DeMint], for himself, Mr. McCaskill, Mrs. McCaskill, Mr. Coburn, Mr. Kyl, Mr. Corker, Mr. Burr, Mr. Graham, Mr. Obama, Mrs. Clinton, Mr. Cornyn, Mr. Bayh, Mr. Martinez, Mr. Enzi, Mr. Grassi, and Mr. Inhofe, proposes an amendment numbered 4347.

Mr. DeMint. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 4347) is as follows:

(Purpose: To establish an earmark moratorium for fiscal year 2009)"

At the appropriate place, insert the following:

SEC. 2. FISCAL YEAR 2009 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report in-
The PRESIDING OFFICER. It would. Mr. CONRAD. Mr. President, I suggest the pending amendment is not germane; therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. DE MINT. May I ask the Chair a question?

The PRESIDING OFFICER. Yes. Mr. DE MINT. It is not the intent to bring down the budget or compromise a privilege in any way. If the Senator is worried about privilege, I ask unanimous consent if the motion to waive is successful, that the amendment be withdrawn and deemed passed in a separate Senate resolution.

Mr. CONRAD. I would be constrained to object. The PRESIDING OFFICER. Objection is heard.

Mr. DE MINT. If that is the case, I now move to waive the Budget Act and ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll. The bill clerk called the roll. The yeas and nays resulted—yeas 29, nays 71, as follows:

[Roll Call Vote No. 75 Leg.]

The reason the NFIB and other groups support the approach I have taken is they know it is an exercise in futility if all we do is say we are going
to pay for it with a tax increase, when, in fact, everybody knows we are not going to raise taxes permanently for estate tax relief.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4378.

Mr. CONRAD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The amendment is as follows:

(Purpose: To protect small businesses, family ranches and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%)

On page 3, line 12, decrease the amount by $500,000,000.
On page 3, line 13, decrease the amount by $19,500,000,000.
On page 3, line 14, decrease the amount by $18,600,000,000.
On page 3, line 15, decrease the amount by $19,900,000,000.
On page 3, line 21, decrease the amount by $500,000,000.
On page 3, line 22, decrease the amount by $19,500,000,000.
On page 3, line 23, decrease the amount by $18,600,000,000.
On page 3, line 24, decrease the amount by $19,900,000,000.
On page 4, line 6, increase the amount by $11,000,000.
On page 4, line 7, increase the amount by $499,000,000.
On page 4, line 8, increase the amount by $1,453,000,000.
On page 4, line 9, increase the amount by $2,468,000,000.
On page 4, line 15, increase the amount by $11,000,000.
On page 4, line 16, increase the amount by $499,000,000.
On page 4, line 17, increase the amount by $1,453,000,000.
On page 4, line 18, increase the amount by $2,468,000,000.
On page 4, line 24, increase the amount by $511,000,000.
On page 4, line 25, increase the amount by $19,999,000,000.
On page 5, line 1, increase the amount by $20,053,000,000.
On page 5, line 2, increase the amount by $22,368,000,000.
On page 5, line 9, increase the amount by $511,000,000.
On page 5, line 10, increase the amount by $20,509,000,000.
On page 5, line 11, increase the amount by $40,563,000,000.
On page 5, line 12, increase the amount by $62,900,000,000.
On page 5, line 17, increase the amount by $511,000,000.
On page 5, line 18, increase the amount by $20,509,000,000.
On page 5, line 19, increase the amount by $40,563,000,000.
On page 5, line 20, increase the amount by $62,900,000,000.
On page 6, line 20, increase the amount by $11,000,000.
On page 6, line 21, increase the amount by $11,000,000.
On page 6, line 24, increase the amount by $499,000,000.
On page 6, line 25, increase the amount by $499,000,000.

I appreciate the last vote. This is a better approach. This is an approach which is supported by groups such as the NFIB, which asked us—we only have 1 year to go before the estate tax is totally repealed. In the year 2010, there is no more estate tax, and then the year after that, it comes roaring back with a rate of 60 percent and an exemption of $1 million.

Clearly, we have to provide some certainty. The only way to do that is to adopt a rate not to exceed 35 percent, an exempted amount of $5 million per spouse, and to ensure that we can actually get it done this year, not require that we find some permanent tax to increase in order to offset it. If that is what we are asking for, we know it won’t happen, the outside groups know it won’t happen, and they know this budget exercise then is a game rather than a serious attempt to reform the estate tax.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank my colleague, Senator KYL, for his courtesy during all of the debates today.

I urge my colleagues to oppose the Kyl amendment because it is not paid for. It goes onto the debt some $200 billion over 10 years. This would knock us out of balance in 2012 and in 2013. The previous amendment that had the same more generous exemptions was paid for. It didn’t add to the debt, didn’t add to the deficits, and it kept us in balance.

So I would urge my colleagues to vote no on the Kyl amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. KYL. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next up is the Kyl amendment.

AMENDMENT NO. 4372

Mr. KYL. Mr. President, do we need to call up amendment No. 4372 first?

The ACTING PRESIDENT pro tempore. The amendment should be called up.

Mr. KYL. If so, I ask unanimous consent to call up amendment No. 4372.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk reads as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4372.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment (No. 4378) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next up is the Kyl amendment.

YEAS—23

Baucus
Bayh
Collins
Conrad
Feinstein
Hatch
Klobuchar
Kohl

NAYS—77

Alaska
Alexander
Allard
Barrasso
Baucus
Biden
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Corker
Cornyn
Craig

Landrieu
Levin
Lieberman
Lincoln
McCaskill
Mikulski
Nelson (NE)

Pryor
Salaazar
Snowe
Stabenow
Tester
Wyden

Nelson (FL)


dollar

dollar

dollar

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—
The amendment (No. 4372) was re-
jected.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to 
lay that motion on the table.

The motion to lay on the table was 
agreed to.

Mr. GRASSLEY. Mr. President, the next amendment is from the ranking mem-
ber of the Finance Committee, Senator 
GRASSLEY.

The ACTING PRESIDENT pro tem-
po. The Senator from Iowa is recog-
nized.

AMENDMENT NO. 476, AS MODIFIED

Mr. GRASSLEY. Mr. President, I send 
to the desk a modification of amendment No. 4276.

The ACTING PRESIDENT pro tem-
po. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 4276, as 
modified.

The amendment is as follows:

(Purpose: To exempt from pay-as-you-go en-
forcement modifications to the individual 
alternative minimum tax (AMT) that pre-
vent millions of additional taxpayers from 
having to pay the AMT)

SEC. 3. PAY-AS-YOU-GO POINT OF ORDER IN 
THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in 
the Senate to consider any direct spending of 
revenue legislation that would increase the 
on-budget deficit or cause an on-budget defi-
cit of either of the applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For 
purposes of this subsection, the term ‘applicable 
time period’ means either—

(A) the period of the current fiscal year, 
the budget year, and the ensuing 5 fiscal 
years following the budget year; or

(B) the period of the current fiscal year, 
the budget year, and the ensuing 3 fiscal 
years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For 
purposes of this subsection and except as pro-
vided in paragraph (4), the term ‘direct spending legislation’ means any bill, joint 
resolution, amendment, motion, or con-
ference report that affects direct spending as 
that term is defined by, and interpreted for 
purposes of, the Balanced Budget and Emer-

(4) EXCLUSION.—For purposes of this sub-
section, the term ‘direct spending legisla-
tion’ and ‘revenue legislation’ do not in-
clude—

(A) any concurrent resolution on the bud-
get;

(B) any provision of legislation that affects 
the full funding of, and continuation of, the 
deposit insurance guaranty fund commitment in 
effect on the date of enactment of the Budg-
et Enforcement Act of 1990; or

(C) any provision of legislation that affects 
the exemption amount for taxable years begin-
ing after 2007; or

(D) any provision of legislation that affects 
the extension of alternative minimum tax rel-
ief for non-refundable personal credits for 
taxable years beginning after 2007.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or 
not adopted in the Senate by a vote of three-fifths of the Members, duly 
chosen and sworn.

(2) APPEALS.—Appeals in the Senate from 
the decisions of the Chair relating to any 
provision of this section shall be limited to 1 
hour, to be equally divided between, and con-
trolled by, the appellant and the manager of the 
bill or other legislation upon which the appeal may be. 
An affirmative vote of three-fifths of the Members of the Senate, duly chosen and 
sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order 
raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—

For purposes of this section, the levels of 
new budget authority, outlays, and revenues 
for a fiscal year shall be determined on the 
basis of estimates made by the Senate Com-
mitee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 201 of 
S. Con. Res. 21 (110th Congress), the fiscal year 2006 concurrent resolution on the bud-
get, shall no longer apply.

Mr. GRASSLEY. Mr. President, re-
member, before Christmas the Senate 
vote to make sure that middle-class 
America didn’t pay the alternative tax 
that were not supposed to be hit by the 
AMT, and we are going to do it without an 
offset.

This amendment gives us an oppor-
tunity to get over that hurdle that is 
in this budget resolution that, under 
pay-go, you would have to have an off-
set for the AMT. So even though the 
resolution sets aside money to deal with 
this year’s patch, unless my amendment is adopted, there is no guarantee the patch will be done. The 
$50 billion families who will be hit by 
the AMT increase will get a tax in-
crease of over $2,000 apiece. So they 
deserve a guarantee of relief.

My amendment puts the budget money where its mouth is, and that is 
we are going to guarantee AMT relief. 
The principle is applicable to this year’s 
patch and AMT’s relief in future years.

The ACTING PRESIDENT pro tem-
po. The Senator from North Dakota is 
recognized.

Mr. CONRAD. Mr. President, if you 
want to blow a hole in the budget as 
big as all outdoors, here is your oppor-
tunity—a trillion dollars not paid for, a 
trillion dollars that we are going to go 
out and borrow from the Chinese and Japanese. That makes absolutely no sense. I urge my colleagues to vote no.

The ACTING PRESIDENT pro tem-
po. The question is on agreeing to the 
amendment.

Mr. CONRAD. Mr. President, I ask 
for the yeas and nays.

The ACTING PRESIDENT pro tem-
po. Is there a sufficient second. There 
is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the 
roll.

Mr. DURBIN. I announce that the 
Senator from West Virginia (Mr. BYRD) 
is necessarily absent.

Mr. KYL. The following Senator is 
necessarily absent: the Senator from 
New Mexico (Mr. DOMENICCI).

The ACTING PRESIDENT pro tem-
po. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, 
nays 51, as follows:

[Rollcall Vote No. 78 Leg.]
The amendment (No. 4276), as modified, was rejected.

The ACTING PRESIDENT pro tempore. The Chair needs a clarification of the bill manager, and that is, there was an earlier unanimous consent agreement that included an amendment No. 4289. The question is, Should amendment No. 4289 have been read as amendment No. 4249?

Mr. CONRAD. That is correct.

The ACTING PRESIDENT pro tempore. It should have been amendment No. 4249.

Mr. CONRAD. That is correct. That is a Dorgan amendment. That is correct. It should have been read as amendment No. 4249.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

AMENDMENT NO. 4252, 4280, 4300, 4308, AS MODIFIED, 4168, 4169, 4170, 4200, 4242, 4245, 4257, AS MODIFIED, 4159, 4333, 4255, 4283, 4345, AND 4220 EN BLOC

Mr. CONRAD. Mr. President, we have a list now of additional amendments in a managers’ package we can approve: amendment No. 4252, Senator Brown; amendment No. 4230, Senator Chambliss; amendment No. 4330, Senator Obama; amendment No. 4268, as modified, Senator Thune; amendment No. 4136, Senator Bunning; amendment No. 4311, Senator Alexander; amendment No. 4357, Senator Gregg; amendment No. 4361, Senator Clinton; amendment No. 4370, Senator Bingaman; amendment No. 4200, Senator Dorgan; amendment No. 4334, Senator Smith; amendment No. 4376, as modified, Senator Snowe; amendment No. 4159, Senator Allard, as well as amendment No. 4333, Senator Baucus; amendment No. 4255, Senator Kohl; amendment No. 4239, Senator Hatch; amendment No. 4345, Senator DeMint; and amendment No. 4220, Senator Cardin.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 4252

(Purpose: To increase Federal assistance to food banks)

On page 53, between line 16 and 17, insert the following:

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

AMENDMENT NO. 4239

(Purpose: To increase FY 2009 funding for the Byrne/Justice Assistance Grant program to $906,000,000, with an offset)

On page 24, line 16, increase the amount by $386,000,000.

On page 24, line 17, increase the amount by $85,000,000.

On page 24, line 21, increase the amount by $116,000,000.

On page 24, line 25, increase the amount by $77,000,000.

On page 25, line 4, increase the amount by $58,000,000.

On page 25, line 8, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $386,000,000.

On page 27, line 17, decrease the amount by $85,000,000.

On page 27, line 21, decrease the amount by $116,000,000.

On page 27, line 25, decrease the amount by $77,000,000.

On page 28, line 4, decrease the amount by $58,000,000.

On page 28, line 8, decrease the amount by $50,000,000.

AMENDMENT NO. 4330

(Purpose: To provide an additional $5 million to the military departments’ respective Boards for Correction of Military Records to expedite review of cases in which service members with combat-related psychological injuries (such as PTSD) or closed head injuries (such as TBIs) were administered discharges for personality disorders or other discharges resulting in a loss of benefits or care and seek a correction of records or upgraded discharge)

On page 9, line 13, increase the amount by $5,000,000.

On page 9, line 14, increase the amount by $1,000,000.

On page 9, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $4,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

AMENDMENT NO. 4288, AS MODIFIED

On page 13, line 13, increase the amount by $25,000,000.

On page 13, line 14, increase the amount by $18,500,000.

On page 13, line 17, increase the amount by $25,000,000.

On page 13, line 18, increase the amount by $21,000,000.

On page 13, line 21, increase the amount by $25,000,000.

On page 13, line 22, increase the amount by $21,875,000.

On page 13, line 25, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $21,875,000.

On page 14, line 4, increase the amount by $25,000,000.

On page 14, line 5, increase the amount by $21,875,000.

On page 24, line 16, increase the amount by $15,000,000.

On page 24, line 17, increase the amount by $13,800,000.

On page 24, line 20, increase the amount by $15,000,000.

On page 24, line 21, increase the amount by $15,000,000.

On page 24, line 24, increase the amount by $15,000,000.

On page 24, line 25, increase the amount by $15,000,000.

On page 25, line 3, increase the amount by $15,000,000.

On page 25, line 4, increase the amount by $15,000,000.

On page 25, line 7, increase the amount by $15,000,000.

On page 25, line 8, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $40,000,000.

On page 27, line 17, decrease the amount by $32,000,000.

On page 27, line 20, decrease the amount by $40,000,000.

On page 27, line 21, decrease the amount by $39,000,000.

On page 27, line 24, decrease the amount by $60,000,000.

On page 27, line 25, decrease the amount by $38,875,000.

On page 28, line 3, decrease the amount by $60,000,000.

On page 28, line 4, decrease the amount by $39,875,000.

On page 28, line 7, decrease the amount by $100,000,000.

On page 28, line 8, decrease the amount by $39,875,000.

AMENDMENT NO. 4186

(Purpose: To provide a point of order against any budget resolution that fails to achieve an on-budget balance within 5 years)

At the end of title II, add the following:

SEC. 2. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.

(1) LOW GROWTH.—If the most recent of the Department of Commerce’s advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any
provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellee and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term “budget year” shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 431

(Purpose: To provide for the deficit-neutral reserve fund to make improvements to ensure access to the Medicare program for low-income senior citizens and other low-income Medicare beneficiaries)

On page 62, between lines 3 and 4, insert the following:

(3) MEDICARE LOW-INCOME PROGRAMS.—

The Chairman of the Senate Committee on the Budget may adjust the allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest resources, that assistance to the Medicare Prescription Drug Program, Drug Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the full value for which they are eligible in accordance with the improvements provided for in such legislation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total fiscal years 2008 through 2013 or the period of the total of fiscal years 2014 through 2018.

AMENDMENT NO. 437

(Purpose: To provide for an extension to extend the Medicaid program through fiscal year 2015 to support low-income seniors, and to provide for the use of the deficit-neutral reserve fund to invest in clean energy and preserve the environment for the 5-year extension of energy tax incentives)
gram plays as a critical component of the education system, and school-based transportation services must be provided for students with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and copayments, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America’s children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid for their health care. Women and girls who are the majority of low-income women with physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women with breast or cervical cancer in every State.

(6) Medicaid is the Nation’s largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation’s safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2008, is as high as possible. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unprecedented Medicaid spending to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations related to Federal payments to public medical care for health services for individuals with disabilities, and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers. In the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2013.

AMENDMENT NO. 425
(Purpose: To increase funding for Juvenile Justice Programs to $560 million, with an offset)
On page 24, line 16, increase the amount by $370,000,000.
On page 24, line 17, increase the amount by $230,000,000.
On page 24, line 21, increase the amount by $48,000,000.
On page 24, line 25, increase the amount by $10,000,000.
On page 25, line 4, increase the amount by $34,000,000.
On page 25, line 8, increase the amount by $25,000,000.
On page 27, line 16, decrease the amount by $170,000,000.
On page 27, line 17, decrease the amount by $20,000,000.
On page 27, line 21, decrease the amount by $148,000,000.
On page 27, line 23, decrease the amount by $15,000,000.
On page 28, line 4, decrease the amount by $34,000,000.
On page 28, line 8, decrease the amount by $25,000,000.

AMENDMENT NO. 423
(Purpose: To express the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the USPTO shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended)
At the end of the bill, insert the following:

SEC. 308. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.
It is the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

AMENDMENT NO. 445
(Purpose: To provide a deficit-neutral reserve fund for education reform)
At the end of title III, add the following:

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.
The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers. In the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2013.

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in accessible and affordable health services for low-income elderly individuals, individuals with disabilities, and children and families; or
(3) undermine the Federal guarantee of health insurance coverage, which would threaten not only the health care safety net of the United States, but the entire health care system.
by the amounts provided by a bill, joint resolu-
tion, amendment, motion, or conference report
that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for
individuals who do not receive health insurance
through an employer and who purchase such insurance on the private market, pro-
vided that such legislation would not in-
crease taxes and would not increase the def-
icit over either the period of the total of fis-
cal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Mr. President, the ranking member tells me we need to defer on this DeMint amendment be-
cause it involves another amendment, it affects another amendment, and the other amendment is still in the clear-
ing process. So we need to defer on this amendment.

Senator DeMINT has another amendment
on Semper Fi; is that correct?

Mr. DE MINT. Correct.

Mr. CONRAD. I ask the Senator from South Carolina if he can describe the amendment briefly, and if he will ac-
cept a voice vote, we can proceed to that amendment. We can accept that amendment.

Mrs. FEINSTEIN. Mr. President, if it is
what I think it is, we will object. It
will take all grants away from the Uni-
versity of California, if I understand
the amendment correctly.

Mr. CONRAD. Mr. President, we were
told that amendment had been cleared. It appears it has not.

Mrs. BOXER. Excuse me, if I may. Mr. President.

The ACTING PRESIDENT pro tem-
pore. The Senator from California.

Mrs. BOXER. Mr. President, if I may
have a moment, the amendment I agree with is the Vitter amendment which says that the rules surrounding FACE, which is the Freedom of Access to Clin-
ic Entrances Act, would apply to re-
cruiting stations because we do not want to continue to demonstrate. Whether it is a reproductive health
care clinic or a recruiting station, we
fully agree, and we are very happy to
accept that amendment.

The amendment by the Senator from
North Carolina, on the other hand, would take funds away from the Uni-
versity of California, would take funds away from the police and firemen in
Berkeley, would take funds away from the children who go to school there,
would take funds away from transit—
these things had nothing to do with anything any city councilman in
Berkeley said. And, by the way, P.S.,
it took them it back. They took back what they said.

Mr. CONRAD. Mr. President, we have to return to regular order if we can.
Perhaps the best way to unwind this situation, as I understand, Senator
DeMINT’s amendment then will require a vote; is that the case? Then I think
what we should do is ask Senator
DeMINT to take his 1 minute to explain
the amendment. Then we will ask for 1
minute in opposition by perhaps the two Senators from California, vote on
the DeMint amendment, and then per-
haps we can go to Senator Vitter’s amendment, if that is OK.

Mr. DE MINT. Mr. President, I ask
unanimous consent, since there has al-
ready been more than a minute in op-
opposition, that I have 2 minutes to speak on this amendment.

Mrs. FEINSTEIN. I object.

Mr. CONRAD. No, no, that is fair. I
think we need to agree to that request. That has to be done. That is fair.

The ACTING PRESIDENT pro tem-
pore. Will the Senator call up his amendment?

AMENDMENT NO. 4380

Mr. DE MINT. Mr. President, I send
an amendment to the desk and ask for
its immediate consideration.

The ACTING PRESIDENT pro tem-
pore. The clerk will report the amend-
ment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr.
DE MINT] proposes an amendment numbered 4380.

Mr. DE MINT. Mr. President, I ask
unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral re-
serve fund for transferring funding for
Berkeley, CA earmarks to the Marine
Corps)

At the end of title III, insert the following:

SEC. 3. RESERVE FUND FOR BERKELEY RE-
CISIONS AND FUNDING THE MA-
RINE CORPS.

The Chairman of the Senate Committee on
the Budget may revise the aggregates, allo-
cations, and other appropriate levels in this
resolution for one or more bills, joint resolu-
tions, amendments, motions, or conference
reports that would rescind any congression-
ally directed spending item for the City of
Berkeley, California, and any entities lo-
cated in or served by such funding.

The Reserve Fund for the Marine Corps,
by the amounts provided in that legislation for those purposes, pro-
vided that such legislation would not in-
crease taxes and would not increase the def-
icit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. DE MINT. Mr. President, if I may
have the attention of the Chamber, I
bring this Semper Fi amendment to the floor as a promise to a number of
marines and their families. I admit this
is somewhat unusual, but this amend-
ment is not about free speech.

In Berkeley, California, there were some folks protesting the Marine Recruit-
ment Office. They have their right to
protest, to speak out. My case is
what they said.

Mr. CONRAD. Mr. President, I sug-
gest the absence of a quorum. At this
moment we have, unfortunately, not
yet seen the amendment of the Sen-
ator. We do need to take a moment to
review it, and I suggest the absence of
a quorum.

The ACTING PRESIDENT pro tem-
pore. The clerk will call the roll.

The legislative clerk proceeded to
call the roll.

Mr. CONRAD. Mr. President, I ask
unanimous consent that the order for the
quorum call be rescinded.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

Mr. CONRAD. Mr. President, for the
purpose of helping us move along effec-
tively, in order to get this done it is very
important that both sides have copies of the amendments that are of-
fered. We can’t do business efficiently if we don’t—both sides—have copies of the amendments.

I say this because both of us are in
such a rush to conclusion that some-
times we neglect to make sure the other side—we have done it, which we
apologize for, and it is very easy to happen in this hectic environment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tem-
pore. The clerk will call the roll.

The legislative clerk proceeded to
call the roll.

Mr. CONRAD. Mr. President, I ask
unanimous consent that the order for
the quorum call be rescinded.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

Mr. CONRAD. Mr. President, since
we have had argument on both sides, I
wonder if it would be fair now to have
2 minutes for those in opposition, 1
The PRESIDING OFFICER. The amendment is as follows:

On page 60, line 8, insert ‘‘should cover children’’ after ‘‘sufficient’’; and delete ‘‘right after’’ and insert ‘‘right before’’ after ‘‘sufficient’’; and delete ‘‘and her fetus’’ and insert ‘‘and her unborn child’’ after ‘‘sufficient’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘or pregnant women’’ and insert ‘‘or pregnant women and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘upon’’ and insert ‘‘at the time of conception’’ after ‘‘sufficient’’; and delete ‘‘and’’ and insert ‘‘or’’ after ‘‘sufficient’’; and delete ‘‘right after’’ and insert ‘‘right before’’ after ‘‘sufficient’’; and delete ‘‘and her fetus’’ and insert ‘‘and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘or pregnant women’’ and insert ‘‘or pregnant women and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; 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and delete ‘‘and her fetus’’ and insert ‘‘and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘or pregnant women’’ and insert ‘‘or pregnant women and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘upon’’ and insert ‘‘at the time of conception’’ after ‘‘sufficient’’; and delete ‘‘and’’ and insert ‘‘or’’ after ‘‘sufficient’’; and delete ‘‘right after’’ and insert ‘‘right before’’ after ‘‘sufficient’’; and delete ‘‘and her fetus’’ and insert ‘‘and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘or pregnant women’’ and insert ‘‘or pregnant women and her unborn child’’ after ‘‘sufficient’’ and before ‘‘right after’’; and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and delete ‘‘upon’’ and insert ‘‘at the time of conception’’ after ‘‘sufficient’’; 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and delete ‘‘do not’’ and insert ‘‘may not’’ after ‘‘sufficient’’; and
The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Boxer amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The result was announced—yeas 70, nays 27, as follows:

[Roll Call Vote No. 80 Leg.]

YEAS—70

Akaka—Feingold—Murkowski
Alexander—Feinstein—Murphy
Baucus—Graham—Nelson (FL)
Bayh—Grassley—Nelson (NE)
Biden—Harkin—Obama
Bingaman—Hatchison—Pryor
Bond—Inouye—Reed
Brown—Isakson—Reid
Brown—Johnson—Rockefeller
Cantwell—Kennedy—Salazar
Cardin—Kerry—Sarcast
Carr—Klobuchar—Sander
Casey—Kohl—Schumer
Chambliss—Lieberman—Smith
Clinton—Lautenberg—Snowe
Collins—Leahy—Stabenow
Collins—Lieberman—Stabenow
Conrad—Lieberman—Stevens
 Corker—Lincoln—Tester
Corzine—Logan—Warner
Dodd—McCain—Webb
Dole—McCaskill—Whitehouse
Dorgan—McCaul—Wyden
Durbin—Menendez—Sklak

NAYS—27

Allard—Crapo—Martinez
Barrasso—DeMint—Roberts
Bennett—Ensign—Seasix
Brownback—Ezzi—Shelby
Bunning—Grage—Smiley
Bur—Haged—Thune
Coburn—Hatch—Vitter
Cochran—Inhof—Voynich
Craig—Kyl—Wicker

The amendment (No. 4379) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4233

Mr. ALLARD. Mr. President, I call up the Allard amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. ALLARD) proposes an amendment number 4233.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment (No. 4233) is as follows:

(Purpose: To require that legislation to reauthorize SCHIP include provisions codifying the unborn child representation.

On page 60, line 8, insert: “and amends the definition of the term ‘targeted low-income child’ under title XXI of the Social Security Act to provide that such term means an individual under age 19, including the period from conception to birth, who is eligible for child health assistance under such title XXI by virtue of the definition of the term ‘child’ under section 457.10 of title 42, Code of Federal Regulations’ after ‘children’.

Mr. REID. Would my friend yield?

Mr. ALLARD. Mr. President, we have a few amendments. We know everyone is very tired. We are doing very well. I would hope that those who have sense-of-the-Senate amendments would consider not moving them. I know they are important amendments, but they are sense of the Senate.

Anyway, even with those, we do not have many left. So if everyone would be patient, the staff is working very hard. The managers have another group of amendments that can be accepted. So if everyone will be very patient, final passage is going to be close. We need everybody here. So everyone please be patient.

AMENDMENTS NO. 4270, AS MODIFIED; 4302, 4300, 4331, 4329, AS MODIFIED; 4755, 4707, AND 4717

Mr. CONRAD. Mr. President, we can now approve another group of amendments that have been cleared on both sides: 4270, as modified, Senator LEAHY; 4302, Senator GREGG; 4300, Senator CLINTON; 4331, Senator BAUCUS; 4329, as modified, Senator COLLINS; 4755, Senators SPECTER and CASEY; 4707, Senator BUNNING; and 4717, Senator GRAHAM.

I ask unanimous consent that the amendments be agreed to.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4270, AS MODIFIED

At the end of title III, insert the following: SEC. 9. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigations for individual applicants or submit as omitted or submitted as a reserve fund for naturalization before March 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/ U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization or citizenship 2 years by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4302

(Purpose: To provide for a reserve fund for legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks.

At the appropriate place, insert the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4331

(Purpose: To add a deficit-neutral reserve fund to ban abusive and inappropriate sales and marketing tactics used by private insurers offering Medicare Advantage and prescription drug plans that would limit access to care.

At the end of title III, insert the following:

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND TO BAN Medicare Advantage AND Prescription Drug Plan SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a deficiency reserve fund to address changes in program design or the level of program costs, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit access to care.

At the appropriate place, insert the following:

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND TO BAN Medicare Advantage AND Prescription Drug Plan SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a deficiency reserve fund to address changes in program design or the level of program costs, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit access to care.
such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4239, AS MODIFIED
On page 57, line 14, after “program,” insert “the biodiesel production tax credit, or”.

On page 57, line 14, after “program,” insert “‘to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles,’”.

On page 57, line 16, after “plants” insert “‘Tax legislation under this section may be paid for by adjustments to Sections 167(h) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.’”

AMENDMENT NO. 4572
(Purpose: To express the Sense of the Senate regarding Philadelphia Housing Authority’s “Moving to Work Agreement” with the U.S. Department of Housing and Urban Development)
At the appropriate place, insert the following:
Expressing the Sense of the Senate regarding extending the “Moving to Work Agreement” between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.

Whereas, the current “Moving to Work Agreement” between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008;

Whereas, Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50 million as a result of the agreement expiration;

Whereas, the U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions;

Whereas, the U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements;

Whereas, Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court;

Whereas, there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development’s refusal to grant the extension of Philadelphia Housing Authority current agreement under the same terms and conditions;

Whereas, it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl H. Greene:

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, “Would you like me to make his life less happy? If so, how?”

Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, “Take away all of his Federal dollars?”

The Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, “Let me look into that possibility.”

Whereas, these emails were the subject of questions from Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing, and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies;

Whereas, Philadelphia Housing Authority’s allegation of retaliation appears to be substantiated by these newly discovered emails;

Whereas, the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia: Now, therefore, be it:

Resolved, that it is the Sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its agreement with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

AMENDMENT NO. 4571
(Purpose: To permanently extend the adoption tax credit and the exclusion for adoption assistance programs included in the Economic Growth and Tax Relief Reconciliation Act of 2001)

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.R. Res. 1, the Balanced Budget Amendment to the Constitution of the United States;

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $5,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at the earliest opportunity.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 4233
Mr. ALLARD. On the Allard amendment, it will codify the current unborn child rule by amending the SCHIP reauthorization reserve fund.

Many States’ definition of coverage for a pregnant woman leads to the strange legal fiction that the adult pregnant woman is a child. This amendment will clarify in statute that the term “child” includes the period from conception to birth and will not include a pregnant woman in the definition of a child.

I ask for an “aye” vote. This is a pro-life vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in the Boxer amendment, we clarified SCHIP law. A pregnant woman’s coverage under SCHIP law is optional. We made it obligatory so every pregnant woman has the advantage of medical insurance. This amendment undoes that. It takes it away from the woman and gives it to the fetus. Now, if the woman is pregnant in an accident, loses the child, she does not get coverage, the child gets coverage.

We solved the problem in the Boxer amendment. If you cover the pregnant woman, you cover her fetus. What Senator ALLARD does is remove the coverage from the pregnant woman and cover the fetus.

I urge a “no” vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLARD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 81 Leg.]
I encourage all of my colleagues to vote for the amendment to allow Americans to deduct 100 percent of the cost of the health insurance premium.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the effect of this amendment is not as described. It is similar to the amendment on privatizing Social Security. He said it was not; it was. He says this amendment gives people health insurance. It does not. What does it do? This is a death spiral for companies that provide health insurance for their employees because this amendment will have the effect of causing, for companies that have health insurance for their employees, those employees to leave the health insurance they have and get their own, particularly if they are young and healthy, which will mean the insurance plan the company provides will not work, and that is why it is a death spiral. This will have the effect of hurting small businesses that provide health insurance for their employees because younger, healthier people will leave to get their own, and that will cause the employer-provided coverage to disappear.

This should not be done in middle of the night. We should have overall health reform, not this pernicious amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we would like to take two additional amendments at this point, 4206, Senator BARRASSO; and 4299, Senator VITTER. That takes us to the DeMint amendment on deductibility.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Parliamentary inquiry. Mr. President: Is that a unanimous consent request to accept those amendments, because if it is, I object and would request a vote on 4299.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 4329

Mr. DE MINT. Mr. President, was the chairman accepting the deductibility amendment?

Mr. CONRAD. No, sir. There has been objection by the chairman of the Finance Committee.

Mr. DE MINT. So you would like to bring it up and vote on?

The PRESIDING OFFICER. The amendment is pending.

Mr. DE MINT. Mr. President, we have had some partisan and controversial amendments tonight. I hope this won’t be one. This amendment simply allows individuals who buy health insurance on their own to deduct it from their taxes.

All of us talk about the uninsured. This is a chance to give a number of the uninsured the opportunity to buy health insurance on the same basis that we do in Congress, and that is to make it deductible. Some will say this is a cost we are already paying for this, and probably much more, as people seek health care in the emergency room and other places when they are not insured.

Mr. President, next go-around. But we hope we can work to change the rules, and work with the managers of the bill.

The amendment (No. 4339) was rejected.

Mr. DE MINT. Mr. President, have we reconsidered the vote?

Mr. REID. I move to reconsider the vote.

Mr. DE MINT. Mr. President, have we reconsidered the vote? I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have talked to the managers of the bill. We have two amendments left. It is my understanding the Biden amendment, which has 16 or 17 Republican cosponsors, is going to be accepted.

Mr. GREGG. No, not necessarily.

Mr. REID. We do not have an answer yet.

Mr. REID. We do not have an answer yet. When do you think we might have an answer?

Mr. GREGG. Why don’t we just keep going?

Mr. REID. We have two left. We have the Biden amendment and we have the Vitter amendment. We have indicated that we would take the Vitter amendment without a vote. It is a sense of the Senate. We have had 40 amendments already. The average is 32. It is 1 a.m. in the morning. I think it would be appropriate if we could work something out on these last two and have final passage. Everyone has their rights, but I would say that we get an answer on the Biden amendment.

Mr. GREGG. We have an answer.

Mr. REID. We have an answer?

Mr. GREGG. We need a vote.

Mr. REID. OK, we need a vote. Listen, I am happy to vote. But I sure hope we can work to change the rules, Mr. President, next go-around. But we have not changed them yet. We keep talking about it.

So, anyway, the one thing that brought a little bit of peace and serenity to this chaotic situation has been the two managers of the bill. They have been patient and very good in everything they have done. So I appreciate the good job they are doing. They have worked together for so many years, and I think they have set an example of how people in very adverse conditions, should work together.
The PRESIDING OFFICER. The time has expired. The Senator from Oklahoma is recognized for 1 minute.

Mr. COBURN. Mr. President, 40 percent of the money in the United Nations is absolutely wasted. They will not report transparency in anything they do. We know on their procurement it is at least 40 percent. We know 25 percent of the last peacekeeping operation was wasted through fraud. We should not send another penny to the United Nations until they become transparent with how they are spending the money they have now. I urge my colleagues to vote in opposition.

The PRESIDING OFFICER. The Senator’s time has expired. All time has expired. The question is on agreeing to the amendment.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—73

Alaska—Feingold
Alexander—Fenster
Bayh—Hagel
Biden—Harkin
Bingaman—Kennedy
Byrnes—Leahy
Chambliss—Levin
Coleman—Lieberman
Collins—Lugar
Corker—Martinez
Cornyn—McCaskill
Dodd—McConnell
Dole—Menendez
Dorgan—Mikulski
Durbin—Murkowski

NAYS—23

Akaka—Murray
Alexander—Nelson (FL)
Bayh—Nelson (NE)
Biden—Obama
Bingaman—Pryor
Byrnes—Reid
Cornyn—Roberts
Dodd—Rockefeller
Dole—Reid
Durbin—Reid

The amendment (No. 425) was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I call up amendment No. 429.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 429.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Expressing the sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures)

At the appropriate place, insert the following:

SEC. __. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world’s largest market for pharmaceuticals, yet consumers still pay the world’s highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, the Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68-32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals from the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate’s strong support for passage of comprehensive importation legislation.
Mr. VITTER. Mr. President, this is about reimportation. There is a clear majority in the Congress to pass reimportation legislation. I think there is a clear 60-vote majority in the Senate to do so. So why aren’t we getting on with that business? Let’s do it. This simply says we should take up a full-blown reimportation bill, with all the necessary safety provisions, and have that debate and vote on the floor of the Senate this year. It is as simple as that. We have the votes. Let’s do that.

I remember the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, many of the Senators worked on this even prior to the Senator from Louisiana joining us in the Senate. I don’t object to the sense of the Senate. It will have no legislative impact and it has no relationship to the budget. It is 1 o’clock in the morning, 14 hours after we started voting. And on this issue, about 30 minutes ago, the managers of the bill indicated they would approve this. Yet my colleague insists on a recorded vote. I have fondly and affectionately pointed out that the Senate is occasionally 100 bad habits. Look, all of us have been willing to forgo recorded votes from time to time, but everybody has a right to ask for a recorded vote on anything at any point. I understand that.

Again, this is a sense of the Senate that has no legislative impact or relationship to the budget. I have no objection to it. We will vote for it. I observe again that the managers had agreed to this 30 minutes ago. I would have hoped the managers had agreed to it. We will vote for it. I observe the yeas have the majority. The amendment (No. 4299) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, amendment No. 4206 by Senator BARRASSO needs to be accepted. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4206) was agreed to, as follows:

Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973. On page 13, line 13, increase the amount by $50,000,000. On page 13, line 14, increase the amount by $50,000,000. On page 27, line 16, decrease the amount by $50,000,000. On page 27, line 17, decrease the amount by $50,000,000.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I missed the rollcall vote for amendment No. 4198, to increase the Indian Health Service by $1 billion in fiscal year 2009. Had I been present, I would have voted “aye,” in favor of the amendment. I have cosponsored the Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2007, S. 2532, and know the need to increase funding for the Indian Health Service.

Mr. LEAHY. Mr. President, on roll-call vote No. 56, if present, I would have voted “aye.”

Mr. BYRD. Mr. President, in his essay on “Politics and the English Language,” George Orwell laments the abuse of speech by political leaders. He notes how certain words are so vague in meaning that they can be twisted and distorted into something they are not. What is entirely altruistic, he argues, can be made to seem repugnant and dangerous.

One such Orwellian word that has found its way into our political lexicon is “ earmark.” This poor, wretched, maligned word has had scorn heaped upon it. It has been equated with corruption and invoked to describe nastily, behind-the-scenes machinations—sometimes real, but mostly imagined.

President Bush has enthusiastically embraced this Orwellian line. In his State of the Union Address, the President asked the Congress to reduce Congressional earmarks by half and threatened to veto any bill that does not comply. He instructed executive agencies to ignore Congressional guidance on earmarks for fiscal year 2009. Lawful executive agencies may lose the spending decisions, his argument goes. Certainly the White House budget office would like us to do that. I don’t expect officials from that office to understand the critical needs of the communities we represent. They do not meet with our constituencies. They do not know our States and their people. They do not see what we see. An earmark may be pork to some political chatter box on television, but for an economic lifeline for a community. It may be a road that has fallen into dangerous disrepair or a bridge that is on the verge of collapse. An earmark is an economic need that many times falls between the cracks of the Washington bureaucracy. When that happens, the people we represent cannot call some unelected bureaucrat in the White House budget office. They cannot get a Cabinet Secretary on the line. When they need help, they come to us, their elected representatives. These are the working people in our society. Their priorities may be considered unimportant by some, but it’s our job to make sure critical needs in our States are addressed.

Some earmarked spending has proven to be a tremendous asset to this country. Children’s Hospital, here in the District of Columbia, which has served over 5 million critically ill children, was built with earmarked funds. Human genome research was initiated by an earmark sponsored by our colleague Senator DOMENICI. The WIC program, which has provided essential nutrition to 150 million women, infants, and children, was started as an earmark. The Predator unmanned aircraft, which has been so effective in the Global War on Terror, was built with an earmark.

The DeMint amendment before the Senate today fails to acknowledge the existence of these achievements. The amendment does not recognize that Members of Congress know the needs of the people they represent better than unelected bureaucrats at the White
bad policy. The Constitution gives the power over the purse to Congress. That is the most effective way to check an irresponsible President of either party. Congress must not cede decisions about how the taxpayers’ money should be spent.

It’s simply ridiculous to criticize Federal investments in local and State communities without having visited the neighborhoods that will benefit, without talking to the people who live there, and without understanding the local planning that is involved. The earmark is the safety net under blind formulas. It brings local concerns of average people into the funding process. Certainly the one percent of taxpayers who are almost 21 times the amount of earmark spending in the budget surpluses. The Congressional Budget Office estimated that the surplus between 2002 and 2011 would be $6.5 trillion. Now, according to the White House’s own budget documents, we are facing $2.7 trillion of debt over those same 10 years. During the Bush Presidency, our government will have experienced the five largest annual deficits in the history of the Republic. The author of this amendment would like Americans to think that these deficits were caused by earmarks. What poppycock. If anyone thinks they can eliminate the $400 billion deficit by eliminating earmarks, they need to take a refresher course in arithmetic.

In fiscal year 2008, the total cost of the Bush tax cuts will be $252 billion—6 times the amount of spending in question. In fiscal year 2008, the cost of the tax cuts for the wealthiest one percent of taxpayers will be almost $70 billion. That’s the amount of spending in question. In fiscal year 2008, special interest tax favors will cost $1 trillion—83 times the amount of spending in question. Corporate tax hand-outs will cost $91 billion—over 76 times the amount of spending in question. The level of Congressional earmarks is one-fiftieth of what this country has exhausted on the war in Iraq.

I implore my colleagues to look at the facts. Last year, the President proposed 11,878 earmarks, the highest ever by a President, totaling more than $22 billion. Earmarks exploded under the Bush administration, including presidential earmarks for cattle fever ticks, fruit flies, and light brown apple moths. When President Bush signed the highway bill in 2005, it contained over 6,000 earmarks, 50 percent more earmarks than all the previous highway bills combined.

In the past year, the Congress that took the initiative to limit earmarks had a moratorium on earmarks until rules could be enacted that would add transparency to the process of earmarking funds. Last year, Congress enacted new rules that added unprecedented transparency and accountability to the process of earmarking funds. These were needed, and Adding transparency and accountability to the earmarking process is responsible. Reducing the level of earmarks below the levels approved by President Bush for fiscal year 2008, is responsible. We already took some of these steps. But pretending that we can save money by eliminating earmarks is pure folly. It is poppycock. It is also

As a member of the Senate Appropriations Committee, I take seriously my responsibility to help craft a responsible budget for the Federal Government, and I know from long experience in working with my colleagues that this sense of responsibility is felt throughout the Congress. In the annual appropriations bills forged by the Appropriations Committee and its 13 subcommittees comes in at or under the amount allocated under the budget process, and they often come in below the President’s budget. I’m encouraged by the President. For instance, the State and Foreign Operations appropriations bill that we brought to the Senate Floor last year for this fiscal year was $2 billion below the President’s request.

Long ago I became used to seeing sensational headlines about spending priorities that are authored by Congress instead of by the executive branch. Lists are drawn up that label one item, one dollar, and every project not explicitly proposed by the President as “pork-barrel spending”—regardless of their merit, need or importance to communities nationwide. The Constitution confers the power of the purse to Congress, not to the President. As elected representatives from diverse districts, we each are closer to the needs of our states and communities than are the unelected staff in the White House. We also have an obligation to be responsive to our constituents’ priorities.

As a senior member of the Appropriations Committee, I often advocate for projects that benefit Vermont and feel strongly that the carefully drawn initiatives that I have worked to secure have improved my State’s infrastructure, economy and quality of life. Over the years I have secured funds to improve community wastewater systems, build roads and bridges, improve public safety, and build affordable housing. These address real needs that often are unknown or overlooked by the federal bureaucracy. Similarly, I work each year to shape and address other priorities that are ignored in presidential budget requests, on issues ranging from developing safer antipersonnel landmines, or helping to save the lives of the poorest of the poor from preventable death or disease. Attempts to ban earmarks would limit the ability to address these and other initiatives.

The alternative would be to leave all spending decisions up to the executive branch, which—when given no direction by Congress—can descend into political favoritism, feasibility and retribution when it comes to choosing whose states receive Federal funding. That would also lessen accountability.

In 2007 the Democratic-led Congress added unprecedented transparency and accountability to the earmark process. More than ever before, we are now committed to openness and accountability. Projects receiving funds in fiscal year 2008 are identified by member,
amount, purpose and location. Those who make funding requests must certify that they have no financial interest in their earmarks and those letters are posted online. Never before has it been as simple for the public, for outside groups, for journalists or for Members of Congress to see who is spending their elected officials are advocating.

Earmark opponents mislead when they say that congressional earmarks are given away or overspent. Actually, the money is not just handed down to an award recipient, but rather carefully vetted by the appropriate federal agency to make sure the intended award recipient and project qualify under that specific program’s regulations. There is an assistance agreement between the federal agency administering the grant and the award recipient on the amount of funding and a plan for how exactly those funds will be spent.

DeMint amendment proponents will tell you that earmarks tripled in number over the last decade, but they neglect to say that President Bush signed those earmarks into law. They also do not mention that the tripling in earmarks occurred under prior Republican-led Congresses. In fact, fiscal year 2008 congressional earmarks dropped significantly, with overall earmark costs cut by $14.9 billion, or 51 percent, compared with the earmarks contained in the Republican appropriation bills of 2 years ago.

A 51-percent reduction in earmark costs, total transparency and total disclosure—I could have sworn that is what earmark opponents advocated when we considered and passed the ethics bill last year.

Another thing earmark opponents do not widely broadcast is that presidents, including the current one, are champions in the earmarking process. President Bush signed bills with millions and billions for his designated projects. In fact, the President directs 20 times as much spending to special projects than Congress does. Look through the fiscal year 2008 omnibus bill or the fiscal year 2009 budget proposal and you will see page after page of special projects amounting to billions of dollars, all requested by the President. With the reforms that the Democratic-led Congress put in place last year, congressional earmarks now receive greater public scrutiny than the President’s.

The amendment offered by the Senator from South Carolina fails to include a moratorium on Presidential earmarks. If we are bent on doing away with congressional earmarks, then we should apply the same rules to earmarks requested by the President.

Lastly, I am struck by the tunnel vision of several of this amendment’s backers who have been stalwart supporters of the biggest earmark of all: The blank checks written for hundreds of billions, if not trillions, of dollars for the war in Iraq. The proponents of this amendment claim that they want to get our Nation’s checkbook in order, but what they do not say is that congressional earmarks are already paid for—the money is there to be spent, as prioritized by the appropriations bills. They support the President’s request to Congress for billions in emergency funding to continue the war in Iraq. Those dollars do not score against the budget, so the White House can advance the fiction that the President is fully responsible at the same time that he piles on the debt for future generations.

Democracy depends on openness and accountability in government. Last year, the new Congress moved promptly to improve accountability by dramatically reducing earmark costs, and implementing a system of total transparency and total disclosure. We would be making a mistake to impose a rash and unwise moratorium on congressional earmarks. We will be shirking our constitutional responsibility by ceding the power of the purse to the executive branch. I will vote no on the DeMint amendment, and I strongly urge my colleagues to do the same.

Mr. SPECKER. Mr. President, I rise today in opposition to the amendment offered by the Senator from South Carolina that would create a point of order against consideration of any legislation that contains an earmark. I have stated in the past that I think earmark reform is a very good idea. I supported the Honest Leadership and Open Government Act, which was signed into the law last year and for the first time brought transparency into the earmark process. Additionally, I have fully supported the steps that have been taken to have greater transparency. I think to have legislation that brings light into the process is entirely appropriate.

I am concerned, however, that this amendment would cede Congress’s authority to participate in the appropriations process to the executive branch. Article I, section 8 provides the Congress, not the Executive branch, with the power of the purse. As stated by the ranking member of the Senate Appropriations Committee, “this debate is not about the level of Federal spending, the size of the deficit, or the national debt. This debate is about who decides how Federal dollars are spent and where.” Congressional participation in the appropriations process is a fundamental constitutional issue and should not be readily yielded.

Additionally, I submit that Members of the House and Senate are intimately knowledgeable about the legitimate needs of their districts. It is important to recognize that members of Congress represent the constituents of their State, and there are a great many issues from case and lobby reform to which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason in which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, for the reason
the opportunity to address a broken legislative system of earmarking. The opportunity was purposely and deliberately scuttled by those who didn’t want real earmark reforms, and they are the ones who had the seat at the table when the final version was drafted. And not coincidentally, not one of those seats was filled by a member of the minority party.

As a result, the earmarking practice continues, as proven by the more than 9,000 earmarks in the omnibus spending measure approved last December 18—3 months after S. 1 was enacted. Here is just a sampling of some of the earmarks that were included in the omnibus:

- $56,000 for a construction of a National Mule and Packers Museum in Bishop, CA;
- $100,000 for Cooters Pond Park in Prattville, AL;
- $625,000 for the Historic Congressional Cemetery;
- $1.628 million for animal vaccines in Greenport, NY;
- $477,000 for Barley Health Food Benefits in Beltsville, MD;
- $244,000 for Bee Research in Weslaco, TX;
- $10 million for the design and construction of the Derby Dam fish screen in Nevada to allow passage of fish;
- $1.796 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan;
- $496,000 to the Father’s Day Rally Committee in Philadelphia, PA;
- $125,000 for International Mother’s Day Shrine in Grafton, WV;
- $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD;
- $440,500 for Horseshoe Crab Research, Virginia Tech, VA;
- $125,000 for the Polish American Cultural Center in Philadelphia, PA;
- $400,000 for the National Iron Worker’s Training Program;
- $350,000 for leafy spurge control in North Dakota;
- $750,000 million for the Hudson Valley Welcome Center in Hyde Park, NY;

Clearly, when it comes to earmarking in Congress, it is business as usual, business as usual. And that is what drives me and other sponsors of this amendment.

Not long ago, a prominent member of the majority party in the House, Congressman HENRY WAXMAN, called for exactly what this amendment calls for: a moratorium on earmarks. Representative Waxman was quoted in the press as saying, “We have a problem in Congress. Appropriational spending through earmarks is out of control.” Congressman Waxman added “I think our best approach would be to suspend all earmarks for the 2009 appropriations cycle while we consider the right reforms for the earmarking process.” You will not hear me say this very often, but I could not agree more with Congressman HENRY WAXMAN.

I encourage my colleagues to support this amendment. We need to start making tough choices around here—and we need to do it today. We have to face the facts, and one fact is that we can’t continue to spend taxpayers’ dollars on wasteful, unnecessary pork barrel projects or cater to the special interests any longer. The American people will not tolerate any more “bridges to nowhere,” and they shouldn’t.

Amendment No. 2477

Mr. HATCH. Mr. President, I rise to speak about an amendment that would help create an imminently important program, the Federal traumatic brain injury—or TBI—program. This is the only Federal program that helps the 3.5 million Americans living with TBI and their families.

In 1996, Congress decided to create the Federal TBI program along with my colleague, Senator KENNEDY, most people had probably never heard of a traumatic brain injury. Many more people now are familiar with the term TBI because it has been increasingly highlighted in the media, but they may still not fully comprehend the gravity of such a condition.

TBI can strike anyone of any age without warning and with absolutely devastating consequences. Indeed, it is often called the “silent epidemic.” TBI is defined as brain damage from externally inflicted trauma to the head resulting in significant impairment to an individual’s physical, psychosocial, and functional abilities. According to the CDC, brain injuries are among the most likely types of injury to cause death or permanent disability. People ages 15 to 24 years and those over age 75 are the two age groups at highest risk for TBI. Motor vehicle accidents, sports accidents, falls, and violence are the major causes of TBI.

TBI is particularly common among young males and people of both sexes who are 75 years and older. Because of its uniqueness, TBI affects the whole family and often results in huge medical and rehabilitation expenses over a lifetime.

TBI may also be caused by explosions, and medical experts have described it as the signature wound of the Iraq war. Up to two-thirds of injuries in the Iraq war may be brain injuries. TBI affects people like no other condition simply because it affects the brain. Just imagine what the consequences could be if the brain did not work properly. The brain is the control center of the central nervous system and is responsible for behavior and information processing. It controls cognition, perception, memory, and the physical processes in the body. The brain is also in command of posture, reflexes, movement, and coordination, as well as motor skills and other forms of learning. It performs a variety of body functions automatically, such as coordinating blood pressure and body temperature and breathing.

Given this, it is clear that an injury to the brain is unpredictable and has the potential to cause catastrophic results. TBI can be mild, moderate, or severe, depending on the extent of the injury, the actual location of the injury. TBI can cause a host of physical, cognitive, emotional, and social effects. Results can be anything from complete recovery to permanent disability or death.

As I mentioned, TBI is different from other disabilities due to the severity of cognitive loss. Most rehabilitation programs are designed for people with physical disabilities, not cognitive disabilities. Cognitive impairment may require more specialized accommodations than physical disabilities. Finding needed services is typically a logistical, financial, and psychological challenge for family members and other caregivers, however, more work needs to be done at both the national and State level to build an effective, durable service system for meeting the needs of individuals with TBI and their families. There are still too many dots that need to be connected. We must not stop now. We must sustain this program.

That is why I have been working with my colleague, Senator KENNEDY, to reauthorize the program once again. I am pleased that our TBI reauthorization bill—S. 795—passed the Senate by unanimous consent on December 11, 2007. Just this week, the House Energy and Commerce Subcommittee on Health acted on its companion bill, H.R. 1418, and amended it with language from our Senate bill. I am hopeful that we can secure a timely passage of this reauthorization and thereby re-affirm our commitment to helping the TBI community.

Under the President’s fiscal year 2009 budget proposal, funding is eliminated for this program. I support my President, and I support the goals of funding programs with proven performance accountability while reducing the deficit; however, I disagree with the proposal to cut this important program—the only program that helps this vulnerable population.

I know that I am not the only one. This is not the first time elimination of the program has been proposed—but it keeps getting funded because others also feel it is an incredibly important program. It is a relatively small program, budgetwise, but that should not be a reason to ignore its significance or to let it fall by the wayside. That is why I have crafted this budget-neutral amendment to create a reserve fund of $9 million for the TBI program. This amendment will ensure the sustainability of this essential program, and the availability of services for individuals with TBI, and I urge my colleagues to support it.
Mr. LEAHY. Mr. President, the well publicized naturalization backlog that the administration has allowed to build up over the last year threatens not just to deprive hundreds of thousands of people, including many military veterans, of participating in upcoming Federal elections, but it has undermined the legitimate expectations of those who have followed the law that their government will function as it is intended.

The related issue of a backlog at the FBI in completing security name checks in connection with naturalization applications not only contributes to these delays, but undermines the very purpose of the security check itself. If a security name check is pending for as long as three years, the result is that either someone who should not be in the United States is languishing unaccounted for, or that someone who should be approved is caught in a bureaucratic gridlock. Neither is desirable.

Our amendment gives Congress the flexibility to legislate a solution in relation to the backlogs at both the FBI and USCIS if the administration is unable to resolve this situation. Whether it is necessary to give more resources or additional authority to these agencies, it is becoming apparent that Congress may need to intervene. The administration's efforts thus far to address this issue are too little too late. Many in Congress have been rightly concerned about this situation in light of the serious security questions it raises, and we should not tolerate the vulnerabilities we are left with. What was a foreseeable situation was not foreseen. It is disappointing that for all of the administration's rhetoric in support of fair and realistic immigration reform, it has allowed this to happen. Those individuals who have come lawfully to the United States and who have strengthened their commitment through hard work, perseverance, and responsibility deserve better. I urge all Senators to join us in support of this amendment.

Mr. DURBIN. Mr. President, I am pleased to support the Biden/Lugar amendment that restores the full amount of the President's request for the international affairs budget.

While American military engagement overseas is at an all time high, the strength of their commitment through hard work, perseverance, and responsibility deserve better. I urge all Senators to join us in support of this amendment.

Similarly, the Peace Corps, one of our most successful programs at both sharing American values and assistance while also exposing our young people to the peoples and cultures of other worlds, has seen its budget in real dollars cut by almost 40 percent since its inception in 1967.

At a time when more and more failed states are in need of international peacekeeping missions, the United States is more than $700 million in arrears in U.N. peacekeeping dues. This tragic omission has become more aware of what dangers failed states pose and what misery they bring to their own people.

These stark shortcomings in American nonmilitary engagement overseas—our smart power—not only threaten our own security, but also who we are as a nation and how we are viewed abroad.

Defense Secretary Gates and many former military officers have spoken publicly and hard to decry a greater emphasis on American smart power. They recognize that our diplomatic, development, and economic engagement around the world not only lift the lives of others but also make us safer at home.

These investments in bringing stability, maternal and child survival programs, clean water and sanitation, economic development, and sustainable democratic institutions and processes create a foundation for potential military engagement.

This amendment will not address all our international engagement needs and challenges—that will only happen when we take such steps as closing Guantanamo, unequivocally renouncing torture, and taking responsibility for our contribution to global warming—but the amendment is an important step in the right direction.

Finally, I want to emphasize the importance of the bipartisan gender sensibility in funding programs to fight HIV/AIDS, TB, and malaria, diseases that kill over 6 million people each year.

Through its contribution to the global fund, the U.S. has helped save almost 2 million lives in over 100 countries during the last 5 years. This highly successful program, which uses contributions from around the world and works directly with individual countries on the ground, provides vital support and has been a leading force for the fight against disease, improving the lives of others, and improving America's image around the world.

I believe America must work to meet a full one-third contribution to the fund's efforts, and I hope funds from this amendment can help meet this important goal.

I similarly urge the Senate to support the upcoming reauthorization of the President's Emergency Plan for AIDS Relief, also known as PEPFAR. The President deserves credit for supporting this effort—an effort that should be continued.

Mr. SPECTER. Mr. President, I voted against the Allard amendment because I am not prepared to accept the blanket assessment by OMB as to which programs are effective or not effective, or which programs are critical for the nation's future. I also urge Congress to make the assessment as to which programs are effective or ineffective and then Congress should act to eliminate all of the ineffective programs.
strengthen coordination among federal, state, and local programs.

We also need to do more to see that children have a safe and satisfactory environment to learn. Many schools across the country today are crumbling from use, which creates a discouraging, inadequate environment for learning. The backlog on repairs is now estimated at $100 billion, and we can’t afford to ignore it. This amendment makes a down payment on rebuilding the schools by authorizing $3 billion to begin the most urgently needed repairs.

Another key issue is the home heating crisis, which is also putting countless children across the country at unacceptable risk. They can’t grow and develop normally if their homes are too cold, and their families can’t even afford the fuel to cook their food. LIHEAP—the Low Income Home Energy Assistance Program—was intended to help families in need pay their energy bills, but it has not been fully funded. Too many families are left out of the program, and left in the cold. The funds in this amendment will support millions of additional households, and bring vital assistance to those children.

Finally, the amendment provides funds to expand the Food Stamp Program. In these difficult economic times, more and more Americans are struggling to put food on their table. Thirty-five million Americans live in hunger or on the verge of hunger, an increase of nearly 2 million under the Bush administration. One in every six children struggle with hunger in the United States each year. How can we let that happen in the richest country in the world?

The Food Stamp Program has long provided vital support for low-income families. It improves their children’s diet, their children’s health, and their children’s performance in school. The Sanders amendment will bring millions of additional families into the program, and give millions more children the chance for a brighter future.

Investing in our Nation’s children is the best money we can spend. The Sanders amendment provides the funds we need to truly start fulfilling our commitment to America’s children.

AMENDMENT NO. S2092

Mr. LEVIN. I am pleased to join Senator Collins-Levin energy independence amendment that sets forth important steps to be taken in the area of energy tax policy. The amendment we are offering will provide some improvements to the work already done by the Budget Committee.

The budget resolution before us includes a reserve fund for clean energy and the environment that establishes a framework for Congress to enact legislation that will reduce our dependence on foreign oil, reduce our greenhouse gas emissions, and protect the environment. Tax incentives such as extension of the renewable energy production tax credit and the Clean Renewable Energy Bond, CREB, program will be key components of such legislation. Both will expire at the end of 2008, and both are critical to the development of new renewable energy projects. Without an extension of the tax credits, many projects will be put on hold because they will be less financially viable. With the tax credit, these projects can go forward, and provide both investment in the economy and new jobs.

Similarly, the CRED program provides interest-free borrowing by public utilities for qualified projects, by providing a tax credit for the taxpayer holding the bond. Eligible renewable projects are the same as those that qualify for the renewable production tax credit, including wind, solar, biomass, geothermal energy, landfill gas, trash combustion, and qualified hydropower facilities.

The amendment we are offering today adds several important tax incentives that are included in the legislation under this reserve fund and it specifies an adjustment in the tax code that could be used to help pay for the tax credits proposed to be extended or established. The additions to the major oil companies to help take strides toward increased use of renewable sources of energy and away from our dependence on oil.

I want to mention 3 tax incentives that are included in this amendment that offer the potential to significantly both our dependence on oil and our greenhouse gas emissions. We propose 2 tax incentives that address the production of ethanol from cellulosic sources and the production of biodiesel fuels, and we propose a new tax credit for plug-in hybrid vehicles.

Specifically, we propose extension of the current production tax credit for biodiesel fuel and the small-producer biodiesel tax credit, both of which will help those who are beginning to develop these technologies. Specifically, we propose extension of these tax credits were included in the 2007 energy bill but not enacted into law. Many of our small biodiesel producers are already having a hard time now because of the increasing prices of feedstock. Without this tax credit, they will not be able to stay afloat and we will lose these new sources of biodiesel fuels. We cannot afford to do that.

We also propose a new production tax credit for cellulosic ethanol. Current law provides for an ethanol blenders tax credit for ethanol from any source. Ethanol produced from cellulosic sources, however, offers the potential to reduce greenhouse gas emissions by 80 percent or more. Therefore, we propose a new per gallon production tax credit for cellulosic ethanol, up to a limit of 60 million gallons. This provision was also included in the 2007 energy bill but not enacted into law. Again, this is a necessary boost needed to provide the necessary incentive to reduce greenhouse gas emissions and thus help pay for cellulosic ethanol to ensure that they are able to bring the technology to commercialization.

Finally, we propose a new tax credit for plug-in hybrid vehicles, including a tax credit for hybrid conversion kits that can modify current technologies with the latest in battery technology as it is developed. This new tax credit would offset the increased cost to consumers and to achieve widespread acceptance by consumers. These tax credits will accelerate significantly the availability of these new plug-in hybrid vehicles to consumers.

Lastly, I want to say something about the offset that we propose. Our amendment includes a reserve fund under this reserve fund may include adjustments to the amortization of geological and geophysical expenditures for major integrated oil companies to help pay for the new tax incentives. In this proposal, the major oil companies testified that they do not need all of these tax breaks. Adjustment to these tax breaks could provide billions over 5 years—with that investment put into renewable sources of energy instead. I believe that we have the opportunity to help reduce our dependence on oil and protecting the environment.

Ms. COLLINS. Mr. President, the Collins-Levin energy independence amendment will help set us on a path toward energy independence and provide a more sensible energy tax policy. The Collins-Levin energy independence amendment to the budget resolution specifies that legislation under the reserve fund for investing in clean energy, providing for certain settlements may also include tax credits for the following:

Our amendment expands energy tax credits to encourage replacement of old wood stoves with clean burning, more efficient stoves. Unfortunately, many of the wood stoves purchased decades ago are outdated, inefficient, and are contributing to both indoor and outdoor air pollution. The emissions from old wood stoves present a serious health concern, contributing to such respiratory ailments as asthma and bronchitis. New, EPA-certified wood and wood pellet stoves can cut emissions by more than 70 percent and use as much as a third less firewood for the same amount of heat.

The production of ethanol from cellulosic sources and production of biodiesel fuels. These technologies each offer tremendous potential for reductions in our gasoline consumption and in greenhouse gas emissions and will help move our petroleum-based economy toward a renewable, sustainable forest bio-economy.
The purchase of plug-in hybrid electric drive vehicles. The combination of advanced battery technology and advanced hybrid systems offer tremendous potential for reduction of oil consumption, but tax incentives will be necessary to offset the increased cost to consumers, and achieve widespread acceptance by consumers. It is estimated that a plug-in hybrid could get the equivalent of 100 MPG, having a large impact on reducing our use of oil.

We would pay for these by scaling back a tax preference for large oil companies which their executives have testified they do not need. The amendment also specifies that legislation under this reserve fund may include adjustments to the amortization of geological and geophysical expenditures by integrated oil companies to help pay for the tax incentives.

In 2005, the major oil companies have conceded that they do not need this tax break. Adjustments to this tax break could provide billions over 5 years. There is no reason to provide reduced tax rates for one of the world’s most profitable industries at a time when so many families and small businesses are struggling. We need to address the long-term challenge of reducing our reliance on imported oil.

AMENDMENT NO. 4196

Mr. BAUCUS. Mr. President, I have been a strong proponent for repeal of the estate tax. Over the years, I have voted repeatedly to get rid of this tax. It harms American families, farms, and businesses.

Once I realized that repeal would not be enacted immediately, however, I worked to get a compromise for the American people. I am continuing that fight.

Last fall, during the farm tax markup, I announced my goal to develop a workable estate tax compromise that could be passed this year. I continue to be committed to that goal.

As chairman of the Finance Committee, I have been using the Senate process to fully analyze what we need to do. I have been holding hearings on effective estate tax reform.

The first estate tax hearing was held in November. The hearing focused on the scope of the problem. We had a second hearing yesterday to explore alternatives to our current estate tax system.

And in April, the Finance Committee will hold a final hearing to discuss reforms to our current system that go beyond rates and exemptions.

After those hearings, we plan to roll up our sleeves and begin working on an estate tax bill—a bill that will pass in the Senate. Once we develop that bill, we will have a markup in Committee.

My goal is an estate tax bill that will get enough support to pass. That goal will take time and work on both sides.

AMENDMENT NO. 4170

Mr. MCCAIN. Mr. President, I am pleased to lend my strong support for the amendment offered by Senator GRAHAM. We should always strive keep taxes low, but the threat of higher taxes is especially damaging during this time of subpar economic growth. I thank him for his leadership on this important, fiscally responsible proposal, and am pleased to join as a cosponsor. This amendment addresses the most important issue among any that will be discussed during this budget debate, and the one that most clearly defines the differing governing philosophies between the majority and the minority:

The Democrat-controlled Senate wants to raise taxes by $1.2 trillion and immediately spend those tax dollars, while the Republicans want to prevent tax increases and reduce wasteful spending. If anything, that is quite simple.

All of us should be paying very close attention to the current economic realities facing our country. Almost daily, we are informed of worsening news on the market front, widening subprime mortgage delinquencies, defaults, and foreclosures, declining housing values, and a broadening credit crunch affecting all sectors of the economy. But we also need to look beyond the economic news—we need to focus on the American families who are struggling as a consequence, some close to giving up hope, and we need to help them. Having spent the past weeks and months traveling across America, I have heard first hand of the difficulties facing so many hard-working American workers who are not one of them has asked for higher taxes.

Instead, we should focus on sound, meaningful progrowth policies that will help create jobs. But the one thing that we should not do, under any circumstances given our present economy, is to raise taxes on American workers who are already struggling to put food on their tables and gas in their cars.

I have long fought against tax increases, as have my other colleagues supporting this amendment. This Congress has the power to keep taxes low. Instead, the majority party is actively seeking damaging tax increases on a broad spectrum of Americans—116 million taxpayers—$1,833 increase; 84 million women—$1,212 increase; 48 million married couples—$3,007 increase; 43 million families with children—$2,323 increase; 12 million single women—$2,323 increase; 16 million seniors—$27 increase; 27 million small business owners—$4,066 increase.

I oppose these efforts because millions of middle-class families will be hit with higher taxes, not just the rich. In fact, I believe the overwhelming tax increases that will occur under this budget will hit overwhelmingly the middle class.

Let me offer just a few examples of how families will be impacted if we fail to provide tax relief that our amendment would provide a family of four with two children who earn $50,000 annual income today—$53,400 in 2011—would see a $2,155 increase, from $1,128

AMENDMENT NO. 4195

Ms. SNOWE. Mr. President, today Congress is confronted with making difficult choices in developing the budget for fiscal year 2009. Undoubtedly, there will be issues that will divide us as we consider this budget resolution, but I do believe that surely we can all come together on other issues. One such issue that I hope we can find mutual agreement is the need to expand the availability of the child tax credit to more working families.

This is an issue that I have long worked with my good friend, Senator LINCOLN, the senior Senator from Arkansas.

Yesterday, the Finance Committee, led by Senator LINCOLN on an amendment that would create a reserve fund to lower the income threshold for the refundable child tax credit to $10,000, unlike the $10,000 and de-index it from inflation. This amendment is modeled after legislation that I introduced last year with Senator LINCOLN, the Working Family Child Assistance Act.
In 2001, Congress doubled the child tax credit from $500 to $1,000, and along with the Senator from Arkansas, pushed to make the child tax credit refundable for workers making around the minimum wage as well. As enacted, a portion of a taxpayer’s earnings that it would be refundable beginning with up to 15 percent of earnings above the indexed $10,000 threshold.

The consequences of inaction are serious for low-income Americans living paycheck-to-paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive. This year, because the income threshold is indexed, only taxpayers earning over $12,050 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than $12,050 are shut out of the child tax credit completely.

Today I am introducing legislation, the Working Family Child Assistance Act, with Senators Lincoln, Obama, and Rockefeller that will enable more hardworking, low-income families to receive the refundable child credit this year. My legislation returns the amount of income a family must earn to qualify for the child tax credit to $10,000. Moreover, my bill would “de-index” the $10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.

The Joint Committee on Taxation has estimated that this amendment will allow an additional 600,000 families to benefit from the refundable child tax credit. The Maine Department of Revenue estimates that 16,700 families in Maine alone would benefit from our proposal. Two thousand of these Maine families would otherwise be completely locked out of the refundable child tax credit under current law.

I am committed to this issue, thank the Senator from Arkansas, and urge my colleagues to join me in supporting this critical amendment that will make the child tax credit available to 2 million children who would otherwise not be eligible. Furthermore, notably, this amendment is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year’s tax bill.

AMENDMENT NO. 41H

Ms. SNOWE. Mr. President, I rise to speak on an amendment, which was passed today, that I introduced with my colleagues Senators Pryor and Bingaman. The amendment will create a deficit-neutral reserve fund for science parks. This deficit-neutral reserve fund will help bridge the need for funding so this critical industry can continue to expand. Science parks are concentrated high-tech, science, and research-related businesses, and are an important tool in strengthening America’s global competitiveness. Through the development of innovative technologies, competing and complementary companies working within close quarters are able to build on each other’s ideas when entering the national and global marketplace. Unlike well known industrial parks, science parks primarily focus on innovation and product advancement. These parks are a vital part of the Nation’s economy, creating 2.57 jobs for each core job in a science park.

As a strong supporter of expanding America’s science parks, I am the lead cosponsor of S. 1371, legislation which provides grants and loan guarantees to promote the development and construction of science, research, and technology parks. I adamantly encourage increased investment in new and existing science, research, and technology parks throughout the U.S. This amendment highlights that science parks need more funding to help drive innovation and regional entrepreneurship by enabling existing science parks to make needed renovations while also encouraging rural and urban States to undertake studies on developing their own successful regional science clusters.

Congress recently passed, and the President signed into law, the “America Competes Act,” legislation authorizing $43 billion of new funding over the next 10 years. Next week the Federal will board. Federal investment in math and science education programs. Building on the efforts of the America Competes Act by increasing research funding and education for our innovative workforce is vital. This amendment will help ensure that this workforce is provided with a place in which to operate.

Residency in science parks provides businesses numerous advantages such as access to a range of management, marketing, and financial services. At its heart, a science park provides organized link to local research centers or universities, providing resident companies with constant access to the expertise, knowledge, and technology they need. These innovation centers are specifically geared towards the needs of new and small companies, providing a controlled environment for the incubation of firms and the achievement of high growth.

In my home State of Maine, we simply do not have the population density in any given area to support traditional science parks. However, Maine has been a national leader in providing business “incubation” services. Incubators, like this amendment, are cost-free to doctors. Not only must they invest in the technology, but they also must reengineer their practices. This means lost time and money. And many doctors cannot afford that. So providing some financial incentives to get them started makes a lot of sense.

There is bipartisan support for e-prescribing. Many members of the Finance Committee, Democrats and Republicans alike, have said how important they think it is. The administration, too, supports e-prescribing as an integral part of electronic health records. With all this support, it is time to get the job done. I support Senator Sununu’s amendment that would provide financial incentives to encourage physicians to adopt e-prescribing. I urge my colleagues to support the amendment.

AMENDMENT NO. 4121

Mr. GRASSLEY. Mr. Secretary, I want to take a moment about how important it is to encourage physicians to adopt e-prescribing. Some studies suggest that e-prescribing could save the Nation tens of billions of dollars. It can prevent doctors from prescribing a drug to a patient when he is allergic to it. It can prevent doctors from prescribing a drug that could cause dangerous interactions with a drug the patient is already taking. It can help doctors better use health plan formularies, saving themselves time and their patients money.

Senator SUNUNU knew this years ago. Well ahead of others, he was pushing to give incentives to physicians to buy and implement e-prescribing systems. Senator Sununu introduced a bill 3 years ago, but Congress wasn’t ready to take his lead. We should be ready now. Studies show that only 11 percent of physicians are using e-prescribing. Adopting e-prescribing isn’t cost-free to doctors. Not only must they invest in the technology, but they also must reengineer their practices. This means lost time and money. And many doctors cannot afford that. So providing some financial incentives to get them started makes a lot of sense.

There is bipartisan support for e-prescribing. Many members of the Finance Committee, Democrats and Republicans alike, have said how important they think it is. The administration, too, supports e-prescribing as an integral part of electronic health records.
Mr. HATCH. Mr. President, I rise today to discuss my amendment to the fiscal year 2009 budget resolution. S. Con. Res. 70, which condemns the unwise practice of diversion of funds from the U.S. Patent and Trademark Office, USPTO.

By stopping the short-sighted practice of fee-diversion, Congress would ensure that all funds collected are available to modernize the USPTO and increase the number of examiners so that U.S. entrepreneurs receive swift, precise decisions to secure their intellectual property.

The patent system is the bedrock of innovation, especially in today’s global economy. The USPTO is the sole intellectual property policy office in the U.S. Government and a leading agency for intellectual property protection and enforcement worldwide. The nature of the USPTO workload is constantly evolving and increasing year by year, and requires active, responsive management of the resources devoted to building the Nation’s intellectual property and its contribution to building a strong and vibrant economy, it is incomprehensible to siphon these funds away from their intended use, especially during these trying economic times.

Patent applications reflect cutting-edge technology, and are increasingly complex. More than ever, resources commensurate with the burdens placed on examiners are needed to efficiently and accurately prosecute patent applications. The backlog of unfinished applications for U.S. patents might reach well over 800,000 this year alone. It makes no sense to me why Congress would siphon off funds from the USPTO and accurately prosecute patent applications. The backlog of unfinished applications for U.S. patents might reach well over 800,000 this year alone.

Last year alone, more than 467,000 applications were filed at the USPTO. The sheer volume of patent applications reflects the vibrant, innovative spirit that has made America a world leader in science, engineering, and technology. No doubt, the number of applications is hampering the agency’s ability to keep pace with the innovative thought of applicants and to be flexible with the emergence of new technologies.

By prohibiting the practice of diverting fees to pay for other programs, the agency would ensure that the fees paid by inventors are used solely for USPTO operations. The resource-starved agency is still trying to recover from the almost $750 million in patent and trademark application fees that were diverted away from the USPTO between 1992 and 2004. As a result, the agency has been unable to hire, train, and retain the number of qualified examiners needed to handle the ever-increasing number of patent application filings. Moreover, the practice has inhibited the agency from playing more of a key role in combating counterfeiting and piracy, both domestically and abroad.

I note that the Congress and the administration have permitted the USPTO to keep almost all of its fees for the last 3 fiscal years. But, there is nothing to prevent this devastating practice of fee diversion from happening in the future. This senseless starving of the USPTO must end.

I believe this sense of the Senate is the first step in acknowledging that Congress must act in short order to stop depriving the USPTO of funds it so desperately needs to pay the application fees to applicants the quality and timeliness of service they are due.

For all of the above reasons, I encourage my colleagues to support this sense of the Senate.

Mr. SALAZAR. Mr. President, I rise in strong support of the budget resolution that is before the Senate today. I want to thank Chairman CONRAD for his leadership—he and the Budget Committee and myself have put together a strong, fiscally disciplined budget that will help put our economy back on track while bringing our budget into balance by 2012.

This is the time of year when middle-class families across the country are sitting down at their kitchen tables with stacks of bills, tax forms, and a calculator. They are adding up expenses and incomes—and the numbers are not good.

The cost of health insurance is up. Mortgage payments are up. Gas prices are up. Food prices are up. Heating bills are up. Inflation is up. Unemployment is up.

Families’ expenses are on the rise, but, for the last 7 years, wages have not kept pace. In times like these, it is hard to balance a budget, but American families don’t have a choice. They either balance their budget or face debts and bankruptcy.

The Federal Government should take a lesson from American families: when pennies are tight, we need to be making smart, disciplined decisions that bring budgets into balance. That is not an easy task when you consider the fiscal mess this Congress inherited.

In 2000, we were running $236 billion in budget surpluses. In 2006, the Federal budget deficit was $246 billion. The national debt will have gone from $5.8 trillion in 2001 to over $10 trillion by the end of this year. Think of that for one second: in just 8 years, this administration will have almost doubled the entire national debt. It is staggering. And it is the reason that Americans have lost trust in the fiscal policies of this administration.

But the budget resolution we passed last year and the budget resolution we are considering today rein in this recklessness.

This budget, thanks to the work of Chairman CONRAD and the Budget Committee, is the blueprint for how we fund our most important Federal programs, provide new tax relief, and bring the budget into balance within 4 years—without raising taxes.

And this budget puts the Federal Government back on a pay-as-you-go basis, meaning that if someone wants to pass a new Federal program or cut taxes—they have to find a way to pay for it. This is known as “pay-go,” and it is simple common sense.

It is not easy to enforce the type of fiscal restraint embodied in “pay-go” while addressing the most pressing challenges our country is facing, but this budget succeeds in doing just that.

I want to spend a few moments talking about the tax portions of the budget resolution because they are of direct interest to those middle class families who are feeling the squeeze of stagnant wages, rising costs, and declining home values. The underlying budget resolution offers AMT relief and measures to close the tax gap, and the amendment that Senator BAUCUS has offered would provide further relief.

The Baucus amendment would permanently extend a series of critical middle-class tax cuts and create new tax relief for two important groups: (1) high property taxes and (2) veterans and servicemembers that are giving so much. As a member of the Senate Finance Committee, I believe that Congress should use the budget resolution to demonstrate its strong support for the tax policies that provide relief for middle-class families.

The Baucus amendment makes permanent the 10-percent tax bracket, the child tax credit, the adoption credit, the dependent care credit, and marriage penalty relief.

It helps address the housing crisis by allowing middle-income taxpayers an “above-the-line” deduction for property taxes. This would allow homeowners to deduct their property taxes whether or not they itemize their deductions, providing relief to a segment of the population that has been hard hit by recent economic troubles.

In addition, the Baucus amendment includes a series of tax breaks designed to provide tax relief to veterans and servicemembers, including a provision to allow servicemembers to count combat pay as income for purposes of the earned income tax credit.

Finally, this amendment will pave the way for meaningful estate tax reform by preventing any increase in the estate tax above the 2009 rate and exemption levels. The Finance Committee is working toward the goal of enacting permanent and comprehensive reform, and the amendment is an important step in the right direction.

These are not the only tax priorities that we intend to pursue this year, but they are at the top of the list for urgency and priority.

In addition to these tax cuts for middle-class families, the budget establishes and funds priorities and programs that have been neglected for far too long.

For our Armed Forces, the budget provides full funding for our troops in Iraq and Afghanistan but also helps rebuild a military that has been under intense strain for five years. The Army
Chief of Staff, General Casey, has been very clear that the current operational tempo and repeated deployments is putting the Army “out of balance,” and less able to respond to contingencies.

The National Guard has also been hit hard by the administration’s policies—units have been short equipment for training, disaster response, and other missions. This budget, though, provides over $49.1 billion to recruit, train, equip, and maintain our National Guard and Reserve units—these funds are desperately needed to reset the force. The budget also provides a 3.4-percent pay raise for military personnel, and rejets the administration’s proposals for new TRICARE enrollment fees and higher deductibles for military retirees.

For our veterans, the budget provides $48.2 billion for discretionary programs, including medical care. This is $3.2 billion more than the President’s proposal and brings funding for the VA in line with the recommendations in the independent budget, which veterans’ service organizations compile each year to guide funding for the VA.

I am particularly proud that the committee was able to fulfill my request to restore funding for major construction projects in the VA, including the Fitzsimons Hospital in Denver. The administration has been dragging its feet for years on the construction of major medical facilities that have been planned for years. The foot-dragging has only caused costs to rise and veterans to have to wait longer for modern medical facilities. This is unacceptable. I appreciate Chairman CONRAD and the Budget Committee for all their work on this budget. I am proud to stand behind it.

Mr. KOHL. Mr. President, I will be supporting this budget resolution and would like to offer a few observations as we go forward.

I begin by expressing my appreciation to the chairman and ranking member of the Senate Budget Committee, as well as their talented staff. Plotting the fiscal roadmap is a difficult task. While everyone may not agree on the outcome, I think we all appreciate and commend the dedication and expertise of those who are at the center of the process.

Sandwiched as it was, between Super Bowl Sunday and Super Tuesday, the President’s budget generated only passing scrutiny beyond the beltway when it was submitted earlier this year. I believe the budget before us improves on that plan substantially.

The President put forward a $3 trillion budget with near-record projected deficits and the biggest defense expenditure since World War II. It recycled a number of ill-advised proposals that have been roundly rejected in the past. It put the squeeze on Medicare and Medicaid. And it shortchanged future generations. Congress can and will do better in addressing the challenges Americans face on education, health care, job creation, crime prevention, and high energy costs.

I look forward to working with Democrats and Republicans alike in developing bills that put the priorities of the American people first.

This budget invests in education by increasing resources for education and training programs. It provides for $13 billion in education tax cuts, which will help make college more affordable. It provides a $2 billion supplemental Education Reserve Fund to provide for school construction and facility improvements, as well as the authorization of the Higher Education Act and the extension of education tax credits and deductions.

This budget gives a little more hope for American families raising children with disabilities. The President’s budget proposed $11.3 billion in funding for special education, which represents the lowest level of support since fiscal year 2002. Last year, over 56,000 Wisconsin students with disabilities did not receive needed services due to chronic underfunding of IDEA, and the President’s budget sought to continue this shameful trend.

This budget is better for Head Start, a program that prepares low-income children to succeed in school. For every dollar invested in Head Start, Wisconsin reaps $15 in future higher earnings, fewer crimes, and less remedial education. Head Start’s funding has not kept pace with inflation or had any cost of living adjustments. In fact, Head Start has been cut by 11 percent since 2002. Mindful of this, the budget resolution rejects the President’s proposal to eliminate 48 education programs, including vital student financial aid programs like Supplemental Educational Opportunity Grants and the Perkins Vocational Education Program. The President’s proposal would have translated into a loss of $24 million in Federal aid for Wisconsin career and technical education.

This budget rejects the over $200 billion in cuts to Medicare and Medicaid that the President proposed. Such large cuts to these programs cannot be sustained without our Nation’s health care safety net suffering. The result
would be fewer people with access to health care, and that is not acceptable. In Wisconsin, this would have meant $1.3 billion in cuts to hospitals over 5 years, decreased enrollment in BadgerCare, and drastic cuts in Medicaid. I am pleased that my home State of Wisconsin did not follow President Bush’s unrealistic health care funding cuts implemented.

This budget resolution provides for more funding for the National Institutes of Health and other health care programs. I believe we must continue to invest in the NIH.

This budget anticipates a $4 billion allocation for the Community Development Block Grant Program, an increase of $68 million from last year. The CDBG Program is the largest program that helps cities and states create job opportunities and affordable housing. For Wisconsin, that would translate into approximately $74 million if the increase is enacted. Given the economic downturn and the program like CDBG is vital for communities to combat rising foreclosures and create more affordable housing units through rehabilitation of those properties.

This budget resolution would allow restoration of the Manufacturing Extension Partnership program, MEP, at $122 million. MEP helps manufacturers streamline operations, integrate new technologies, shorten production times and manufacturing lead times, and improve efficiency. At a time when we want to increase economic activity and strengthen the manufacturing base of our Nation, the MEP is a fiscally sound investment of Federal resources.

I am especially pleased that the budget resolution includes a reserve fund to address child support enforcement. This gives Congress the leeway to repair the damage done under the Deficit Reduction Act which slashed funding for child support enforcement programs. Counties in Wisconsin are feeling the crunch of those cuts—and so are families relying on child support to make ends meet. I am hopeful that Congress will take the opportunity laid out in the resolution to help these families by restoring cuts to the child support program.

And finally, as chairman of the Senate Appropriations Subcommittee on Agriculture, I would be remiss if I failed to observe that the request is below the President’s budget and the situation we face on the WIC Program. I would like to insert for the record a letter which I recently sent to the Secretary of Agriculture. WIC provides essential nutrition assistance to pregnant women, infants and children. It is widely recognized for the impact this has on early childhood development. It is a critical discretionary program that is underfunded in the President’s budget.

Our Nation faces extraordinary challenges. War and terrorism demand resources and attention. An aging population struggles to find the money to educate the next generation while battling increased health care costs. Our economy is struggling to create jobs. We need a budget that does better on all these counts. We need one that sensibly faces these challenges. This budget proposal may not be perfect, but it gets us closer to that goal and therefore earns my support.

I ask unanimous consent that a letter dated March 12, 2008, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Hon. Ed SCHAFFER,
Secretary, Department of Agriculture, Washington, DC.

DEAR SECRETARY SCHAFFER: The Consolidated Appropriations Act of 2008 included the following language as part of its Explanatory Notes:

‘‘It is noted that on the President’s budget request, the Administration only recognized this problem as an area of potential savings (in the vaguest of terms and at the last possible moment) in response to a request by this Committee. That lack of responsiveness forced Congress to rely on updated estimates from outside organizations. I value the expertise of outside organizations, and I do not believe this is the best way to make important funding decisions on such a vital program. The circumstances we face demand much more meaningful cooperation between the Executive and Legislative branches of government. As we consider the WIC appropriation in the future, I am obliged as Chairman of the subcommittee to turn my attention to the Administration’s FY’09 budget request for WIC. If the Administration’s proposal is to be detached from reality, it is difficult to fathom, given current economic trends, that the Administration realistically believes an increase of $80 million is an appropriate amount for WIC. (The inadequacy of this request is tacitly acknowledged elsewhere in the budget which anticipates $80 million in “contingency” funding for program participation, rather than reserving it for unforeseeable circumstances, which is its intended purpose.)

Outside estimates already provided to the Congress show that the WIC level requested by the Administration is at least $68 million below the amount necessary to fully fund participation, assuming that Congress will continue to reject the Administration’s attempt to cap administrative funding. My only fear is that the Administration’s inadequate WIC budget request will greatly diminish our ability to provide sufficient funding levels for other important functions of the Department.

Mr. Secretary, Congress did not create this WIC funding directive to be difficult or require more work on the part of USDA. We are making an honest attempt to avoid the cuts to which I view this issue’s fiscal environment.

We are not asking for a budget amendment to simply inform Congress. The Administration’s FY09 budget request for WIC appropriation equals one third of this Subcommittee’s entire discretionary allocation and estimate errors of only a few percentage points can make the difference in hundreds of millions of dollars. You should know that if the Administration fails to provide this necessary information in the manner required under this directive, this Subcommittee is likely to take more stringent measures in the months to come. We are eagerly anticipating the next report, and hope that it will be a substantial improvement. We note that it is due to us before your testimony at the USDA budget hearing on April 8, 2008.

Sincerely,

HERB KOHL,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies

Mr. LEVIN. Mr. President, this budget resolution lays out a fiscally responsible plan with the right priorities, which include job creation, tax breaks for the middle class, and programs that ensure the safety, health, and education of our Nation’s children.

Our Nation is enduring hard economic times. Congress cannot neglect its responsibility to enact priorities which help our Nation return to a state of economic stability and prosperity. Through this budget, we will set the blueprint for its work to help reverse the current administration’s failed fiscal and economic policies.
Since 2001, we have lost over 3 million manufacturing jobs nationwide. My home State of Michigan has lost over 250,000 manufacturing-related jobs. The manufacturing industry faces pressure from international corporations that are subsidized by their respective governments. The American manufacturing sector needs to act to keep American manufacturing companies competitive in the global marketplace and competing on a level playing field.

That is why I am glad that the Budget Committee included in this resolution my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to act to revitalize our domestic manufacturing sector.

The American Manufacturing Initiative, which I announced last year with a number of my colleagues, would help address critical needs in the manufacturing sector by increasing Federal support for research and development; expanding the availability and effectiveness of manufacturing programs across the Federal government; increasing support for the development of alternative fuels and lead-ahead automotive and energy technologies; and creating tax incentives to encourage commercial U.S.-based production of advanced technologies and supporting infrastructure. Over the last year, we have been able to give more support to some components of the AMI—primarily increasing and extending levels for the Manufacturing Extension Partnership and the Technology Innovation Program and providing significant new funding for defense manufacturing programs—but much more needs to be done.

I look forward to continuing to work with my colleagues and the next president to support the manufacturing sector in a meaningful way, and make a wise investment in the long-term growth, health and stability of the manufacturing industry.

I am also pleased that this budget paves the way for a second, much-needed, economic stimulus package. The economic stimulus package that passed in January of this year was a very modest first step toward addressing our economy’s problems. Further initiatives such as an extension of unemployment insurance and housing relief are urgently needed and this budget provides $35 billion toward that effort. The continuation of the pay-as-you-go rule, which would require any new spending or tax cuts to be paid for elsewhere in the budget unless a supermajority of at least 60 votes in the Senate agrees otherwise, shows that the Senate is committed to reversing the administration’s digging into a deeper and deeper ditch of debt. I hope the Senate will live up to this important standard we set for ourselves.

This budget resolution will also allow for meaningful tax relief for middle-class families by shielding them from the alternative minimum tax. Congress has long known that this is the only fair thing to do for America’s middle-class families, since the tax was never intended to impact them in the first place.

I am also pleased that we passed the Baucus amendment to pave the way for extended tax cuts that help working families, including a tax credit provided for each child in a family and relief from the joint-filing penalty paid by America’s married couples. It also extends estate tax and tax cut relief that married couples would be able to pass on to their beneficiaries estates worth up to $7 million before they become subject to the estate tax. The Baucus amendment also includes fully paid-for tax relief to members of America’s military, including a provision allowing combat pay to count toward a refundable federal income tax credit.

I am pleased that the Senate adopted the Collins-Levin amendment that sets forth important steps to be taken in the area of energy tax policy.

Specifically, our amendment proposes extension of the current production tax credit for biodiesel fuel and the small-producer biodiesel tax credit, both of which will expire at the end of 2008. Many of our small biodiesel producers are already having a hard time now because of the increasing prices of feedstock. Without this tax credit, they may not be able to stay in business, and we could lose these new sources of biodiesel fuels. We cannot afford to do that.

We also propose a new production tax credit for cellulosic ethanol, up to a limit of 60 million gallons. Ethanol produced from cellulosic sources offers the potential to reduce greenhouse gas emissions by 80 percent or more. Again, this is a necessary boost needed by these technologies to overcome their challenges and become competitive. We cannot afford to lose these new sources of alternative fuels.

Finally, we propose a new tax credit for plug-in hybrid vehicles, including a tax credit for conversion kits that can modify current technologies with the latest in battery technology as it is developed. The combination of advanced battery technology and advanced hybrid systems offer tremendous potential for reduction of oil consumption, but tax incentives will be necessary to offset the increased cost to consumers and to achieve widespread acceptance by consumers. These tax credits will accelerate significantly the availability of these new plug-in hybrid vehicles to consumers.

I am also pleased that this budget plan provides for Congress to go after the offshore tax haven and tax shelter abuses that are hindering the integrity of our tax system, and I commend Chairman CONRAD and the Budget Committee members for their willingness to address these complicated areas. Cracking down on these abuses is a critical step toward achieving fairness in our tax system.

For many years, the Permanent Sub-committee on Investigations, of which I am chairman, has been looking at the problem of offshore corporate, bank, and tax secrecy laws and practices that help taxpayers dodge their U.S. tax obligations by preventing U.S. tax authorities from gaining access to key financial and beneficial ownership information. The subcommittee has investigated abusive tax shelters, which are complicated transactions that are entered into to provide tax benefits unintended by the Tax Code. They are very different from legitimate, professionally-approved tax shelters, such as deducting the interest paid on your home mortgage or taking tax credits for historic building preservation. Abusive tax shelters, on the other hand, are marked by one characteristic: no real economic or business rationale other than tax avoidance. We cannot tolerate high-priced accountants, lawyers and banks concocting ways for tax cheats to offshore the missing revenue from their unpaid taxes into the backs of honest taxpayers. That is why I have introduced the Stop Tax Haven Abuse Act, on which I am proud to have as cosponsors Senators COLEMAN, OBAMA, SALAZAR and WHITTINGHOUSE. This bill provides a powerful set of new tools to clamp down on offshore tax and tax shelter abuses.

If Congress addresses these inequities, it would bring in billions of dollars needed to pay for many important national priorities. These priorities are recognized in this budget, including education, children’s health care, veterans’ medical care, community development block grants, and law enforcement. We can go a long way toward paying for these critical programs by stopping these tax dodges that rob the Treasury of up to $100 billion a year, and shift the tax burden from high income persons and companies who are principal users of offshore tax havens onto the backs of working families who pay their taxes.

This budget can provide for ample revenues by shutting them down, which is not only reasonable, but crucial to improving the integrity of our tax system. I applaud Chairman CONRAD and the Budget Committee, as well as the Finance Committee and Chairman BAUCUS and Ranking Member GRASSLEY, for their efforts on this front, and I look forward to working with them and other allies on this issue as we address these problems over the next year.

The blueprint set forth in this resolution is worthy of support. It sets us on a course of fiscal responsibility and paves the way for important investments in America’s future.

Mr. LAUTENBERG. Mr. President, from 1997 to 2000, I served as ranking member of the Senate Budget Committee alongside Chairman DOMENICI, and I am proud to say that by the end of my tenure, the Federal Government had a budget surplus for the first time.

Today we face a starkly different picture. Our country is more in debt than ever, owing an astounding $9.3 trillion.
Under President Bush’s watch, the national debt will have almost doubled, and he has sacrificed the stability of our economy in the process. He has effectively taken our Nation from one of the most stable and prosperous to a nation that is recessionary. Our children and grandchildren will be stuck with the bill for generations to come.

Each year, the President has a chance to do the right thing and propose a budget that is both fiscally and morally responsible. As a member of this Congress, I have been extremely disappointed these last 8 years as President Bush has continually presented us with budget proposals that have resulted in four of the five highest deficits in our country’s history, leaving us with a staggering budget deficit of hundreds of billions of dollars. At the same time, his proposals have rewarded the wealthiest members of our society at the expense of the middle class and Americans struggling to earn a living.

I am proud to have helped ensure that Congress rejected these Bush proposals. Once again this year, we find ourselves in the same process.

In rejecting President Bush’s fiscal year 2009 budget proposal, we in the Senate Budget Committee under the leadership of Chairman Conrad have brought forward a budget that is not only fiscally responsible but also morally responsible. As a member of this committee, I was pleased to be able to help shape this budget.

This budget focuses on the real problems that Americans face. It includes tax relief for the middle class, makes much needed investments in our economy and our future, and keeps America safe by responsibly funding our homeland security needs.

One of the most pressing concerns to New Jerseyans, and all Americans, is tax relief for the middle class. New Jerseyans in particular need relief from the unfair and unintended consequences of the alternative minimum tax, AMT. This tax was first imposed on the richest 155 families to ensure they did not abuse loopholes to avoid paying any taxes at all. But it has grown to ensnare far too many people, even members of the middle class, and has become an unfair and unintended tax. That is why it is so important that our budget includes AMT relief for the million New Jerseyans who would otherwise be forced to pay this tax. That is a significant tax cut for the middle class.

I am pleased that our budget includes this AMT relief, and I will continue to work diligently to help create a lasting solution to provide sufficient tax relief— from the AMT and other Federal taxes—for those who need it in New Jersey and nationwide.

I am also proud to be a cosponsor of the Bush amendment to the budget, which the Senate passed today, to provide further tax relief for America’s working families.

Our amendment permanently extends a lowered tax rate that benefits every single wage-earning American by keeping the tax rate on the first $7,000 of income earned to only 10 percent. This provision will save taxpayers an average of $498.

Our amendment also provides for the permanent extension of marriage penalty relief. According to the latest estimates, this extension will benefit 29.5 million Americans with an average savings of $866 per year. In addition, our amendment extends the refundable child tax credit which will provide an average of $1,025 in tax relief to some 31.3 million families.

Important especially to New Jerseyans, this amendment provides new relief from high property taxes. We pay among the highest property taxes in the country, and many in our State need help.

While two-thirds of all Americans are homeowners, only one-third of homeowners itemize deductions on their tax returns. That leaves 26.3 million Americans without a property tax deduction benefit, over 51,000 of whom live in New Jersey.

Our amendment provides tax relief to those who want to move up the property ladder by creating a standard property tax deduction. For single filers, this amendment will provide $500 in property tax relief and for joint filers that number increases to $1,000 in property tax relief.

As a member of the middle-class tax relief, our budget prepares for our economy’s future by making the necessary investments in critical priorities, such as infrastructure, energy, and education.

To keep America moving, we must invest in our transportation infrastructure.

Last year, we saw the I-35W bridge collapse in Minneapolis, MN. Some 25 percent of our bridges are still structurally deficient. This nation’s infrastructure is obsolete. Much of our surface infrastructure is in disrepair, and it will cost billions to improve it.

But less than 1 year after the collapse in Minneapolis, President Bush wants to cut funding for high and bridge repair by almost $2 billion. He also wants to fund transit programs at $200 million below the level that Congress authorized. These cuts hurt States like New Jersey that need transit funding the most, and working families who depend on this transportation.

All of these programs are vital to commuters and travelers in New Jersey. After all, New Jersey is the most densely populated State in the country and is even more densely populated than the countries of India and Japan.

Traffic congestion on our roads costs our country nearly $80 billion a year—twice the Federal budget for highways. Commuters cannot afford to sit in traffic when gas prices are well over $3 a gallon, and our environment cannot afford the greenhouse gas emissions from these idling cars.

Our budget restores billions of dollars President Bush proposed in cuts to transportation and provides even more money to rebuild the backbone of our economy—our bridges, highways, skyways, seaports, airports, and transit systems. Our budget is expected to create 475,000 new transportation jobs, 7,900 in New Jersey alone. I was proud to sponsor an amendment to this budget to ensure that infrastructure projects involving rail transportation, including high-speed rail, airports, and seaports are eligible for this new funding.

Airline travelers fared no better under President Bush’s budget proposal. The Bush administration’s failures on aviation have led to one of the worst years ever for flight delays. More than one in four flights was late. Our air traffic control system remains dangerously understaffed, and air traffic controllers are overworked and fatigued. And there is a lack of leadership in preventing this.

One billion airline passengers will be flying each year by 2015. Now is no time to be cutting funding for our Nation’s airports and runways by $765 million, as President Bush proposes.

Our budget restores those cuts to aviation infrastructure to keep passengers moving.

President Bush is also trying once again to bankrupt Amtrak.

In a time of record high gas prices and record airport delays, we should not be taking away this popular, energy-efficient, and convenient travel option, which people are using in record numbers.

Last October, the Senate passed my legislation with former Senator Trent Lott to provide $11.4 billion for Amtrak to expand passenger rail in the United States, and I am working with my House colleagues to get it taken up and passed into law this year. It is time for President Bush to provide the world-class passenger rail system.

I want to thank Chairman Conrad working with me to ensure Amtrak’s operations and capital needs are fully funded in this budget—a total of $1.8 billion, plus an additional $250 million for State passenger rail grants.

Another key feature of our budget is tackling the extremely important energy and environmental problems we are facing. Our budget shows real commitment to tackling the challenges.

The proposal by President Bush would cut funding for the Low-Income Home Energy Assistance Program, which provides much needed assistance for many contend with expensive bills to heat their homes in the winter.

President Bush also proposed major cuts to programs that reduce our greenhouse gas emissions and help us combat global warming—the most serious environmental threat we face. At a time when the science of global warming is certain, President Bush attempted to cut the budget for renewable energy by almost 30 percent. This is not a strategy to fight the climate...
crisis; this is simply the same old, ineffective energy policy.

Our budget not only restores these cuts but goes even further and calls for new programs that will reduce our dependency on foreign oil and help us fight global climate change. When it comes to education, our budget addresses the real problems American families face with rising tuition costs. While New Jerseyans and the rest of the Nation have seen average tuition costs go up 52 percent since 2000, President Bush has continued to propose massive cuts in education programs. That is no way to ensure the future of Nation.

Not only does our budget reject these proposed cuts but it increases education funding by an additional $5 billion. That is a serious commitment to education.

Our budget puts in place policies that will help our children get the education they need to compete in a global society. It increases money for Pell grants and student loan programs so that our students can afford to go to college and achieve their dreams. Our budget also provides increased funding for early education like Head Start and puts additional resources into our public schools.

Another issue of importance to all Americans is ever-rising health care costs. Since President Bush took office, health care premiums have risen 40 percent in New Jersey. Our budget restores proposed cuts to Medicare, Medicaid, and other important programs to ensure all members of our society get the health care they need.

In addition, no responsible budget would be complete without dealing with the continuing threat of terrorism here in the United States. While spending over $3 billion a week on the war in Iraq, President Bush has badly underfunded our homeland security needs, leaving our Nation at greater risk.

This risk is very real in New Jersey. The FBI has called the 2-mile stretch between Newark Liberty International Airport and Port Elizabeth, N.J. “the most dangerous two miles in the country” for terrorism.

Yet President Bush proposed cutting funding for State homeland security grant programs by almost 80 percent.

We all know that homeland security begins with hometown security. President Bush inherited a country where crime was down thanks to successful, proven programs like COPS and Byrne Justice Assistance Grants, Byrne JAG.

But after declining for years, violent crime has gone up in each of the past 2 years. That is why President Bush wants to eliminate critical funding for local law enforcement under COPS and Byrne JAG.

Thankfully, our budget restores funding for these programs and reaffirms our commitment to keeping our communities safe.

When it comes to taking care of the men and women of our military, I am very pleased that we have recognized the sacrifices our career military retirees make by rejecting President Bush’s proposal for TRICARE enrollment fees and deductibles. This is something I have been working to fix permanently.

I also strongly support the 1.4-percent pay raises for military personnel that our Senate budget resolution proposes. I believe our service men and women deserve the best benefits that a grateful nation can provide.

Lastly, Medicare’s future is critical; in year the President shortchanged NIH. That is why I strongly supported doubling the NIH budget by $2.1 billion. This additional funding will improve the health of the Nation by supporting research on causes, diagnosis, prevention, and cures. So this funding will save lives today and tomorrow.

Our budget should save lives, and it should also improve lives—especially for the most vulnerable. In December, The Bush Administration announced a rule which said CMS won’t pay for most Medicare management services. This cuts our most vulnerable citizens off from their social workers and nurses.

This rule is just wrong. Without case managers, Medicare beneficiaries with disabilities or chronic health problems may not receive case management services. And in these tough fiscal times, my State will lose over $66 million and 1,400 jobs: mostly nursing and social work jobs.

Our budget, however, rejects the President’s reckless rule until we have a new President and a new attitude.

In Maryland, this rule would mean 200,000 poor adults and children with disabilities or chronic health problems may not receive case management services. And in these tough fiscal times, my State will lose over $66 million and 1,400 jobs: mostly nursing and social work jobs.

Our budget, by contrast, provides additional resources to ensure the health care of America’s most vulnerable citizens off from their social workers and nurses.

This year, IDEA should be funded at $21.5 billion, but it only got $11 billion. Bush talks about leaving no child behind, but his budget abandons a generation of children by making IDEA an unfunded mandate.

Senator Sanders’ amendment, which I cosponsor, would ensure IDEA funding by $10 billion over the next 3 years and would dramatically improve services for 7 million children. These are children who can’t make it on their own and who may need individual services like special attention from teacher’s aides, speech therapy, and smaller classes.

These aren’t “extras.” They are essentials that may mean the difference between self-sufficiency and a life of dependence. America needs to get behind our kids—by getting behind those kids that need us most.

The Bush budget also falls short, once again, when it comes to social services block grants. These are services that give people the tools they need to practice their self-help such as child care assistance and treatment for substance abuse.

The Bush budget cuts SSBG from $1.7 billion to $1.2 billion. That is half a billion dollars that States won’t have to help their most vulnerable residents. And the President wants to eliminate the program entirely in 2010. I am outraged that the President would be so
coldhearted but I am proud that the Senate budget rejects these cuts and restores funding to $1.7 billion. My home State of Maryland will receive $32 million this year. I know our communities need it—especially during these tough times. These services help families stay together and not scrapping and saving to stay afloat.

I know about social services block grants. Before I was "Social Worker Barb." The services help those about more than their checking boxes and pushing paper; they are about helping people with their problems and meeting them where they are. The Democratic budget also helps families by helping them keep what they earn for things that they need with smart tax breaks for the middle class. We do it responsibly and realistically by using the budget surplus to extend the tax breaks that matter to working families like the $1000 refundable earned income tax credit, so families can make ends meet; like marriage tax penalty relief so that we don’t put a tax on getting married; and like the 10 percent tax bracket so lower income working Americans keep more of their hard-earned dollars.

Finally, we also make sure that AMT doesn’t hit more middle-class families. These are the tax breaks that help Main Street, not Wall Street, and they are tax breaks we can afford.

I am always going to fight for our first responders because we need to protect the Americans who protect us. But President Bush wants to eliminate Community Oriented Policing Program, COPS, funding. That is a $587 million cut from last year.

The COPS Program pays for cops on the beat because the way that you reduce crime is to increase cops. That is why Democrats added $599 million to our budget for COPS. Firefighters also protect our communities. They need tools to protect themselves—and to protect us. Yet the Bush budget slashes funding for our first responders—eliminating one grant program for firefighters and cutting another grant program by $280 million.

They put their lives on the line every day; they should never be shortchanged by their government. That is why our budget rejects the administration’s reckless cuts and adds $2.2 billion more for law enforcement and first responders.

The Democratic budget also supports our troops with what they need on the battlefield—and what they need when they come back home.

We fully fund the President’s request for the military, and we take care of them here at home. I am so proud that Senator BAUCUS’s amendment includes the Defenders of Freedom Act. These are tax breaks to reward soldiers for their sacrifice, lowering the credit for businesses who keep National Guard and Reserve on their payrolls when reservists and guards are called to help their country and a tax break on money earned because of service to the Nation.

I want everyone to look at what the Bush budget does for our veterans. It is unacceptable that the President underfunded programs for vets. Promises must mean something. We kept Vet Grants and Vet Matching Grants for veterans fighting our enemies on foreign battlefields; they shouldn’t have to fight their own Government for the services and benefits they deserve.

Democrats understand, and we keep our word. We are providing the Department of Defense with an additional $3.2 billion to come up to the funding suggested by Independent Budget.

Finally, as the chairman of the subcommittee that funds science and our space program, I am pleased that the Democrats have an innovation budget. This is a strong budget for NASA: $13.7 billion for NASA. That is $1 billion more than the President’s request. NASA is our premier innovation agency. It creates new technologies that create jobs and excites our next generation of scientists and engineers. These extra funds will allow us to reimburse NASA for the costs of returning the space shuttle to flight safely after the Columbia disaster. I have pushed for extra funding for several years, and I hope we can make it a reality this year in the CJS bill.

The budget also says that we must have a balanced space program of science, security, and space exploration and that we should work to close the 5-year gap in our human space flight program. I support these goals and thank Chairman CONRAD for his leadership.

Yet I am disappointed that the budget does not recommend full funding for the American Competitiveness Initiative at the National Science Foundation and the National Institutes of Standards and Technology. That is because I am supporting the Bingaman-Alexander amendment, to provide the fully authorized levels for these science agencies as recommended by the America COMPETES Act. This funding will provide critical investments in education in science, technology, engineering, and mathematics, STEM. This is the research that creates new technologies and new jobs. It is an important time for America. Our economy is in trouble, and we need to spend wisely and are making the hard choices to make America stronger, invest in our future, and balance the Nation’s checkbook.

The budget reflects the best of our country. It keeps commitments to vets and our first responders, invests in our kids and our future, and meets our economic challenges head on.

Let’s get the job done and pass this budget. Americans deserve it, and the Senate needs to deliver.

Mr. INHOFE. Mr. President, I join my colleagues in expressing great concern for families struggling during these tough economic times. Costs are going up. Prices for everyday goods are increasing. Food costs are skyrocketing. Heating and electricity prices are on the rise. The price of gas is breaking all-time records. The family budget is being strapped. We all agree this is a time of great economic uncertainty.

But we disagree about how Congress should respond to this situation. What is the Federal Government’s role? I will tell you precisely how we should respond—when we are helping families with food and fuel for families are going through the roof. We should not add to that burden by increasing the cost of the Federal Government. Unfortunately, that is precisely what my friends on the Democrat side plan to do with their budget. With the family budget under serious threat, the other side of the aisle plans to expand the federal budget—at the expense of the family budget. I say to my friends: if there was ever a time not to raise taxes, if there was ever a time not to increase the costs people pay for the federal government, that time is now. Yet this budget contains the largest tax increase in America’s history.

We all hear about rising energy costs. However, families are also taking another big hit in the pocketbook with food prices that are increasing at their fastest rates since 1990. Prices for many groceries are rising at double-digit rates. Milk prices increased 26 percent last year. The price for eggs is up 40 percent. Cheese prices have doubled from a year ago. Beef prices are up 50 percent. Flour is up about 20 percent since last year. The prices of food and beverage prices are rising at 4 percent a year, which is the fastest rate of increase in 20 years. All indicators point to this trend continuing, if not worsening.

Food, which accounts for about 13 percent of the family budget, is not the only expense that has seen dramatic increases. Energy costs now consume about 4 percent of a family’s budget. On Monday, gas prices set a record high of $3.277 per gallon. The oil prices broke the all-time, inflation-adjusted record and rose to $108 per barrel. The cost of heating and powering a home is rising. The Energy Department is forecasting sustained increases in the demand and prices of electricity and residential energy usage. It is important to remember that even modest increases in home energy prices have a significant impact on the budgets of middle-income Americans.

Undoubtedly, the costs of many items in the family budget are increasing. In this context, Democrats are rolling out their budget plan, and what do we see? Unbelievably, we see plans to fully increase the cost that families will pay for the Federal Government. With the cost of so many household essentials skyrocketing, why are we raising the cost of the Federal Government? This is the last thing the economy needs. And it is the last thing families need.

This year, the Federal Government will tax $21,604 per household, spend
$25,117 per household, and run a deficit of $3,513 per household. But it is not enough. It never is.

The budget we are considering contains a $1.2 trillion tax hike. On top of the thousands of dollars families are already paying for the Federal Government, on top of food costs and energy costs reaching stratospheric levels, the majority party is rolling out a budget plan with record tax increases. This budget plan increases taxes by more than $2,300 each year for 43 million families and turns them against what these families are already paying.

I watch my colleagues on the other side come down to the floor one after another and complain that the Federal Government does not have enough money. Might I remind my friends that this budget is a $3 trillion budget. This government spends more money than the entire economies of most countries. In 2006, only two countries had entire economies that were smaller—every good and service produced within their borders—bigger than $3 trillion. One was the United States. The other was Japan at $4 trillion. Germany ranked third in world GDP. Amazingly, my colleagues have proposed a budget that is bigger than Germany’s entire economy in 2006.

Under the Democrat’s budget, 43 million families face tax increases of $2,300. What could $2,300 buy for an American family? I started by talking about food costs, which are rising at the fastest rate in two decades. $2,300 could buy 8 months’ worth of groceries for a family. Then I talked about record-setting energy costs; $2,300 could buy a family’s electricity and home heating oil for an entire year.

Now more than ever, we need to protect the family budget from the Federal budget. The Democrat budget does exactly the opposite, containing massive tax increases. It deserves to be defeated.

While the family budget is under threat by Democrat’s nondefense spending, our Nation is under threat by global terrorist forces. We must support our courageous men and women in uniform by adequately funding defense spending.

The greatest trust placed upon Congress by the American people is to provide for their security by maintaining a strong national defense. It is a trust that we can no longer afford, however, we are rapidly reaching a crossroads—a nexus that will determine America’s security for the next several decades.

To better understand where we are today, it is important to understand how we arrived at this point. This Nation’s historical pattern has been one of a small professional military in peacetime, rapidly supplemented by a mobilization of civilians during war, followed by a rapid demobilization at the war’s end. This demobilization or downsizing occurs within a context of balancing risks and threats. The trick is to retain and fund a force of sufficient size and capability to deter or dissuade, and, if necessary, to fight and win.

In the late 1970s, the military of the United States was a hollow force—low morale, low pay, outdated equipment, and unable to maintain the equipment it possessed. In the Ronald Reagan years, Reagan expanded the military budget, increased troops size, reenergized weapons procurement, and revived our intelligence capabilities... returning this country back to its superpower status. The Cold War officially ended in 1990.

Much of this Nation’s firepower is a legacy of the Reagan years. With the demise of the Soviet Union, our military was downsized to counter a “perceived” diminished world threat. Unfortunately, the global strategic environment has since then become increasingly complex, dynamic, lethal, and uncertain.

During the Clinton administration, I was on the floor every 2 weeks warning the country that this administration passed the massive cuts and procurement holiday of the 1990’s. I believe one of the great tragedies of our national security history is the military spending during this time passed.

Between the fiscal year 1994 and fiscal year 2001, the DOD budget experienced a downward trend, $313.3 billion less than if it stayed true to the rate of inflation. Clinton’s proposed budget was $99 billion less than what Congress believed defense required. The Clinton/Gore administration cut the defense budget by 40 percent, reducing it to its lowest percentage of the gross national product since before World War II.

As a result of these budgetary cuts, today’s force is half the size of the military in the 1990s. The Army was reduced from 18 divisions to 10, the Air Force from 37 tactical air wings to 20, and the Navy from 568 ships in the late 1980s to only 276 today.

As our forces decreased in size, the number and lengths of deployments increased and international terrorism took the forefront. Afghanistan was used as a training ground for terrorists and the Taliban regime allowed al-Qaeda unfettered mobility.

On February 26, 1993, a car bomb was planted in the underground parking garage below the World Trade Center, foreshadowing the 9/11 attacks. On June 25, 1996, the Khobar towers were bombed by terrorists. In September 2000, on the 9th anniversary of this event, I was pointing to support by al-Qaeda. On August 7, 1998, there were simultaneous bombings at the U.S. embassies in Dar Es Salaam, Tanzania, and Nairobi, Kenya. On October 12, 2000 suicide bombers used a boat to attack the USS Cole while it was moored in Yemen.

America’s response was comparatively restrained and, at best, inconsistent. Operation Infinite Reach included cruise missile strikes against Afghanistan and Sudan, but there was no adequate response. The inadequate response has been cited as a factor emboldening al-Qaeda to undertake further plans. WMD proliferation through-out the world reached an unprecedented level.

The Chinese government learned that it could rely on our acquiescence. They transferred prohibited weapons technology to North Korea, Pakistan, Iran, and Cuba. In some countries, they threatened to absorb Taiwan, and intimidat our regional treaty allies, South Korea, and Japan. During this period, our country concluded, as Secretary Gates put it, “that the nature of man and the world had changed for the worse.” We continued to unravel disarmament and dismantling institutions important to our national security—in the process, giving ourselves a so-called “peace” dividend...”

We were wrong. The reason I talk about this is because it highlights what can happen when we don’t adequately fund our military and provide it with stability and predictability about its future. The United States must build and sustain military capabilities required to respond to the threats across the spectrum of conflict.

The next war will not be like the past one—history has taught us this. We cannot assume freedom of the seas, freedom of air and space, and freedom for the American people to provide stability. America must be able to deter or defeat any threat, be it an insurgency or a challenge from a near-peer competitor. In order to provide this stability, Congress needs to guarantee a baseline in funding.

Guaranteeing a baseline budget, one that is indexed to our GDP, is the best way to accomplish this. Historically, defense spending was 4.6 percent in 1991 during the gulf war; 8.9 percent in 1968 during Vietnam; and 11.7 percent in 1953 during the Korean war. Across the last century, it has averaged about 5.7 percent. The fiscal year 2009 defense budget is $541.1 billion—approximately 3.3 percent of GDP.

We can no longer afford to kid ourselves that we are still sending our sons and daughters out with the best equipment available. In some cases, we simply can’t match the quality of our competitors. In other cases, while we may have developed a superior system, we have restricted the quantity to a point where many of our soldiers, sailors, airmen, and marines are forced into battle with the older, inferior equipment.

Many other countries are able to buy avionics, airframes, and weapons—often mixed and matched together—to create aircraft that rival our current—30s and 35s, or upgraded MiG-29s and MiG-29s. We can solve this problem if we decide to make the investment in our F-22 and F-35 programs, and buy the number needed to ensure American air superiority in the future. Despite the Air Force’s requirement for 381 F-22 Raptors, it is now slated to only obtain 183.

Some systems in the Army are over-matched by systems sold by other countries. Four other countries have
better artillery systems than the U.S. The British AS90, the Russian 2S19, the South African G6, and the German PzH 2000 are all superior in rate of fire and range to our Paladin. Though we are currently investing in Future Combat Systems, the Army has been forced to extend the life of our current fleet.

Our Navy and Marine Corps are being challenged by a variety of threats ranging from near-peer competitors, to non-state and transnational actors, to rogue nations and pirates. While trying to support and recapitalize their ships, submarines, aircraft, and ground equipment, they are being challenged across the globe. Russian and Chinese submarines continue to threaten our forces with China operating over 60 submarines. China, Japan, Australia, India, Malaysia, Pakistan, Indonesia, Singapore, Bangladesh, and South and North Korea either now have or are planning to acquire submarines. While most do not pose much of a threat to our more advanced fleet, that dynamic is changing. It is simply unacceptable that we have been forced into this predicament.

One can never predict future threats accurately. Our level of defense spending more than doubles the resources needed to meet current and future threats. A Pentagon official claimed 15 years ago that in 10 years we would no longer need a standing army. This is not the only example of flawed strategic thinking. We were not prepared for the fall of the Soviet Union, or the rise in asymmetric warfare that we are currently engaged in. We built a force for 50 years that was predicated upon the idea that we would be fighting a conventional war against the Soviets in the heart of Europe. It doesn’t matter how great our military leaders or intelligence is, our strategic thinking will always be imperfect. There will always be unknowns.

Typically defense spending to GDP accomplishes three things. First, it will allow our military to develop and build the next generation of weapons and equipment: Weapons and equipment that will be needed to maintain national security for the next 30 years; that will provide increased capability across the spectrum of warfare; and that have lower lifetime costs and increased readiness rates.

Second, it provides predictability for our multinational basing. This basing allows the Department of Defense and the Services to plan and fund their acquisition programs based on a minimum known budget. We are no longer able to complete purchases of large acquisition programs in 3 to 5 years. To recapitalize the entire Air Force tanker fleet will take over 30 years. Programming from a known minimum budget for the out years will translate to less reprogramming and more stability for thousands of businesses throughout the United States at decreased costs.

Finally, a commitment to a minimum defense budget sends a clear signal to our military, allies, and enemies alike that we are committed to the security of our nation and the preservation of freedom and democracy around the world. Congress must provide the Department of Defense with the certainty and stability that comes with a long-term plan.

Mr. LEAHY. Mr. President, I will support the Senate budget resolution brought to the Senate by the Budget Committee and Chairman CONRAD. This budget resolution modernizes the process that the new Congress started last year to restore fiscal responsibility and order to our Federal budget. I commend Chairman CONRAD and his colleagues on the Budget Committee for producing a responsible budget resolution that strives to meet the real needs of the American people and to optimize our Nation’s most pressing challenges and opportunities.

As we debate the budget, it is important to recall how we got to this point. When President Bush inherited a record Federal budget surplus. Instead of steering the country on a prudent course that would have helped prepare for the retirement of the baby boomers, support millions of working families, met the pressing needs of those who are struggling, and paid down our large national debt, the President immediately pushed through more than $1 trillion in tax cuts aimed at the wealthiest Americans and corporations.

Since then, the Bush administration has pursued fiscal policies of recklessness and squander that have short-circuited the priorities of hard-working families, children and seniors. For the Bush administration, investments in health care, education, housing, the anticrime and antidrug work of our law enforcement community, our first responders, and the rising home heating and electricity costs that have taken a back seat to a costly, misguided and mismanaged war in Iraq and to the administration’s disastrous fiscal policies here at home.

Now that a worsening housing slump, high gas prices and dampened consumer confidence have caused jitters throughout our Nation’s financial markets—leading to continued job losses and weaker-than-expected retail sales—the President’s continued fiscal irresponsibility has hamstrung the government’s ability to provide needed investments in programs that will help hard-working American families weather the financial storm.

We cannot continue on the path of fiscal irresponsibility the current administration has set, by holding to a course that will cost more than $3 trillion in Iraq and ignoring the needs of our most important domestic programs. As far as the White House is concerned, anything goes when it comes to Iraq while the real priorities of the American people have been forced farther and farther back in the line.

With the budget plans of the past 2 years, the new Congress has ended the days of rubberstamping the President’s budget, and the process has begun of shifting our country in a new direction that will be better for hard-working Americans everywhere. By strengthening our economy, increasing our energy independence and supporting our military veterans and first responders, the Senate’s budget plan puts the concerns of the working families of this country front and center. By carefully targeting and reallocating resources, the budget resolution would return us to Federal budget surpluses in 2012 and 2013 and accomplish this without raising new taxes.

Mr. BYRD. Mr. President, I support this alternative to the President’s deeply flawed budget policies.

The President submitted a budget request with a shocking price tag, $3.1 trillion. In the entire history of the Republic, the Congress has never had to grapple with such an enormous budget request. In the entire history of the Republic, the Congress has never had to reconcile such enormous deficits, the highest ever proposed by any administration. In the entire history of the Republic from George Washington, to Abraham Lincoln, through Franklin Roosevelt—in 220 years, after a Civil War, two World Wars, and the Cold War, after severe economic depressions, and stock market manipulations and crashes that eclipse anything we have seen in our lifetimes—the Congress has never, ever had to wrestle with such an alarming explosion in the national debt. No administration has ever proposed to borrow so much money. Once you look past the Orwellian rhetoric about earmarks, and see through the phoniness about domestic programs somehow paying for everything else, you come to inexcusable conclusion that this administration’s policies have been an unmitigated, indisputable fiscal disaster.

What’s most worrisome, is that the President’s budget continues a dangerous practice of squeezing domestic agencies, and gambling that they can get by for another year, and another year, and yet another year on a starvation diet. Hurricane Katrina exposed the consequences of this kind of budgeting when disasters inevitably occur and agencies like FEMA do not have the resources they need to respond. The same thing happened at the Mine Safety and Health Administration, where the administration chipped away at the mine safety budget for 6 years until it had lost inspectors, and teetered on the edge of disaster daily. Coal miners died because of budget decisions of this administration. Federal prisons are dangerously understaffed. Food safety inspections are alarmingly lessened from the threat of forgoing investments year after year to replace aging and deficient infrastructure, and that is going to come back to

March 13, 2008

CONGRESSIONAL RECORD — SENATE S2103
haunt us one day. There are consequences, sometimes deadly consequences, when the necessary operations of government are denied adequate funding.

Now the administration is telling localities—many of them that must do without federal investments in state economies, threatening community and neighborhood projects that have been long planned and supported by the federal government. Some may deceptively disguise these investments as earmarks, but these are vital stimulus investments for communities, especially in the midst of an economic slowdown. The president has even taken the brazen step of instructing federal agencies and offices to ignore congressional committee report language related to future appropriations bills. To direct executive agencies to ignore the guidance of congressional committees on a spending bill, opens the door to its doing so on other bills—maybe an appropriate authorization bill, maybe a revenue bill, maybe on matters that are entirely unrelated to so-called earmarks. It is dangerous, dangerous precedent, and something that is to be resisted.

After years of budgets that have burdened future generations with enormous debt and interest payments, and left behind physical infrastructure that is dangerously underfund, let us do all we can to ensure that our children are not left behind. The first step in the right direction. If we do not address the first 2 years of a student's post-secondary education while the tuition deduction can only be claimed once per tax return, the ACCESS credit removes this discrepancy.

Second, the ACCESS credit would be available for all 4 years of college and 2 years of graduate school. Presently, the Hope credit is available only for the first 2 years of a student's post-secondary education while the tuition deduction can only be claimed for multiple years. The ACCESS credit remedies this discrepancy.

Another improvement is that the maximum value of the ACCESS credit is $3,000 per student, which covers the full cost of tuition at a public 2-year college and half the average cost of tuition at a public 4-year college. In comparison, the Hope credit's maximum value is only $1,650 per student and the tuition deduction's maximum value is only $2,500.

One of the most important features of the ACCESS credit is that it would be refundable. The existing tax incentives for higher education are of limited or no benefit to low-income families who have no income tax liability. These families cannot claim either the Hope credit or the tuition deduction. The ACCESS credit's refundability provides relief for those that need it the most.

The ACCESS credit also broadens the income eligibility limits to help more middle-class families. Couples earning up to $130,000 could claim the full credit, while a reduced credit would be available for those earning up to $166,000.

A report issued by the Government Accountability Office found that 27 percent of eligible tax filers claimed neither the tuition deduction nor an education tax credit because of their income or the fact that they did not benefit students and their families if they do not know about them or understand their eligibility criteria or their value. The ACCESS credit would eliminate existing discrepancies and reduce the complexity of the existing incentives for students and their families, helping approximately 4 million more hard-working American families pay for college.

While a college education has never been more important, a college degree is fast becoming a luxury good for too many families. This budget provides us with an opportunity to reverse that trend. If we expect to maintain our status as a leader in the global economy, we must do more for our students. The ACCESS credit I have introduced would do just that, ensuring that the doors that lead to opportunity in our country remain open to all our children.

GRASSLEY. Mr. President, the budget resolution proposes that Congress delay several CMS Medicaid regulations that are unpopular with states and advocates. I know some people have concerns with the CMS Medicaid regulations. I hope they will argue they are perfect. I have issues with some of them as well.

However, the regulations do address areas where there are real problems in Medicaid. States don't have clear guidance and could be inappropriately spending taxpayer dollars. This leads to improper payments and wasteful spending.

We see this throughout the regulations in question. I have a CRS memo that shows some that exist under current law that I am going to be quoting from shortly, and ask unanimous consent at this time to have it printed in the RECORD. There being no objection, the material ordered to be printed in the RECORD, as follows:


MEMORANDUM

To: Senate Committee on Finance—Attention: Robin L. Whitleck, Ph.D., Health Policy Advisor.

From: Elicia Herz, Specialist in Health Insurance Financing; cliff Binder, Analyst in Health Care Financing; Jean Hearne, Specialist in Health Insurance Financing; Rick Apling, Specialist in Education Policy.

Subject: Responses to Medicaid Regulation Questions Governing: Graduate Medical Education, Intergovernmental Transfers, School-Based Services, Rehabilitation, and Targeted Case Management.

Per your request, we are responding to your specific questions on Medicaid regulations recently issued by the Centers for Medicare and Medicaid Services. As you instructed, we have framed our responses to your request in the context you described as if the proposed regulations did not exist:

"The questions below assume that none of the regulations are allowed to go into effect. Therefore, current statute and any regulations or guidance in place prior to the issuance of these regulations remain in effect.

Our focus is on specific aspects of selected issues addressed in the new Medicaid regulations regarding intergovernmental transfers (IGTs), graduate medical education (GME), school-based services, rehabilitation services, and targeted case management (TCM). Therefore, the responses provided in this confidential memorandum are neither intended to be a full discussion of CMS' justifications for each new regulation, nor the counterpoints raised by opponents of the regulations. The Congressional Research Service (CRS) is preparing several reports on these new regulations that will encompass fuller discussions of these issues.

In the meantime if you have additional questions or need clarifications on contact staff as follows: IGTs, Jean Hearne or Elicia Herz, GME and school-based services,
1.1 Can a state pay a hospital and require the hospital to return a portion of the payment to the state?

Under certain circumstances, a state can require providers to transfer funds to the state. Federal law provides that states can require providers to transfer funds to states: intergovernmental transfers and taxes. Each method has its own set of requirements. Specifically, this allows the ability of states to collect funds from governmental providers through intergovernmental transfers as long as those transfers

2.2 Do states bill for IME and GME using a consistent methodology?

Most states make Medicaid payments to help cover the costs of training new doctors in teaching hospitals and other teaching programs. Although Medicaid and Medicare have recognized two components of GME: (1) direct graduate medical education (DGME) (e.g., resident salaries, payments to supervising physicians), and (2) indirect graduate medical education (IME) (e.g., higher patient costs in teaching hospitals due to treating sicker patients, residents ordering more diagnostic tests than experienced physicians).

There is one explicit reference to GME in the federal Medicaid statute. Section 1922(b)(2)(O) of the Social Security Act stipulates that non-managed care organization providers (non-MCO providers) that deliver services under an approved state plan, the state must account for those GME payments made on behalf of MCO beneficiaries, not to exceed the aggregate amount that would have been paid under the fee-for-service (FFS) delivery system. States must first establish actuarially sound capitation rates prior to making adjustments for GME.

1.2 Have states developed a method to calculate IME and DGME payment amounts under both FFSS and managed care. Some states use more than one method. For example, under FFSS in 2005, 20 states reported using Medicare’s methodology; 12 used a per-resident amount based on a teaching hospital’s share of total Medicare revenues, costs or patient volume; 5 used a lump sum amount; 4 used a per-Medicaid discharge amount; and 19 states used other methods. Also, under FFSS, states typically use two methodologies to distribute GME payments to hospitals. Thirty-one states included GME payments as part of the hospital’s per-case or per-diem rates, 2 hospitals made a separate distribution to teaching hospitals, and 2 states used other methods.

Under managed care, ten states recognized and included GME payments in capitation rates for MCOs, but only two of those 10 required MCOs to distribute DGME/IME payments to teaching hospitals; the other 8 states assumed MCOs provided these payments to their participating hospitals.

2.3 Do all states separate out IME and GME in billing CMS?

Data do not appear to be available with which to directly answer this question. However, according to a survey in 2005, 11 states reported that their GME payments to providers did not distinguish between IME and DGME payments. Thirty-one states required MCOs to distribute DGME/IME payments to teaching hospitals; the other 8 states assumed MCOs provided these payments to their participating hospitals.

3.2 Are school-based transportation services focused largely on children who are receiving IDEA services?

When certain conditions are met, the costs of transportation from home to school and back home again may receive federal matching funds under a Medicaid program. The following conditions are: (1) the child receiving the transportation must be enrolled in Medicaid and receiving services pursuant to an Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) under IDEA, (2) the need for specialized transportation must be listed in the child’s IEP or IFSP, (3) the transportation must be used in the course of the child’s education, and (4) the child receives a medically necessary Medicaid covered service in school pursuant to the IEP or IFSP, and (4) the school or school district that billed for the transportation must be a certified Medicaid provider. In this context, “specialized transportation” means the child requires transportation in a vehicle adapted to serve the needs of individuals with disabilities, including a specially adapted school bus. In addition, if a child resides in an area that does not have school bus transportation (e.g., areas in close proximity to school), but has a medical need for transportation that is noted in the IEP, that transportation may be funded by Medicaid.

Transportation from school to a provider in the community may also be billed to Medicaid for both Medicaid/IDEA children and Medicaid/non-IDEA children. These policies allow states to determine whether the FFS to pay for transportation as medical assistance or administration.

There does not appear to be data that show the proportion of transportation services that are provided to Medicaid/IDEA versus Medicaid/non-IDEA children. It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.

4.0 Rehabilitation Services

4.1 Do states bill CMS for rehabilitation services incurred by individuals with significant cognitive impairments?
rehabilitation had increased by 36.2% to more than 1.6 million. Further, average per beneficiary rehabilitation expenditures increased by approximately 30% between FY1999 and FY2005. These increased expenditures were supported by both federal and state expenditures for rehabilitation services, and states reported spending 105.7% more from FY1999 to $2.9 billion in FY2005. For the same period, the total number of beneficiaries increased by nearly 27%, from approximately 2.7 million in FY1999 to approximately 2.7 million in FY2005. The average expenditures per beneficiary also increased during the period FY2002–2005 rising by nearly 27%, from $834 in FY1999 to $1,058 in FY2005.

In 2006, 47 states and the District of Columbia covered rehabilitation services. Rehabilitation services are defined broadly as those medical services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice under state law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.

States may receive more explicit guidance on what specific services may be included as rehabilitation when preparing and submitting state plan amendments to CMS’ Regional Central Offices. CMS’ Regional and Central Office staff must review and approve all SPA Applications before a state may add or change a benefit. In addition, a state Medicaid director letter (SMDL) was issued by CMS in June 1992 (#FME-42) that provided states some guidance on what services may be included under the rehabilitation option. This letter reiterated regulatory guidance that rehabilitation services were intended to be “medical and remedial in nature” for the maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.” The letter offered some examples of services that could be billed under the rehabilitation option including: basic living skills, social skills, and counseling and therapy. The SMDL also described examples of services that CMS believed to fall outside of the definition of rehabilitation including: vocational training, direct personal care services, case management (case management is covered under a separate benefit option).

There have been several attempts to clarify in statute and regulation what activities states may cover as rehabilitation services. These administrative and legislative activities started to define how rehabilitation service benefits should be used as well as to control or reduce states’ rehabilitation service expenditures. In one study, nearly 80% of MSIS claims that states classified as rehabilitation expenditures, contained a diagnosis for mental health. Programs like the New Freedom Initiative that encouraged better integration and acceptance of mental health treatments and settings might have led states to utilize Medicaid rehabilitation benefits to reach mentally-ill beneficiaries. Also, state initiatives to close psychiatric facilities may have contributed to a surge in utilization of rehabilitation services and how much has it increased recently?

In 2006, only Delaware did not cover TCM. Most states report TCM expenditures in their Medicaid Statistical Information Systems (MSIS) data. MSIS data are derived from GAO and HHS/OIG reports as well as audits, SPA denials, disallowances, and referrals (see footnotes in next section). Medicaid expenditures to CMS for TCM increased from $834 in FY1999 to $1,058 in FY2005. For the same period, the total number of beneficiaries increased by nearly 27%, from approximately 2.7 million in FY1999 to approximately 2.7 million in FY2005. The average expenditures per beneficiary also increased during the period FY2002–2005 rising by nearly 27%, from $834 in FY1999 to $1,058 in FY2005.

### Table 2: Medicaid Target Case Management

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<th>FY2005</th>
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<td>Beneficiaries</td>
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<tr>
<td>Average $/Beneficiary</td>
<td>$240</td>
<td>$259</td>
<td>7.9%</td>
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#### 5.2 Is there clear guidance to states for appropriate billing for case management services so that states bill on a consistent basis?

Guidance for states on what services may be included under the case management optional benefit has been provided in informal guidance that states could utilize from GAO and HHS/OIG reports as well as audits, SPA denials, disallowances, and referrals (see footnotes in next section). Medicaid expenditures to CMS for TCM increased from $834 in FY1999 to $1,058 in FY2005. For the same period, the total number of beneficiaries increased by nearly 27%, from approximately 2.7 million in FY1999 to approximately 2.7 million in FY2005. The average expenditures per beneficiary also increased during the period FY2002–2005 rising by nearly 27%, from $834 in FY1999 to $1,058 in FY2005.

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<th>Percent change</th>
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</thead>
<tbody>
<tr>
<td>Beneficiaries</td>
<td>3,538</td>
<td>4,246</td>
<td>20.0%</td>
</tr>
<tr>
<td>Federal and State (in $ billions)</td>
<td>$834</td>
<td>$1,058</td>
<td>27.7%</td>
</tr>
<tr>
<td>Average $/Beneficiary</td>
<td>$240</td>
<td>$259</td>
<td>7.9%</td>
</tr>
</tbody>
</table>

similar proposals to provide TCM services. In addition, some states received disallowances, referrals, and denials for TCM services, while other states were not audited for similar proposed services. One TCM claim for foster care in a January 2001 letter to state Medicaid and child welfare directors (#01-013). This letter reiterated the longstanding oversight of payments to public providers and private entities for the direct delivery of the underlying service. Although there has been guidance for individual states and some indirect guidance and discussion on TCM claiming, states have received limited written national guidance from CMS.

HHS/OIG and GAO have documented what they refer to as states’ attempts to maximize FFP by claiming additional TCM. This includes: (1) assessment of the eligible individual to determine service needs, (2) development of a specific care plan, (3) referral and related activities to help the individual obtain needed services, and (4) monitoring and follow-up. Moreover, states have claimed TCM for services delivered by staff of other state social services programs, such as schools, juvenile justice, parole, child welfare, and foster care programs. CMS and GAO have cited problems with states’ use of cost allocation plans that duplicate claiming for administrative expenses by several programs. CMS has repeatedly cited these abuses as rational for explicit and comprehensive TCM regulation.

5.3 Is there clear guidance to states so that they can tell when they should be billing Medicaid for case management services or another program?

States may find guidance on whether services should be billed as Medicaid case management or another program: (1) the state Medicaid manual at Section 4302, Optional Targeted Case Management Services—Basis, Scope, and Purpose; a 2001 letter from the Center for Medicaid directors (#01-013), which cites the importance of TCM and explains that it claims additional FFP. Another tactic CMS and GAO cite that states use to increase Medicaid matching funds is the practice of paying for direct services provided by staff of other state social services programs, such as schools, juvenile justice, parole, child welfare, and foster care programs. CMS and GAO have cited problems with states’ use of cost allocation plans that duplicate claiming for administrative expenses by several programs. CMS has repeatedly cited these abuses as rational for explicit and comprehensive TCM regulation.

If we simply make the regulation go away, what are the rules for states to follow? There are five different methods States use in billing CMS, eleven States don’t separate FME from GME, and we can’t say much they are paying States for GME.

Let me quote from the CRS memo: ‘States are not required to report GME payments separately from other payments for inpatient and out-patient hospital services when claiming federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected state behavioral changes, for example.” To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid. That’s because the states don’t provide CMS with data on how much they pay in GME.

This is simply unacceptable. You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases? I think the answer to that is “yes.”

I think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid doesn’t pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem. It is also critical that Medicaid pay only for Medicaid services.

We can also acknowledge that the federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: ‘‘States, school districts, interest groups, and parents of children with disabilities often argue that the federal government is not living up to its obligation to ‘fully fund’ Part B of the Individuals with Disabilities Education Act (IDEA, P.L. 108-446) (the grants-to-states program).’’ We can also argue that because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.
Again quoting from the CRS memo: “It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.”

We should define clear lines so that States know what is and is not Medicaid. We should define clear lines so that States know what is and is not Medicaid. I believe that the proper services requires thoughtful review, planning, and management and I believe that the appropriate agency to support these activities. On the other hand, driving a child in foster care to a court appearance and billing the caseworker’s time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. I am not convinced that limiting individuals eligible for case management to one case manager will contribute to the quality of their care and provide for access to services. Requiring case manager’s to document their time in 15 minute increments seems overly burdensome and inefficient. Eliminating the 180-day period to transition from an institution into the community is contrary to a number of provisions supporting home and community based services, including the “Money Follows the Person” program, also included in the DRA.

But again quoting from the CRS memo: “Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.”

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for states.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005 (DRA) relating to case management received a full review in the Finance Committee, along with Senator’s legislation and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

Certainly there is reason to believe that states have been using case management to supplant state spending. An example is child welfare. The income eligibility standard for the Federal entitlement for foster care is linked to a pre-welfare reform standard. This means that every year fewer and fewer children are eligible for federally supported foster care. States must make up the difference for these children. This has caused some to believe that states are shifting some of their child welfare costs to the Medicaid program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration. There are some that would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Children in the child welfare system are arguably some of our Nation’s most vulnerable citizens, present with complex and multiple problems. Getting them the proper services requires thoughtful review, planning, and management and I believe that the appropriate agency to support these activities.

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Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain states understand how they should be billing CMS.

Mr. President, the budget resolution provides for 1.7 billion dollars to address the regulations.

This is only to delay the regulations until the end of March of next year. I know some are hoping that the next administration will pull back and undo the regulations.

What would it cost if we tried to completely prevent these regulations from ever taking effect? Not $1.7 billion that’s for sure. It would actually cost the taxpayers 19.7 billion dollars over 5 years and 48 billion dollars over 10 years.

It is true that it is hard for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

What we ought to do is insist the Finance Committee to REPLACE the regulations.

That’s what this amendment does. Instead of just making the regulations go away, the Finance Committee should replace them with policy that fixes the problems.

Mr. President, that’s what we should be doing for the taxpayers.

Mr. President, on Monday, the chairman of the Budget Committee talked about the need for adequate funding to fight health care fraud and abuse and how they believe the budget accomplishes that.

Let me quote:

We have program integrity initiatives to crack down on waste, fraud, and abuse in Social Security and Medicare. In fact, I received a letter from the Secretary of Health, Secretary Leavitt, thanking us for the program integrity funds that we have included so that he can continue his important investigations to shut down these Medicare fraud schemes that I found in Florida and other parts of the country last year and that he is continuing to crack down on.

What the chairman failed to mention is that Democrat appropriators apparently do not think rooting out fraud and abuse in the health care system is a priority.

In fact, here is what actually happened last year. Last year, the Omnibus appropriations bill gave CMS near $39 million less than the prior year, to fight health care fraud and abuse in the Medicare and Medicaid programs.

And they cut all the new funding for fighting fraud and abuse—that is almost 100 million dollars they took from CMS for fighting health care fraud and abuse. That is an actual cut in funding to fight fraud from the prior year.

The funding we are talking about here is for the Health Care Fraud and Abuse Control Program known as HCFAC. The HCFAC Program was created in the Health Insurance Portability and Accountability Act of 1996 and is jointly administered by the Department of Health and Human Services, and the Justice Department. It is intended to help combat fraud and abuse in health care programs including Medicare and Medicaid and establishes a national framework to coordinate Federal, State and local law enforcement efforts to detect, prevent, and prosecute health care fraud and abuse.

These funds are used to pay for FBI agents, OIG investigators, as well as assistant U.S. attorneys who prosecute fraudseas. These funds represent the frontline defense we have for fraud against the Medicare and Medicaid programs and pay for themselves in savings.

I absolutely agree that CMS must be properly funded. Of course the agency needs funding to detect and deter fraud and abuse in health care—there are billions at stake. CMS also needs funding for general program oversight.

Congress actually cut funding last year, yet my colleagues on the other side of the aisle are given to criticizing the job CMS does.
March 13, 2008

CONGRESSIONAL RECORD — SENATE

S2109

Just to expand on this, the Finance Committee has had three hearings in the last 6 weeks that focused on how well CMS was enforcing the rules in Medicare Advantage. During those hearings, some of my colleagues on the other side of the aisle were critical of the job CMS is doing.

For example, in Medicare Advantage, some want to let the States take over enforcement of the marketing rules. They say that CMS lacks the resources and time to do it. But is hard to conduct oversight when Congress cuts the money you need to get the job done right—and that is exactly what the other side did. It is a self-fulfilling prophecy. Without the right resources CMS can’t get the job done, and CMS didn’t get the resources. CMS would like to improve its enforcement and oversight of Medicare Advantage plans.

For Fiscal Year 2009, CMS is requesting $198 million in new fraud and abuse discretionary funding. This would be 100 percent more than last year, when there was no funding.

The administration plans to use $147 million of the $198 million—or about three-quarters—for the Medicare Integrity Program, which is used for Medicare Advantage oversight. Without these new funds, CMS cannot undertake any of the oversight activities Congress believes it should.

I agree with my good friend Senator CONRAD that Congress must fund CMS appropriately to crack down on fraud and abuse. After all billions of dollars are at stake. It also needs to ensure that CMS appropriately to ensure that Medicare beneficiaries are well served by those selling and providing Medicare services.

I urge my colleagues on the other side to avoid last year’s mistake, which was to talk a good game in the budget process but zero out needed new funding in the actual funding bill. But to be blunt, the budget resolution is no better, only a little more.

Allocating $1.7 billion in the budget to stop CMS Medicaid regulations aimed at providing States clarity, stopping inappropriate spending and protecting the integrity of the Medicaid Program without the requiring any action to replace the regulations is irresponsible.

Money spent on fighting fraud and abuse is money saved in the long run. We have seen time and time again that when CMS puts money in fighting fraud, we get lots of dollars back. And rest assured that the deterrent value associated with those actions is significant too—crooks read the papers, and they will think twice when they see someone in their pinstrip suite for an orange jumpsuit.

While Democrats like to talk about how inexpensive Medicare administration is, that is no excuse to fund CMS at such a low level that it cannot actually run its own programs so that it can protect taxpayer money.

If you want to combat fraud and abuse in Medicare and Medicaid, you really do need to put your money where your mouth is. On this subject, the majority is toothless.

Mr. DURBIN. Mr. President, I am proud to support the Democratic budget that Chairman CONRAD and the Budget Committee have so ably put together. This budget protects taxes and it creates or maintains nearly a half million good-paying jobs here at home.

In contrast, the Bush-Republican budget that the President proposed last month contained the most ill-conceived ideas that got us into this fiscal mess in the first place—ideas that have weakened the economy and hurt America’s middle class.

A budget is an expression of values: you choose what to spend your money on and you choose how much of it to spend now instead of later.

As families across America sit down at the kitchen table to create their own family budgets, they decide what they have to pay for now—the house, the furnishings, the gas, the car—and then how much they can spend on other things without going too far into debt.

Creating a budget for the Federal Government is very similar. This week the Senate will have to decide what to pay for now—housing, education, energy, and infrastructure—and what we cannot afford without further burdening our children with our bills.

The Democratic budget recognizes that one of the foundations of the American economy—the housing market—is in very serious trouble, the worst we have experienced since the Great Depression.

For most families, the largest monthly expense is the mortgage or the rent, and as the housing market crumbles, increasing numbers of families are struggling to pay that bill. Our budget takes steps to support the families struggling in this housing market as well as the communities that are coping with this crisis.

Our budget allows for the four main appropriations within the Foreclosure Prevention Act, a bill the Senate attempted to debate a couple of weeks ago. We allocate funding for Community Development Block Grants, housing counselors, mortgage revenue bonds, and net operating loss carrybacks.

The Republicans filibustered that bill. Every Republican but one stated very clearly that they do not even think the housing crisis is important enough for the Senate to talk about. The Democrats are proving with this budget that we think it is time to act.

The simple fact is that our economy will not fully recover until we address the primary cause of this economic crisis. If families can’t keep a roof over their heads, they aren’t going to produce much for the economy or buy enough to keep the economy growing.

The Democrats will try again to pass this housing bill when we return to Washington after the recess, and I hope that our Republican friends will join us in that effort. This bill will help over 600,000 families avoid foreclosure nationwide—28,000 families in Illinois.

The housing crisis goes beyond just those families that are in danger of losing their homes. As property and sales values fall, those who own their homes wisely began to see that their property is now worth less. This has weakened the economy and put a lot of pressure on local governments.

The Democratic budget includes an inflation-adjusted increase of $68 million for community development. Compare that to the President’s budget. The Bush-Republican budget requested a $392 million cut in community development funding.

Under the President’s budget, my home State of Illinois would lose over $40 million in Community Development Block Grants compared with this year, which would have meant that funding for foreclosure counseling, abandoned property maintenance, upgrading low-income housing, and many other critical programs—just as communities need funding for these initiatives most.

The Democratic budget says no to the President, and instead increases this vital community funding. We must help stabilize the housing market in order to help our economy grow, and this Democratic budget will help us do just that.

With the economy slowing and the unemployment rate creeping higher, we need to provide workers with the best retraining opportunities that we can right now. In the long term, America can only compete effectively in the global economy if we develop the best workers in the world. The Democratic budget recognizes both of these realities. The Bush-Republican budget recognizes neither.

Overall, the Democratic budget provides an additional $8.8 billion above the President’s request for training and education. Workers who are trying to learn new skills and parents who are trying to pay tuition bills will all benefit from the investments made by the Democrats in this budget.

The budget allows for $414 million in job training, which will help 165,000 workers build the skills they need to compete in the economy of the 21st century.

For many working Americans worried about their current jobs and for at least some of the 1.3 million Americans who have been looking for work for longer than 6 months, this funding will provide a little hope, a little help toward a better job in the future. For students, the resolution provides an additional $5.4 billion for the Department of Education, which funds Head Start, No Child Left Behind, and Pell Grants to make a quality education more accessible to students of all ages.

Compare that to the Bush-Republican budget. The impact of the Bush-Republican budget on education in my
home State of Illinois would be severe. Mr. President, 119,871 Illinois elementary and high school students would be left without the full services promised by No Child Left Behind. Nearly 90,000 Illinois students would be hurt by the President’s decision to eliminate Supplemental Educational Opportunity Grants, Leveraging Education Assistance Partnerships, and Federal Perkins Loans.

Mr. President, 10,000 Illinois students would no longer have a safe place to go after school thanks to the President’s proposed cuts to afterschool programs.

The Democratic budget supports the workers of today and tomorrow. The Bush-Republican budget cares about neither.

To create good jobs in America we must invest in industries that promise growth in the short and the long term. Green-collar jobs—which help America reduce its dependency on foreign oil and push us down the path of energy independence—represent perhaps the best opportunity for meaningful job creation for millions of Americans over time.

The Democratic budget focuses on these jobs by allocating $8.45 billion towards clean energy and another $2.7 billion specifically towards green-collar jobs. This funding will support weatherizing homes and office buildings, investing in battery research and development, developing wind and biofuel power generation, and much more. And all of those jobs can be created here at home.

The Bush-Republican budget? It has a 7-percent reduction in solar energy research, a 27-percent cut in energy efficiency programs, a 79-percent cut in weatherization programs, “intergovernmental” programs to help local and State governments become more energy efficient, and a reneging on the earlier commitment for the FutureGen clean coal energy program in Mattoon, IL.

The Democrats believe that green-collar jobs should be the centerpiece of our economy. President Bush and the Republicans apparently do not.

Our budget also provides other forms of critical energy assistance at a time when the price of oil has reached $110 per barrel. The Democratic budget provides $2.5 billion for families who are struggling to heat their homes, $500 million more than the President’s request.

The Bush-Republican budget proposes to cut LIHEAP funding by $359 million. In Illinois, 15,000 low-income families and seniors would lose heating assistance.

That is unacceptable. The Democratic budget invests properly in the energy needs of the country, which supports the long-term strength of the economy and the short-term needs of the people who need it most.

The Democratic budget would create nearly 20,000 good-paying jobs here at home, including nearly 20,000 in Illinois. How? By investing in our infrastructure.

The general rule of thumb in the transportation infrastructure industry is that for every $1 billion invested in roads, bridges, airports, and the like, around 47,500 jobs are created. The Democratic budget invests over $10 billion more than the Bush-Republican budget in transportation infrastructure, which is good for short-term economic vitality and for longer term economic strength.

The demand for this funding is readily apparent, from the bridge disaster in Minneapolis to the crumbling roadways in Illinois and throughout the country. The American Association of State Highway and Transportation Officials reported last month that $15 billion worth of infrastructure projects were ready to go in 46 States and the District of Columbia, including 212 projects worth $831 million in Illinois. These projects are already designed and approved, and construction work could begin within 90 days from the moment that Federal funding was provided.

The Democratic budget would give the go-ahead to put Americans to work on many of these jobs. The Bush-Republican budget would not.

Overall, the Democratic budget lowers taxes and balances the budget by 2012.

Including Senator Baucus’s amendment, which I support, middle class Americans would benefit from the extension of the alternative minimum tax patch, which will spare 20 million middle-class Americans from paying the AMT this year: the child tax credit; marriage penalty relief; the adoption credit; and the 10 percent tax bracket. The Bush-Republican budget, on the other hand, would extend tax breaks that overwhelmingly benefit the wealthy. Households with annual incomes over $1 million would save more than $150,000 a year in tax cuts from the Bush-Republican budget, on average.

Although this group makes up just 0.3 percent of the Nation’s households, its combined tax cuts would exceed the entire amount that the Federal Government spends on elementary and secondary education, or the entire amount that we devote to medical care for our veterans. That certainly doesn’t reflect this Senators’ priorities, and I don’t think that reflects the priorities of most Americans either.

Perhaps most importantly, the Democratic budget funds America’s economic priorities wisely, without running up more debts that our children will be forced to pay. Our budget balances by 2012.

The Bush-Republican fiscal record is far less sensible.

Seven years ago, President Bush inherited the largest budget surplus in our Nation’s history. Since that time, when both Houses of Congress were majority controlled by Republican majorities, Federal spending has increased by over 50 percent. The Federal debt has grown by over $3 trillion.

Enough is enough. It is time to manage the Federal budget like adults.

It is time to manage the budget more like families must manage their own finances every month around the kitchen table—pay for what you must, and don’t spend what you cannot afford. It’s time to pass a budget like the Democratic resolution we have before us.

I urge my colleagues to do so.

Mr. Greggs. Mr. President, I rise today to recognize the senior Senator from Colorado, Mr. Allard, for his service as a valued member of the Senate Budget Committee. Senator Allard and I have served through eight budget cycles together on the Budget Committee. This will be his last budget season as he has decided to retire when his term expires at the end of this Congress.

Since he joined the Budget Committee, Senator Allard has been an outstanding advocate for fiscal responsibility and a good steward of the taxpayers’ money. I think this was made clear through his contributions this year, especially in the constructive amendments he has offered both in committee and on the Senate floor. Senator Allard will be missed as an important voice for fiscal discipline in this body and most notably as a member of the Budget Committee.

I also wish to pay tribute to Senator Domenici, who essentially defined what it means for fiscal responsibility and a good steward of the taxpayers’ money. I think that was made clear through his contributions this year, especially in the constructive amendments he has offered the Senate Budget Committee on the Budget. The Senate has announced that he is not seeking to be reelected for the sixth time. That means that last week he participated in his last markup of a budget resolution. This week is the last vote he will take on the Senate floor on a committee-reported budget resolution.

At the start of the 108th Congress, Senator Pete V. Domenici stepped down as the longest serving chairman and the only Republican chairman, in the history of the Senate Budget Committee. Senator Domenici has either been the chairman or ranking member of the Budget Committee for nearly two-thirds of the committee’s 34-year existence.

A member of the committee from 1975, one year after its formation, Senator Domenici held the chairmanship for 12½ years, and was the ranking member for 9½ years through May 2001. After serving as ranking member from 1987 to 1994, he returned to the Senate in 1995.

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DOMENICI has been at the center of Fed-
eral budgeting. This year he is particip-
ing in his 34th congressional budget cycle. In 1981, he led the effort in the first major use of reconciliation as part of the budget process. He joined Senators Strom Thurmond, and Bob Dole in 1985 to offer the first major reforms to the 1974 Budget Act. He was in the fore-
front guiding fiscal policy through the dark days of the stock market crash in the fall of 1987 that led to a major budget revision in November 1987. Later he directed and guided the Senate in the budget summit of 1990 that resulted in the Budget Enforce-
ment Act of 1990, which remained the basis of fiscal discipline through its ex-
piration at the end of 2002. The pin-
acle of his budget leadership occurred in 1997 with the historic bipartisan bal-
anced budget agreement. Along the
way, he helped craft the Credit Reform Act of 1990 and the Unfunded Mandates Reform Act of 1995.

For his successors as chairman—first Senator Nickles, and then myself—Sen-
ator DOMENICI’s intimate knowledge of the budget process, much of which he helped invent along the way, and wise counsel have been tremendously valu-
able as we try to fill his big shoes. Senator DOMENICI will remain a legend whenever people talk about the congressional budget process, and I thank him for his service to the Senate and to the country.

Mr. President, little more than a year ago, offices were being relocated, staffs were being reorganized, and Cap-
titol Hill was readying itself for the change in majority in the House and Senate. The new majority’s leadership and Budget Committee membership immediately set out to put in place pay-as-you-go rules that would fulfill Democrats’ promise to return to “tough, old-fashioned pay-go.” What does “old-fashioned” or “traditional” pay-go mean?

In November 2005, during debate on a reconciliation bill that became the Deficit Reduction Act of 2005, the new Chairman of the Senate Budget Com-
mittee offered an amendment to change the Senate’s pay-go point of order and stated, “Our proposal is to go back to what has worked in the past. It is traditional pay-go.” In March 2006, during debate on the FY 2007 budget resolution, the same Senator again of-
tered to change the Sen-
ate’s pay-go point of order and stated, “This amendment would reestablish the budget discipline that worked so well in previous years, a rule that has been allowed to lapse by our colleagues on the other side of the aisle.”

These are just two examples. In fact, Democratic Senators have offered amendments to restate in the Senate “tough, old-fashioned pay-go” to every Republican budget resolution debated since 2004. They also proposed pay-go amendments to the 2005 tax reconcili-
ation bill and during the Senate Budg-
et Committee markup of the Stop Over Spending Act of 2006.

The Senate pay-go point of order amendments offered by Democrats when they were in the minority were remarkable in their consistency. Every time Senate Democrats offered a proposal to reinstate the “tough, old-
fashioned pay-go,” they proposed that budget enforcement would require direct spending and revenue legislation to be deficit-neutral in 2008, 2009 to 2012, and 2013 to 2017. Every instance of their proposal also included a cumulative pay-as-you-go scorecard, so that any net savings re-
corded from an enacted piece of legisla-
tion could be used to offset the cost of a future piece of legislation.

Why did Senate Democrats keep re-
turning to the same version of the pay-
go point of order? Because the Senate pay-go point of order was based on the original pay-go law, enacted in 1990 in the Budget Enforcement Act. That law put in place a 5-year pay-go scorecard that kept track of any accumulated deficit increases from enacted legisla-
tion. At the end of each year, the net effect of all enacted laws affecting rev-
ues and mandatory spending was to increase the deficit, then the Office of Management and Budget was supposed to issue a sequestration order—an across-the-board cut of certain manda-
tory spending.

Statutory pay-go, in effect, was the original “first-year” test, enforced by sequestration. In 1993, Senate Demo-
crats created a 5-year pay-go point of order, for the Senate only, that was based on and paralleled the pay-go law but relied on the sanction of a point of order instead of sequestration to en-
courage compliance.

But some Members sought to in-
crease spending after the 5-year pay-go window so they would not run afoul of the initial 5-year pay-go point of order. So in a 1994 revision to this initial point of order, the Senate added a sec-
cord 5-year test, which covered years 6 through 10 of the “budget window,” to have the point of order cover a 10-year period instead of just 5 years. Given all this activity on pay-go in the 1990s, some assert that the pay-go concept—
without being specific about whether it was the Senate’s pay-go point of order, or both—was responsible for re-
ducing the deficit in the 1990s.

No question about it—Democrats are on record in support of traditional pay-
go, and that support was carried through as a major theme of many 2006 Democratic candidates’ campaigns. We have heard again on the floor this week the familiar refrain: “If you want to in-
crease spending you have to pay for it. If you want to cut taxes you have to pay for it.” And when Democrats re-
turned to the 2007 budget, their efforts appeared true to their past pay-go efforts and campaign promises—
at first.

As one of their “top 10” legislative priorities for the 110th Congress, the new majority leader along with the new Budget Committee chairman in-
roduced S. 10, the Restoring Fiscal Discipline Act of 2007.

Following the pay-go promise set out in S. 10, the 2008 Senate-passed budget resolution did include the same “old-
fashioned” pay-go point of order re-
quiring deficit neutrality in each of the periods covering year 1, years 1 to 5 and years 6 to 10. In contrast, the 2008 House-passed budget resolution did not include pay-
go budget enforcement because a House pay-go rule had already been put in place that the House had not even had any kind of pay-go point of order—not until January 5, 2007, when the House agreed to its rules package in H. Res. 6 for the 110th Congress. Title IV of that package included the first-time-ever pay-go point of order that applies in the House.

The House pay-go rule makes it out of order to consider direct spending or revenue legislation that increases the deficit or reduces the surplus over any of the relevant periods in the House. So in the case of legislation considered during 2007, the relevant periods were 2007 to 2012 and 2007 to 2017; for 2008, the rel-
levant periods in the House are now 2008 to 2013 and 2008 to 2018. Each measure is considered on a bill-by-bill basis; savings from one bill cannot be “banked” and used to satisfy the pay-
go requirement for future legislation.

When it came time to arrive at a con-
ference agreement on the 2008 budget, there were two good rea-
tions to think that the agreement would include the Senate pay-go point of order in the exact same form as was included in the Senate-passed budget resolution, which was the old-fashioned pay-go they advocated for years.

First, the pay-go point of order in the Senate-passed 2008 budget resolution applied only in the Senate. The House-
passed budget resolution did not in-
clude any pay-go point of order for the Senate in the House, which the House already had adopted one. So there was no reason for the conference agreement to compromise or deviate from the version in the Senate-passed budget resolution.

Further, Senate supporters of “old-
fashioned” pay-go had repeatedly in-
sisted over recent years and through-
out the 2006 campaign on the same version of pay-go contained in the Sen-
ate-passed 2008 budget resolution and had pledged to return to it if they were in the majority.

Apparently, 15 years of Senate Demo-
crats’ support for “old-fashioned” pay-
go was expendable when their conferes
on the 2008 budget resolution decided that the new, less-stringent time periods for deficit neutrality in the House rule weren’t so bad after all. Currently, in the Senate’s enforcement under the conference agreement on the 2008 budget resolution was more stringent than the House’s. However, the Senate legislation changed their promised long-sought Senate pay-go point of order to a much easier test that is now in place. Legislation cannot increase the deficit after the first 5 years or over 10 years. But for the first time since pay-go began back in 1990, legislation no longer has to be deficit neutral in the first year.

By throwing the first-year test overboard and swapping the old test for years 6 to 10 for a new 10-year sum, the Democrats’ new pay-go point of order has encouraged timing shifts to make legislation look like it is paid for over the near-term, even if it isn’t. Consider a simple example starting with table 3A to see how this has worked. Under good, old-fashioned pay-go, let’s say you wanted to increase spending or cut taxes by $9 billion in 2005, and you would expect that number to fall there after. To avoid an old-fashioned, traditional pay-go point of order, you would have had to come up with a $9 billion offset in 2006 so that there would be no net increase in the deficit, which would satisfy the first-5-years test and the first-5-years test.

But let’s face it—under old pay-go, coming up with an immediate reduction in spending of $9 billion this year or increasing taxes by $9 billion this year and having it all fall back out in 2006 would not even have been possible. To avoid an old-fashioned, trad- 

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the shift in corporate estimated tax payments is the most appropriate way to achieve the goal of fully funding this bill over six years. The provision proposed by the Chairman shifts a hole in general revenues from one year to another; it adds $12 billion in otherwise unappropriated insanity. The Senate Finance Committee has approved draft language on them, the Finance Committee Chairman and Ranking Member, to keep that commitment that in this Chamber, before this bill leaves the floor, that it will be paid for—and not by any gimmicks, not by moving corporate receipts from 2010 to 2009. Those gimmicks are not something that we can work on. To be honest, it is not something I am very comfortable with.”

Indeed, isn’t pay-go supposed to be about “paying” for something? How does moving money 3 months forward pay for anything? Does moving money 3 months forward pay for the new spending or tax cuts for many years, to provide for the new spending today. If the Senate from North Dakota is fond of saying, as he did during Senate floor debate on the Food and Energy Security Act of 2007 on November 16, 2007, that “pay-go is not full of holes but don’t take my word for it. We can look to the nonpartisan Congressional Budget Office.”

Actually, when you look at the cost estimates that the nonpartisan Congressional Budget Office has prepared during the 110th Congress, you will not find one word about pay-go. CBO’s job is straightforward: it prepares estimates of the budgetary effects of legislation and displays them in each year for a 10-year period. A CBO cost estimate has never even evaluated whether a House or Senate point of order applies against legislation or determined whether a piece of legislation complies with the budget resolution. That is the job of the chairman of the House and Senate Budget Committees, most often using CBO estimates to inform those determinations, but sometimes using alternate estimates.

For example, last year, the House Budget Committee chairman overrode a House point of order and directed CBO to score savings for a particular provision in the House farm bill—without this directed scoring, the House farm bill would have violated pay-go. It was the Senate Budget Committee that decided whether the House pay-go point of order applied against the House farm bill. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide. In addition, it was CBO’s estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred and not included in the enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not decide.
to simply provide the estimates of budgetary effects year by year. It is the budget chairmen who then say “CBO estimates this bill reduces the deficit” while abdicating themselves from responsibility for the gimmicks.

Finally, the Senate Budget Committee chairman likes to point to the bottom line of table 6 to illustrate how well pay-go has worked because there was a pay-go scorecard surplus for a brief period in the fall. But was there really a surplus? Over the 2008 to 2012 periods, respectively, the pay-go surplus was $1.988 billion and $1.311 billion.

But what the scorecard omits is the cost of spending now and paying later that the Treasury does not have the luxury of ignoring. Because of enactment of all of these bills, the deficit is now increasing by $10.7 billion over 2007 to 2010. The Treasury has no choice but to go out right now to the credit markets and borrow $10.7 billion, and will have to pay interest in interest costs over the next 10 years until all the offsets in these bills finally come in and allow the Treasury to pay off that borrowing. Not only does that unrecognized interest cost get added permanently to the debt, but it is also so large that it more than wipes out the supposed and ephemeral pay-go scorecard surplus of just over $1 billion.

But another bill wiped out the surplus on the pay-go scorecard first. The enacted AMT patch increased the deficit by $196 billion in 2009 before it was offset and it did not comply with pay-go. Before it passed both the Senate and the House without an offset, the House passed a “paid for” AMT patch with the deficit increase in 2008 and actual offsets in later years. The House bill only satisfied the 2008 to 2012 deficit-neutrality test for pay-go by using a corporate estimated tax shift of $32 billion from 2013 into 2013.

Finally, let me address some of the protests of the Senate Budget Committee chairman about my criticisms about the spotty enforcement of his vaunted pay-go rule after this past year.

For example, I have criticized the gimmick of enacting a one-month extension of MILC in the 2007 supplemental in order to get mandatory MILC spending in the baseline and avoid pay-go enforcement to the tune of $2.4 billion over 10 years. My summary of this gimmick is as follows:

The story starts with confusion about how budget rules work. Consider a recent example, fueled by misinformation from congressional sources, from a daily Capitol Hill publication dealing with a provision to extend subsidies to certain dairy farmers—known as the [S] Dairy Margin Loss Compensation Program, or MILC—in the House and Senate-passed versions of the 2007 supplemental:

CBO has not included MILC in the baseline for the new farm bill because [MILC] was scheduled to expire at the end of August 2007, but [Senator] Kohl said in a release that the extension to the end of . . . fiscal year [2007] ’will also build the cost of the dairy program into the baseline budget for the next farm bill.’ ” The [House-passed] version [of the 2007 supplemental] . . . excludes the $2.4 billion costs at cost of $283 million, but the extension is as a discretionary program, which means CBO would not include it in the baseline. A Demo-}{

mocratic House aide said the House did not include the me as a mandatory program because under budget rules the bill had to account for the full 10-year cost of the program, which CBO estimated at $4.2 billion. But the Senate did not have that problem because it does not have similar budget rules.

To understand why this is a confused statement requires minitutorials on several facets of budget enforcement history and rules.

The Budget Enforcement Act of 1990 established a two-sided budget enforcement system designed to measure the budgetary effects of every piece of legislation enacted by Congress and compare those effects against a standard of enforcement.

One “side” of enforcement was defined as discretionary spending—that is, spending in appropriation bills. The enforcement standard was discretionary caps or limits set out in law for a period of 5 years. If appropriations for a year exceeded the discretionary cap for that year, then the Office of Management and Budget would order a sequester—an across-the-board reduction of appropriations of a sufficient magnitude so that the remaining appropriations could fit within the cap.

The other “side” of enforcement was pay-as-you-go, or pay-go, which covered all spending provided in all legislation that is not an appropriation bill, aka mandatory spending, and all legislated changes in Federal revenues. If, at the end of a year, all the mandatory spending and revenue legislation enacted by Congress cumulatively increased the deficit relative to the OMB baseline, then OMB would order a sequester of mandatory spending. All mandatory spending that was not exempted from across-the-board to achieve savings corresponding to the amount of deficit increase enacted by Congress that year.

That sounds easy since there are only two kinds of enforcement discipline to worry about—a sequester—an across-the-board reduction of appropriations of a sufficient magnitude so that the remaining appropriations could fit within the cap.

The answer is straightforward—the $2 billion cost of increasing the mandatory program in 1998 would count against the discretionary cap of $530 billion for that year.

But what about subsequent years? Since the appropriation bill for 1998 is only measured against the 1998 discretionary cap, how would the “do—er” get charged for the “deed” of increasing...
the cost of a mandatory program by $2 billion in 1999 and each year thereafer? By reducing the amount that the appropriations committee would be able to spend in future years under their discretionary caps.

OMB would simply reduce the discretionary cap in each of those subsequent years by $2 billion. In 1999, the $2 billion in higher spending on farm bill programs would appear back on the mandatory side of the budget, which is "known" in budget-speak, but its effects would not have escaped budget enforcement because the 1999 discretionary cap would be reduced from $335 billion to $333 billion and so on for as many subsequent years as there are statutory caps. Under this system, no one could get away with free mandatory spending by hiding it in a different legislative vehicle to avoid pay-go.

When BEA and some supermajority budget points of order in the Senate were brought up late in 2002, Senators were concerned that there would no longer be any budget enforcement, especially since there was no budget resolution for 2003.

After several failed attempts to extend mandatory budget enforcement of BEA, the Senate settled for adopting S. Res. 304 by unanimous consent on October 16, 2002. For a 6-month period, until the next budget resolution could be agreed to, S. Res. 304 extended the 60-vote requirement for waiving certain points of order, extended the Senate's pay-go point of order, and applied the pay-go point of order to appropriation bills.

Why suddenly apply pay-go to spending in appropriation bills? Because there was no budget resolution or deemer for 2003, the chairman of the Senate Appropriations Committee did have a discretionary allocation for 2003 and was concerned that members would try to pass new mandatory type, permanent, automatic spending programs or increases in existing mandatory programs on his appropriation bills to avoid pay-go.

If those mandatory programs were enacted in authorizing bills, they would have continued to face a pay-go point of order because S. Res. 304 also extended the expiration date for the pay-go point of order. But since there was no discretionary allocation for appropriation bills in 2003, there would be no budget enforcement for appropriation bills. Mandatory spending programs attached to appropriation bills would not have to be counted against anything. There would have been no 60-vote point of order to thwart them.

In addition to persuading the Senate to adopt S. Res. 304 to discourage such behavior, the chairman of the Appropriations Committee and the Budget Committee went so far as to issue a warning to members: If a provision to increase a mandatory program for later years was somehow enacted on an appropriation bill, those two chairmen promised to see to it that whatever allocation that would have occurred for future years would be reduced by the amount of the mandatory spending added to the appropriation bills. But remember, there were no longer discretionary caps set in law in advance for future years; instead, discretionary allocations were enacted on a year-to-year basis. This saber rattling seemed to do the trick, but only temporarily since S. Res. 304 expired on April 15, 2003.

For the next 4 years, 2003 to 2006, the only pay-go point of order tool available to prevent increases in mandatory spending programs from hitching a ride on appropriation bills was the advance appropriation point of order. Remember that until very recently, since enactment of BEA in 1990, when changes to a mandatory spending program are added to an appropriation bill, even if the changes seem mandatory-like, they have been considered as discretionary spending for purposes of budget enforcement on that bill.

Meanwhile, for mandatory spending activities provided for future years in an appropriation bill is considered a discretionary appropriation. The advance appropriation point of order in section 401 of the 2006 budget resolution, 109th Congress, has included a definition of the term that captures this scoring practice: "the term 'advance appropriation' means any new budget authority provided in a bill . . . making general provisions for fiscal year 2007, that first becomes available for any fiscal year after 2007."

With the advent of the 110th Congress and a new chairman of the Senate Budget Committee, however, the Senate Appropriators—contrary to precedent in the 108th and 109th Congresses—have decided that this definition of advance appropriation somehow no longer applies to budget authority in appropriation bills when that budget authority is for discretionary programs. As a result, folks in the Senate have flocked to the 2007 supplemental appropriations bill to augment their favorite mandatory programs for free.

For example, the Senate-passed version of the supplemental included the Wyden amendment, adopted on the Senate floor, that would extend "county payments" under the Secure Rural Schools and Community Self Determination Act from 2008 to 2012 at a cost of $2.2 billion. Proponents of this program, which was initially enacted as a temporary, transitional program in 2000, have fretted for the past several years about the imminent expiration of the program and how they could find sufficient offsets to pay for its extension.

The proponents were not able to convince the authors of the 2008 budget resolution to include a sufficient allocation to the Energy Committee to extend the program. But adding the extension to the supplemental means they did not have to pay for it under pay-go.

The sponsors of the county-payments amendment claimed that they "offset" the cost by increasing various revenues, but the revenue provisions add up to only $0.2 billion over 2008 to 2012, which is $2.0 billion short of offsetting the cost of the amendment.

The Senate Appropriations Committee included other provisions that pretended to raise revenues, but those provisions—amounting to $1.4 billion over 2008 to 2012—had already been incorporated by unanimous consent into the supplemental through the minimum wage and unemployment and you cannot use the same offsets twice in one piece of legislation. Regardless of the amount of the supposed revenue offsets, any revenue increases enacted in the supplemental will go on the Senate's pay-go scorecard to be available to be spent on some other authorizing legislation in the future. Revenues cannot be used to offset spending in an appropriation bill.

Finally, also consider the confusing tale of MILC. MILC is a farm-bill program that makes payments to certain dairy farmers. MILC was intentionally scheduled to expire on August 31, 2007, unlike most of the other farm bill programs that were scheduled to expire on September 30, 2007, with some variation depending on the type of crop. When Congress first enacted the MILC Program, it designed it that way on purpose so MILC would not be continued in the CBO baseline; consequently, the Agriculture Committee did not consider the cost of the program for the baseline for 2008 to 2017, while the rest of the farm bill was by and large continued in the baseline.

In an authorization bill reported from the Agriculture Committee, an extension of MILC for 1 month—making it expire at the same time as the rest of the farm bill—would have allowed the program to receive the same continuing-in-the-baseline treatment as the rest of the farm bill. But then the Appropriators—contrary to the CBO baseline for 2007 to 2017, it appears they did not need to.

While a 1-month extension of MILC was added to the Senate supplemental, it is not automatic—contrary to the suggestion in Senator Koons' press release earlier—that in the bill "build the cost of the dairy program into the baseline budget for the next farm bill."

What happens instead is that CBO, up to and including the time the Senate Budget Committee considered whether the Budget Committee wants CBO to continue an expiring mandatory program in the baseline. Note that in the case of
Why was the House aide incorrect? Because the House pay-go point of order does not apply to appropriation bills in the House. After the House adopted its pay-go rule in January 2007, there was some initial confusion and unsettledness about which legislation its pay-go rule should apply to. But now it is clear that the House pay-go rule applies to authorization bills only.

The House appropriators, however, do not want their bills to become the vehicle of choice to carry increases in mandatory programs that cannot find offsets in authorization bills to fit under the House pay-go rule. So, it is only the persuasive jawboning by interested parties, such as the chairman of the House Appropriations Committee, that has thus far been able to keep House appropriation bills nearly free and clear of multiyear changes in mandatory spending.

At least the House seems committed as a matter of practice, even if not as a result of its rules, to preventing its appropriation bills from becoming a huge loophole for avoiding pay-go enforcement. However, the Senate has shown no such restraint since it added $4.6 billion in mandatory spending increases over the next 10 years for county payments and MILC alone to its version of the 2007 supplemental.

There is a way to close this pay-go loophole. One way would be to restate the enforcement of pay-go for appropriation bills that the chairman of the Appropriations Committee succeeded in providing for six months in 2002 to 2003 through S. Res. 304. The Appropriations chairman, however, now opposes that approach.

Another way would be if the conference report on the 2008 budget resolution had included an amendment offered by the chairman of the Budget Committee and myself, which was adopted by UC during Senate debate on that budget resolution. The amendment would have created a 60-vote point of order against net increases in spending for mandatory spending programs on an appropriation bill.

In fact, the conference report did include a weakened version of the Gregg-Conrad point of order that the Senate passed. But that weakened point of order exempted the 2007 supplemental. So there was no 60-vote point of order available to strip the MILC provision out of the supplemental. The Budget Committee chairman’s excuse is that he did not want to change the rules in the middle of the game while the supplemental was being considered at the same time as the 2008 budget resolution.

But this is nonsense. If the MILC provision had instead been in an authorizing bill at that time, the pay-go point of order that was already in place in the Senate would have made it possible to subject the MILC provision to 60-vote scrutiny. That was the rule already in place at the time. By hiding the MILC provision in the supplemental and getting the Parliamentarian to change the precedent on what constituted an advance appropriation, the chairman was changing the rules in the middle of the game in order to protect the MILC provision and, even more importantly, to stock the farm bill baseline with $2.4 billion more in spending that would never be subject to pay-go.

Some other things that the Budget chairman has wrong about pay-go are as follows.

He said this week that pay-go matters only when bills are enacted. This is exactly the opposite of the truth. Pay-go is a point of order. A Senator cannot raise a point of order after a bill has been enacted into law. The pay-go point of order is only worth anything when the Senate considers a bill before sending it on to conference; seldom do conference reports get blown up by a point of order.

The chairman also said pay-go has been defended nine times since the 2008 budget resolution was put in place and that it was never waived, so that is an indication of how successful and wonderful it has been. But I count only eight times that a pay-go point of order was raised since adoption of the 2008 budget resolution conference report, and in each and every instance it was raised against amendments offered to bills brought to the floor. The pay-go point of order has not yet been raised in its confrontation against any of the several bills brought to the floor that by themselves violated pay-go.

The Budget chairman is defensive about pay-go. He should be. The pay-go he defends is not the pay-go that he promised for years that we would have if only his party were in charge. Now that he is in charge, pay-go is watered down and increasingly easy to gimmick or avoid.

I ask unanimous consent that the tables to which I have referred be printed in the RECORD.

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

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TABLE 1—PROPOSED PAY-GO AT START OF THE 110TH CONGRESS

<table>
<thead>
<tr>
<th>MILC</th>
<th>(\text{S. 10 House (H. Res. 6)})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>……………………………………</td>
</tr>
<tr>
<td>Votes Needed to Waive Point of Order</td>
<td>60 votes</td>
</tr>
<tr>
<td>Scorecard</td>
<td>……………………………………</td>
</tr>
<tr>
<td>Sequestration</td>
<td>……………………………………</td>
</tr>
<tr>
<td>Expiration</td>
<td>……………………………………</td>
</tr>
<tr>
<td>In effect?</td>
<td>……………………………………</td>
</tr>
</tbody>
</table>

Makes it out of order to consider legislation that increases the deficit or reduces the surplus for the first 5 years (2007–2012) or the first 11 years (2007–2017) Simple majority through adoption of a rule that waives the point of order. House point of order applies on a bill-by-bill basis. No scorecard maintained.

House point of order is not a law and therefore cannot include sequestration. House point of order is effective for the 110th Congress only. House point of order is in effect now.
TABLE 2.—PAY-GO IN EFFECT IN THE 110TH CONGRESS

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in Spending</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Needed Offset—CustomAttributes Fees</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3A.—TOUGH FIRST-YEAR OFFSET REQUIREMENT UNDER OLD-FASHIONED PAY-GO ($ billions)

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in Spending</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Needed Offset (tax increase or spending decrease)</td>
<td>-9</td>
<td>-2.25</td>
<td>-9</td>
<td>0</td>
</tr>
<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3B.—UNDER OLD PAY-GO, OFFSETS EASIER TO ACHIEVE OVER 5 YEARS BY SHIFTING COST PAST FIRST YEAR ($ billions)

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in Spending</td>
<td>0</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Needed Offset (tax increase or spending decrease)</td>
<td>0</td>
<td>-2.25</td>
<td>-9</td>
<td>0</td>
</tr>
<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3C.—UNDER OLD PAY-GO, OFFSETS IN YEARS 6–10 COULD NOT PAY FOR NEAR-TERM SPENDING ($ billions)

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in Spending</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Needed Offset—CustomAttributes Fees</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3D.—NEW PAY-GO NEEDS MORE THAN LONG-TERM OFFSET TO PAY FOR SPENDING TODAY ($ billions)

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
<th>All 10 years 2008–17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase in Spending</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Needed Offset—CustomAttributes Fees</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. New Pay-go test would not be met because deficit increases over 5 years (note that over 10 years this example is budget neutral).

TABLE 3E.—NEW PAY-GO, ALONG WITH CORPORATE TAX TIMING SHIFT, ALLOWS SPENDING TODAY WITH OFFSETS FAR IN THE FUTURE ($ billions)

<table>
<thead>
<tr>
<th>Description</th>
<th>1st year 2008</th>
<th>2009</th>
<th>1st 5 years 2008–12</th>
<th>2nd 5 years 2013–17</th>
<th>All 10 years 2008–17</th>
</tr>
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<tr>
<td>Net Deficit Effect</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1. New Pay-go test is met because deficit does not increase over 5 years or 10 years.

TABLE 4.—CORPORATE ESTIMATED TAX SHIFT USED IN LEGISLATION IN THE 110TH CONGRESS

<table>
<thead>
<tr>
<th>Description</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enacted legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007 Supplemental incl. minimum wage increase</td>
<td>110–28</td>
<td>110–28</td>
</tr>
<tr>
<td>Andean Trade Preference Act extension</td>
<td>110–42</td>
<td>110–42</td>
</tr>
<tr>
<td>Burmese Freedom and Democracy Act</td>
<td>110–32</td>
<td>110–32</td>
</tr>
<tr>
<td>Trade Adjustment Assistance extension</td>
<td>110–89</td>
<td>110–89</td>
</tr>
<tr>
<td>Mortgage Forgiveness Debt Relief Act</td>
<td>110–148</td>
<td>110–148</td>
</tr>
<tr>
<td>Total enacted tax shift</td>
<td>+5.0</td>
<td>+5.0</td>
</tr>
<tr>
<td>Pending legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H.R. 4351, Farm Bill, as passed by the Senate (in conference)</td>
<td>+4.2</td>
<td>+4.2</td>
</tr>
<tr>
<td>Possible agreement on energy tax provisions (not included in H.R. 6)</td>
<td>+3.8</td>
<td>+3.8</td>
</tr>
<tr>
<td>Total tax shift in pending legislation</td>
<td>+8.0</td>
<td>+8.0</td>
</tr>
<tr>
<td>Tax shift in passed, but not enacted, legislation (H.R. 4351, House-passed 2007 AMT patch)</td>
<td>+31.7</td>
<td>+31.7</td>
</tr>
</tbody>
</table>

Details do not add to totals due to rounding.
Source: CBO/CXCT cost estimates.
Mr. CONRAD. Mr. President, I ask unanimous consent that the enrolling clerk be authorized to make technical and conforming changes to levels in title I of S. Con. Res. 70 at the direction of the majority staff of the Budget Committee to reflect the effects of amendments agreed to by the Senate.

The PRESIDING OFFICER. Without objection.

Mr. REID. Mr. President, for the information of all Members, we will not be in session today. We will have final passage. I said this just a few minutes ago, but it really speaks volumes. This bill has been managed in a very professional way, and we appreciate the good work.

We will be out now for 2 weeks. There will be no votes on Monday, March 31, but there will be votes—it is more apropos to what we have done today—on April Fools’ Day, April 1. We are going to have votes before lunch on Tuesday, April 1. We will have votes before lunch. So everyone should be advised there will be votes before noon on Tuesday. I hope everyone will keep that in mind and have a happy and successful 2-week break period.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I know everybody wants to head off quickly, but I have to take a minute to first thank Senator Conrad for his professionalism in leading this bill. Although we disagree, I greatly admire the way he managed this bill. He did an extraordinary job.

I also thank his staff, led by Mary Naylor. They are extremely professional. Everybody’s staff around here spends extraordinary time, a lot of time away from family. We thank them for everything they have done.

In particular, I wish to thank all my staff, first and foremost, Denzel McGuire, who wears many hats for me. In addition, the rest of my Budget Committee staff have worked tirelessly:


I wish to acknowledge that this is the last budget in which Pete Domenici—regrettably, he is not here right now—will participate. He is, obviously, the father of the budget process, along with Senator Byrd. His commitment to this budget process is extraordinary, and his impact on this Congress is extraordinary. I wanted to acknowledge that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, thanks to all of our colleagues for their extraordinary patience. I thank Senator Gregg, the ranking member, for being so decent, reasonable, and fair-minded. I think that helped the process.

Special thanks to my staff director, Mary Naylor, John Righter, Joel Friedman, and Lisa Konwinski. I also thank Steve Bailey, Jamie Morin, Mike Jones, Joan Bffer, Jim Miller, Jim Esseque, Cliff Isenberg, Sarah Kuehl, Robyn Hiestand, Brodi Fontenot, Matt Salamon, Kobe Yee Neil, Steve Posner, Stu Nagurka, David Vandivier, Anne Page, Jackie Keaveny, Josh Ryan, Ben Soskin, and Brock Ramos. I will just say they have worked tirelessly 7 days a week for months.

I also want to give great regard to Senator Gregg’s staff, led by Denzel McGuire—a truly professional team.

Mr. REID. Mr. President, I apologize to everyone. Everyone, please be patient. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to S. Con. Res. 70, as amended. There will be a recorded vote.

Mr. REID. Mr. President, I move to reconsider, and I move to lay on the table. The motion to lay on the table was agreed to.
Mr. REID. Mr. President, I now ask unanimous consent to proceed to Calendar No. 340, H.R. 3221, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask now that there be a period of morning business, with Senators permitted to speak therein for a period of up to 10 minutes each.

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

SPRINGTIME AND EASTER

Mr. BYRD. Mr. President, this week, as the Senate debates proposed changes to the budget resolution, our minds are focused keenly on the pros and cons of various amendments and on the consequences of the budget resolution for the authorization and appropriations process that lies ahead. We have much to do this year, and less time than usual in which to do it.

Personally, I am glad to be back amid the controlled chaos of the annual budget debate. As many people know, I fell last week. Fortunately, I only gave my back a good wrench, but my family and my doctors insisted on a lot of care and physical therapy, which was both therapeutic and frustrating. I do not like to be poked and prodded and cajoled any more than the next person, especially after I begin to feel better and am ready to get back to work. Nevertheless, the rest did let me spend a little time staring out the windows, watching the beauty of springtime steal across Washington. I hope that each of my colleagues will have a chance to enjoy the springtime show as the Senate breaks for the Easter recess.

This year, the vernal equinox falls in the middle of the Easter Holy Week, on Maundy Thursday. Therefore, the first day of spring is also the day that marks the Last Supper between Jesus and his disciples, the evening before the crucifixion Good Friday and the miracle of resurrection on Easter Sunday. It is fitting that the dawning of the spring and the resurrection of Christ occur in close conjunction. Both events celebrate renewal and rebirth, the awakening of new life. I, too, feel a sense of renewal this year, of restored health and energy that only enhances my usual affection for the springtime of year.

I welcome spring with the words of the English poet, William Blake (1757–1827) in his poem, "To Spring":

Through the clear windows of the morning,
Turn Thine angel eyes upon our western isle,
Which in full chorus hails thy approach, O Spring!

The hills tell one another, and the listening Valleys hear; all our longing eyes are turn'd Up to thy bright pavilions: issue forth And let thy holy feet visit our clime!

Next week, Christians step through the liturgical calendar of Easter, observing and commemorating great events of two millennia past, the occupants of the northern hemisphere also count down the days to Spring. In these first warm and fragrant days, we can most fully appreciate the beauty of the season, so easily compared to the cold and wet weather of the previous weeks. With each trumpeting daffodil, each nodding crocus, each arching branch of yellow forsythia, and each dainty petal of blooming pear and cherry tree, we find the undeniable evidence of the approaching season. In the ever-lengthening evening light, we spy the house wren flitting about as she seeks a sheltered spot to build her nest. We hear, clear and strong, the first evening chorus of frogs, a song that will be lost in the background noise later in the season. But this week, we hear it "a capella," unaccompanied by the evening singing of crickets and the hum of air conditioners on hot summer evenings.

Each sign of spring, each glory of the Easter-tide, is a gift from the Creator, a promise made to each of us that there is life and beauty after the dark days of winter. I urge my colleagues in the Senate and those listening at home to step outside and revel in the glory and the beauty of spring.

Mr. President, I close with a poem by the great American poet, Robert Frost (1874–1963), called "A Prayer in Spring."

I thank my colleagues for their many kind wishes for my renewed health.

Oh, give us pleasure in the flowers to-day; And give us not to think so far away As the uncertain harvest; keep us here All simply in the springing of the year.

Oh, give us pleasures in the orchard white, Like nothing else by day, like ghosts by night;

And make us happy in the happy bees, The swarm dilating round the perfect trees.

And make us happy in the darting bird That suddenly above the bees is heard,

The meteor that thrusts in with needle bill,

And off a blossom in mid air stands still.

The swarm dilating round the perfect trees.

Like nothing else by day, like ghosts by night; Oh, give us pleasures in the flowers to-day; And give us not to think so far away As the uncertain harvest; keep us here All simply in the springing of the year.

TRIBUTE TO DR. HARRY CARLOSS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend and respected Kentuckian, Dr. Harry Carloss. Dr. Carloss has worked diligently for over 32 years to treat thousands of his patients who face one of life’s most terrible illnesses, cancer. Originally from Lexington, KY, Dr. Carloss went to the University of Louisville Medical School and later worked at the Scripps Clinic and Research Foundation in San Diego, CA. Dr. Carloss, along with and his wife Barbara, returned a few years later to Kentucky and settled in Paducah to practice as an oncologist. Dr. Carloss worked in Paducah for 28 years, helping him to help those who oftentimes were facing a death sentence.

Along with helping his patients, he became a point man in the campaign to battle cancer. He has written medical scientific papers, been involved in many research and clinical trials over his career, and been given numerous accolades in the form of honors and awards from his peers.

Mr. President, I ask my colleagues to join me in honoring a man who worked tirelessly and gave much of himself to the people he served. Recently the Paducah Sun published a story about Dr. Harry Carloss, which admirably illustrates the work, sacrifice and commitment Dr. Carloss gave to his patients, and to finding a cure for cancer.

I ask unanimous consent that the full article be included in the CONGRESSIONAL RECORD.

[From the Paducah Sun, Mar. 12, 2008]

CARLOSS STANDING DOWN—AFTER A RELUCTANT WITHDRAWAL, COMBATANT IN WAR ON CANCER LOOKS BACK ON CAMPAIGN

(By Steve Vantreese)

PADUCAH, KY.—A cancer doctor dying of cancer—that sort of story has a dark irony. In the case of Paducah oncologist Harry Carloss, happily it isn’t true.

“I’ve heard the rumor,” he said, not particularly offended. “I don’t have cancer. I have physical limitations that forced me to retire.”

Instead of his primary foe over 32 years as a father watcher, a falcon stopped the 57-year-old Carloss in his oncological tracks. He broke his back, had it surgically repaired as best as could be done—ruined spinal nerves removed, at his de- lulated. Not dead, not totally paralyzed, both of which he could have been. Just limited.

He returned to his practice after injury and surgery, but found after a trial period that he couldn’t remain on his feet for any length of time, or sit in most circumstances, for that matter. He makes little reference to length of time, or sit in most circumstances,

Mr. Carloss notes in self-deferring fashion. He’s seen enough to know. As once the sole oncologist in a void west of Louisville, south of St. Louis and north of Nashville, Carloss saw a steady parade of patients in dire straits.

The Lexington native and University of Louisville medical school graduate went to the Scripps Clinic and Research Foundation (San Diego, Calif.) to work in primarily hematology. He and his wife, Barbara, returned to Kentucky, coming to Paducah as a smaller town in which to raise their kids.

“I came here to be an oncologist, but I had doubts at first that a town the size of Paducah would support me,” Carloss said. “That turned out to be the joke of the century.”
In the 28 years that he practiced in Paducah, Carloss treated thousands. When he recently had to cease practice, he found that he had approximately 3,000 current patients on chemotherapy, he shifted their cases to other physicians’ care.

Even though cut short by result of accident and injury, Carloss can still claim a lengthy practice in a field that often doesn’t produce long runs.

“Thirty-two years is a long time to practice as an oncologist,” Carloss said, “and there’s a high burnout rate. Most doctors who do this end up in research or something outside seeing patients every day.”

One can say there is extra emotional burden in specializing in the care of people who in many instances are fatally ill.

The position of the oncologist has improved in recent years as medicine, yet there is still the excess baggage that comes from serving some of the sickest people.

“Their problems become your problems,” Carloss said. “Especially during the early years of my practice, before medicine evolved as much, many cancers were just a death sentence.

“The stuff we had to use for chemotherapy would either kill you or cure you,” he said. “It has to attack cancer cells, but it attacked the rest of you, too. We now have antitoxins that chemos patients get to keep their white cell levels from dropping.

“There are lots of things we have to battle cancer with, and we don’t have them,” Carloss said. “And over the years the mortality for cancer has gone down. It’s become more of a chronic disease than a death sentence.”

That has eased Carloss’s burden of fighting what too often seemed a losing battle. More clear wins against cancer certainly helped, but he also has learned to benefit patients—and himself—with relative, mitigated victories.

“I discovered pretty early that I couldn’t fix everything,” he said. “What I learned is, while I might not be able to save somebody, there are things I could do. I might give them more time, make sure they had less pain and improve the quality of the life they had left.”

Carloss said fairly early in his practice he got help in dealing with losses, assistance that’s done from the heart.

“I explained to one man that he was terminally ill and offered him a chance to take part in some research,” Carloss said. “He showed any emotion and I wasn’t sure he understood, so I explained his situation again—and still no emotion.

“Then he told me that he’d landed on Omaha Beach on D-Day and everybody in his group was killed but him,” he said. “He figured that everything he’d done since that day was a bonus. And he said if he could do anything that would help somebody else with the time he had left, he’d be glad to.”

A young man told Carloss that there was a blessing in his cancer as opposed to a fatal heart attack.

“He said at least he had time to correct his mistakes and say his good-byes to people,” Carloss recalled.

Carloss doesn’t regret the emotional expenditures from his past practice. He does have some sore spots about some of its frustrations.

“Because of the way treatment is paid for, all services aren’t available to everybody,” Carloss said.

He said Medicare and regulations and the resulting insurance coverage parameters are such that every cancer patient simply cannot get access to some of the drugs that might be beneficial.

“Now drugs have become so expensive that reimbursement drives what can be used for a patient,” Carloss said. “I could, or I used to be able to write you a prescription for a drug that would cost you $72,000 for a year’s supply. There are drugs available that nobody can afford.

“That’s the part of the practice that I don’t miss,” he said. “Before, in the first 25 years of my practice, any drug that was a drug out there could be used for a patient and it would be paid for. We never turned anybody away if they didn’t have the money.”

“Beyond just town America, Carloss has been a point man in the campaign to counter cancer.

He has been involved in a wealth of research and clinical trials for years. He likewise has been a prolific writer of medical scientific papers.

Carloss’s honors and awards among medical peers have stacked up through his career. His foremost recognition may be his selection for mastership in the American College of Physicians, which comes only for those cited for exceedingly stellar career achievements.

Carloss, a plain talker might say, had a lot of iron in the fire. His injury-forced retirement was such an abrupt change in schedule, the reversal of pressure was so extreme that it might have produced the bends in a mental sense.

Long days of life and death decisions were suddenly switched over to longer days of no particular concern.

“I had lots of people that I was taking care of, and it took me two months to stop calling the office every day to check on them,” he said. “I solved problems during the night, and it took me two months before I could sleep through the night and not be lying there working things out in my head.”

The demands of the career didn’t seem to have taken a regrettable toll, however.

“If I could do it all over tomorrow, I’d do it again,” Carloss said.

TRIBUTE TO THE MOUNT SAINT JOSEPH CONFERENCE AND RETREAT CENTER

Mr. McCONNELL. Mr. President, I rise today to honor an organization that has contributed greatly to the Commonwealth of Kentucky and its citizens. The Mount Saint Joseph Conference and Retreat Center will celebrate its 25th year of service this year.

Mr. LEAHY. Mr. President, I commend the House of Representatives for debating its amendment to the Senate’s FISA Amendment Act of 2007. This is a step forward and a good bill.

The Foreign Intelligence Surveillance Act is intended to protect both our National security and the privacy and civil liberties of Americans. This legislation passed to protect the rights of Americans after the excesses of an earlier time.

The FISA Amendments Act of 2007 that passed the Senate had a number of serious failings and did not adequately protect the privacy and civil liberties of Americans with this sweeping new surveillance. I had hoped that the Senate would incorporate improvements that had been reported by the Senate Judiciary Committee and that I and other Senators offered as amendments on the floor. It did not. Instead, having gotten exactly the bill they wanted from the Intelligence Committee, the administration threatened of Presidential veto if any further improvements were made. The Senate bill was passed.

The House leadership understood that under our constitutional system of government, Congress gets a say in legislation. For the last month the House has worked with 4 Senators and sought to work with congressional Republicans and the administration to fashion a reasonable compromise between its earlier legislation, the RESTORE Act, which passed last fall, and
the Senate’s bill. Unfortunately, congressional Republicans and the administration have refused to engage in meaningful discussions or negotiations about the legislation. It has been their position that the Senate’s bill must be considered all or nothing, and the House must simply accept or reject the Senate’s legislation. I commend the House leadership for upholding our legislative tradition and allowing Congress to act as a separate and equal branch of the Federal Government. The Constitution provides in Article I for Congress to write the laws and in Article II for the executive to faithfully execute them—not the other way around.

The administration has engaged in all of its usual scare tactics to try to bully the House into accepting the Senate bill. First, they refused to allow an extension of the Protect America Act, thereby allowing it to expire. Then, they tried to convince the American people that legislation put Americans at risk—and somehow that was the Democrats’ fault. It was not true, of course; the expiration of the Protect America Act put nobody at risk because the orders entered under that act remain in force for a year. And it is the White House and congressional Republicans who have repeatedly refused to extend the Protect America Act. And they have ensured delay by refusing to allow the appointment of conferees so work on the bill can move forward. These tactics are part of administration attempts to politicize national security in order to shield itself from accountability.

Despite the failure of the administration and the Republican Members of Congress to discuss the bills, the House engaged in intensive, productive bicameral discussions and produced a compromise bill that improves on both the Senate bill and their earlier efforts. It adds to title I of the bill several important parts. I urged the Senate to accept it. Very importantly, it includes a requirement that inspectors general, including the Department of Justice inspector general, conduct a thorough review of the so-called terrorist surveillance program and report back to the Congress and, to the greatest degree possible, the American people. This is a key measure to finally require accountability from this administration. We have not yet had anything close to an in-depth examination of what happened and how it happened. We cannot expect to learn from mistakes if we refuse to allow them to be examined. As an additional accountability mechanism, the House bill would establish a bipartisan national commission to investigate and report on the administration’s warrantless surveillance activities.

The House bill also strengthens the exclusivity provision from the Senate bill by mandating that, absent specific statutory authorization, FISA is the exclusive means to conduct electronic surveillance. This provision makes clear that the Government cannot claim authority to operate outside the law—outside of FISA—from legislative measures that were never intended to provide such exceptional authority. This administration argues that the Authorization for the Use of Military Force, AUMF, passed after September 11, allows warrantless surveillance of Americans for more than 5 years. That is not what was intended. With enactment of this strengthened exclusivity provision, we should not see similar arguments of circumvention again.

The House bill would also clarify that the Government may not use this new authority to target Americans indirectly when it cannot do so directly. The administration says it will not do that, but the Senate bill does nothing to prevent it.

Finally, and critically, the House bill would not grant blanket retroactive immunity. This administration violated FISA by conducting warrantless surveillance for more than 5 years. When the warrant came, they got caught, and if they had not, they would probably still be doing it. When the public found out about the President’s illegal surveillance of Americans, the administration and the telecommunication companies were sued by citizens who believe their privacy and their rights were violated. Now, the administration is trying to get this Congress to terminate those lawsuits in order to insulate itself from accountability.

The House bill does, however, address the concerns of the carriers who are defendants in those lawsuits that they are prevented from defending themselves because the administration is asserting the State Secrets privilege over the subject matter of the litigation. The bill provides a mechanism for the companies to present their defenses in secure proceedings in the district court. I think this is a fair provision.

I am disappointed by the failure of the administration and congressional Republicans to participate in important discussions about this bill. I applaud the House for its significant efforts. It has passed a good bill.

Republicans in Congress and the administration have, I now have a choice: If they are concerned with a delay in authority, they should help the House, and in turn the Senate, pass the improvements to FISA that the House amendment contains and replace the expired Protect America Act provisions and do so immediately. Having rejected the extension of the Protect America Act and allowed it to expire before the last congressional recess, I hope that they will join in supporting the House amendment to restore the additional tools this measure would provide without further delay.

40TH ANNIVERSARY OF THE FAIR HOUSING ACT

Mr. HARKIN. Mr. President, April 11, 2008 marks the 40th anniversary of the enactment of the Fair Housing Act, Title VII of the Civil Rights Act of 1968. Signed into law just 1 week after the assassination of Dr. Martin Luther King, Jr., the bill made discrimination in the sale and rental of housing illegal based on a person’s race, color, religion, sex, or national origin. This act opened doors of opportunity. It was a big step towards eliminating discrimination in housing and to providing fair housing.

Dr. King’s inspiring message of equal opportunity for every person and the commitment to change viewpoints and attitudes is embodied in the Fair Housing Act. As we celebrate the 40th anniversary of this historic legislation, we must reaffirm our commitment to ensure that every person has equal access to housing.

I want to commend the Iowa Civil Rights Commission and the 25 local commissions across Iowa for their advocacy of housing opportunities for all of our citizens. These commissions provide invaluable community education, public outreach, investigation, mediation, and training to foster fair housing by enforcing local, State, and Federal fair housing laws.

I would encourage my fellow Members of Congress to support a commitment to fair housing by strengthening laws against predatory lending practices, racial segregation, and restoring rights for persons with disabilities under the ADA.

40th anniversary, we can celebrate many victories, but, unfortunately, housing discrimination still occurs. We still have many battles to be fought in our march towards a future where there is justice and housing opportunities for all Americans.

FIREARMS INFORMATION USE ACT OF 2007

Mr. MENENDEZ. Mr. President, I rise today for two purposes. One is to shed light on the serious problem of gun violence that afflicts our Nation, and the other is to introduce legislation which would assist law enforcement in their efforts to address this growing scourge that affects countless Americans every day.

Each and every year, tens of thousands of Americans have their lives senselessly cut short because of gun violence. In 2004, 29,569 Americans were killed by guns. This figure is higher than the number of deaths our military has suffered in any year of any war since World War II—and it translates to over 81 gun deaths per day—or over 3 deaths per hour. Tragically, statistics show that by the time I finish this speech, another American will have lost his or her life to gun violence.

Gun violence does not discriminate; it affects rich and poor, young and old, the innocent and guilty alike. It is not a red or blue State issue and an American crisis that concerns our Nation as a whole. Not a single American is immune to the tragic reach of gun violence.
Our brave law enforcement officers risk their lives every day to stop gun violence before it occurs, but they cannot do it alone. They need resources—not just funding and equipment although those are critically important—but also information and intelligence. That is why ATF’s Office of Enforcement Statistics compiles gun trace data—to provide crime gun information to law enforcement agencies, federally firearm licensees, FFL, the public, Congress, and State and local authorities so they may better understand and prevent gun violence.

It goes without saying that the more we understand a problem and its sources, the more proficient we will be in our ability to solve it. That is particularly true when talking about guns that are used to commit crimes. In fact, one study has shown that 1.2 percent of gun dealers sell 57 percent of guns later traced to criminal investigations.

My home State of New Jersey has some of the strictest gun laws in the country, yet hundreds, if not thousands, of off-limit customers, such as those under age or those with violent criminal records, wind up with such weapons each month. And the overwhelming majority of guns used to commit crimes in our State’s cities were originally sold in compliance with the law in other States.

In fact, a large majority of the guns used to commit crimes in Jersey City, Newark, and Camden traveled up the east coast along I-95—the “Iron Pipeline”—and therefore don’t fall under New Jersey’s gun laws. This is truly a paradox that has not only frustrated law enforcement agents, but elected officials too.

According to ATF reports released in July 2002, 85 percent of the traced guns used to commit crimes in Jersey City and Newark, and 77 percent of those used in crimes there were originally purchased outside of New Jersey. And more than 67 percent of crime guns recovered in Jersey City were originally purchased more than 250 miles away, with 29 percent originating in South Carolina.

This is exactly the type of information that assists law enforcement officials in placing local crime guns in a regional and national strategic enforcement context and would allow Federal and local elected officials to develop national, regional, and local strategic responses to gun crime.

Unfortunately, every year for the past few years some of my colleagues from the other side of the aisle have slipped a provision into law to prohibit the release of this information to anyone other than “a Federal, State, or local law enforcement agency or a prosecutor solely in a criminal investigation or prosecution.” This amendment effectively prohibits information from the ATF, a recognized leader, and state and local authorities, and the public. The practical impact of the Tiahrt amendment is that gun trace data is rarely shared and an important law enforcement tool goes largely unused.

The Tiahrt amendment also limits how Federal, State and local law enforcement agencies can use crime gun trace data they are able to obtain. The Tiahrt provisions restrict use of the information to solve crimes that have already been committed. Using the data to proactively prevent gun crimes from happening is not permitted.

This makes no sense. We should be using every tool we have to prevent the deaths and injuries that result from gun violence—not waiting until they happen and then figuring out the hows and whys.

Unfortunately, here in Washington, every year the Republican Congress and President Bush bow to the gun lobby in Washington and sacrifice the safety of our streets. They do this by including the Tiahrt provisions.

Denying police access to critical information about traces helps no one but the bad guys. Our families’ safety should never take a backseat to the demands of radical interest groups seeking only to further their own narrow agenda. Congress needs to pass my legislation so instead we need to stand up to President Bush and the gun lobby, and stand up for our families.

Far too often in this country, innocent Americans, including children, are tragically caught in the crossfire of gun violence. In fact, one study has shown that 1.2 percent of crime guns may have been prevented with stricter gun control regulations. As a Senator, it is my solemn duty to do everything within my power to protect the American people from the ravages of gun violence. Addressing this grave issue should not be hampered by divisive, partisan bickering. We must undertake a bipartisan approach to reach an effective solution to this problem that is concerned solely with the welfare and safety of our citizens.

That is why I am introducing legislation to make this gun crime data public again. It will not only help law enforcement prosecute gun crimes, but will also increase public awareness about where these guns originated. I urge my colleagues to support this commonsense legislation.

DEATH OF CHALDEAN ARCHBISHOP PAULOS FARAJ RASSHO

Mr. LEVIN. Mr. President, just this morning, the world learned of the death of Archbishop Paulos Faraj Rahho, who was kidnapped 2 weeks ago following the Way of the Cross ceremony at a church in Mosul. I extend my condolences to the Chaldean community in Iraq and in the United States on the tragic death of one of their church’s spiritual leaders. The Chaldean community and those impacted by this tragic death are in the thoughts and prayers of people around the world from all religions.

The death of this spiritual leader demonstrates the fragility of the situa-

TION IN IRAQ AND THE VULNERABILITY OF THE CHALDEAN COMMUNITY. I HOPE THE ARCHBISHOP’S LIFE OF INTELLIGENCE AND TESTIMONY TO HIS FAITH IN GOD AND IN HIS COUNTRY WILL SERVE AS AN INSPIRATION TO THE CHALDEAN COMMUNITY AS THEY MOVE FORWARD IN THESE DIFFICULT TIMES.

I also hope this tragic death will motivate President Bush to focus more attention on assisting this highly vulnerable community in northern Iraq, particularly as al-Qaeda shifts much of its operations to the north in search of new victims.

FOURTEEN YEARS AFTER THE BRADY LAW WAS ENACTED

Mr. LEVIN. Mr. President, we recently marked the 14th anniversary of the enactment of the Brady Handgun Violence Prevention Act. This legislation was a major step in our fight to curb gun violence. According to the Centers for Disease Control, since the Brady law went into effect, the number of gun deaths in the United States has dropped 26 percent, from 39,595 in 1993 to 29,569 in 2004. Even more dramatically, the number of gun homicides dropped by more than 38 percent from 17,024 in 1993 to 10,661 in 2004.

According to the Brady Campaign to Prevent Gun Violence, the Brady law’s requirement that gun purchasers undergo a criminal background check before purchasing a firearm has prevented approximately 1.4 million prohibited purchasers from buying guns from federally licensed dealers. By preventing these potentially dangerous individuals from obtaining guns, the law has helped prevent countless tragedies. On this 14-year anniversary, I urge my colleagues to capitalize on the successes of the Brady law by taking up and passing additional gun safety legislation, such as closing the gun show loophole and establishing an assault weapons ban.

Today, I introduced legislation to close the loophole and establish a prohibition on the sale and possession of assault weapons. This legislation, such as closing the gun show loophole and establishing an assault weapons ban, which is supported by the Brady campaign, the Brady Campaign to Prevent Gun Violence and the Brady Center.

I urge my colleagues to support this commonsense legislation.
his left arm forced his retirement in November 1981. Tim McCarthy, a Secret Service agent, was shot in the chest and suffered a lacerated liver. He recovered and returned to duty.

Still, four lives were changed forever, and all by a Saturday-night special, a cheaply made .22 caliber pistol, purchased in a Dallas pawnshop with a credit card and a false identity. This nightmare might never have happened if legislation that is before Congress now, the Brady bill, had been law back in 1981.

President Reagan was right. The record of prevention of gun sales to potentially dangerous buyers over the past 14 years and the lives saved dramatically demonstrate that and remind us of the wisdom embodied in the Brady law.

5TH ANNIVERSARY OF THE WAR IN IRAQ

Mr. FEINGOLD. Mr. President, next week marks the 5-year anniversary of the war in Iraq. Although Saddam Hussein's brutal authoritarian regime no longer exists, the war has been nothing less than a disaster for that country, for others in the region, and unquestionably for our own, as well.

Four million Iraqis are displaced from their homes and Iraq's profoundly weak central government cannot provide its citizens with sufficient basic services like food, water, and electricity. Women and children suffer from savage violence, disappearances, or kidnappings. Tensions continue to rise throughout the Middle East and, as the war triggers internal unrest in many countries, it has caused our own credibility to decrease significantly.

The war continues to undermine our top national security priority—the fight against al-Qaida, which has strengthened itself in Pakistan and reached out to new affiliates around the world. According to the Congressional Research Service, the war costs us over $10 billion a month in direct costs. The war saps our military, which is stretched too thin to keep us safe here at home. In short, the war is making us weaker, not stronger, and that trend is not likely to change.

America continues to be mired in a conflict that has no end in sight. As of the beginning of this week a total of 3,974 American soldiers had been killed and 29,320 wounded. While the administration touts a recent decline in violence as an indication that the surge is “working,” there is little political progress that might indicate the decrease in violence will result in genuine national reconciliation. As the region remains on tenterhooks and our international credibility profoundly damaged, Americans ask each other just how many more billions of dollars will be spent and how many more of our brave troops will die or be injured while we wait for national reconciliation in Iraq, which is the only way to end the violence.

Just 2 weeks ago, many of my Republican colleagues stood on the Senate floor to sing their praises of the surge, but now we may be witnessing a reemergence of the brutal violence that was said to have dissipated. Early last week, two car bombs exploded, killing 24 people and wounding 56, while another bomb penetrated the security in downtown Baghdad, killing nearly 70 people and wounding over 120. Yesterday a suicide bomber approached five American soldiers in Baghdad and detonated a bomb—killing all five soldiers and injuring three more. That in itself is a significant concern. This attack has been labeled the worst attack on U.S. forces in months and it comes only days after a female suicide bomber blew herself up in the home of a Sunni leader who was reported to have been working in collaboration with U.S. forces.

Similarly, another political impasse in Parliament may result in little tangible results from recently passed and tens of thousands of signatures. A de- baathification law has passed but it may usher in renewed sectarian tensions as former officials from Hussein’s regime try to reclaim their old jobs. A provincial powers election law was sent back to Congress. The President’s Council—requiring another round of drafting before it is able to move forward. As we well know, working on a law and even passing it is one thing—seeing it successfully implemented is another.

National reconciliation still looks far off. The passage of what the administration is calling “benchmark” laws does not ensure society-wide sectarian reconciliation; in fact, there are significant concerns about how the local efforts we have supported to bring about this decline in violence will be integrated into the national framework. The Sunni Awakening has taken place and inure to the emergence of new Sunni militia fighters and it is unclear to what extent we can rely on their loyalties. It is not hard to see, however, that this policy risks increasing distrust between the local Sunnis and national government, which is led predominately by Shiites.

Without a legitimate political settlement at the national level, any decline in violence in Iraq is likely to be tenuous. Recent news from Iraq seems to indicate that any gains in security are already slipping and without a strategy for safe redeployment, it is inevitably our brave men and women who will pay the price.

The war in Iraq drags on while al-Qaida has reconstituted and strengthened itself. The Director of National Intelligence, DNI, recently testified before Congress that al-Qaida’s central leadership based in the border area of Afghanistan remains a key component. And just a few months ago, the DNI again repeated the Intelligence Community’s assessment that, over the last 2 years, “[a]l-Qaida’s central leadership has been able to regenerate the core operational capabilities needed to conduct attacks in the Homeland.”

Let me remind my colleagues, that it was from Afghanistan, not Iraq, that the 911 attacks were planned and it was under the Taliban regime—which is once again gaining ground—that al-Qaida was able to flourish so freely. With a recent report warning that we are not winning in Afghanistan, we must rethink the current Iraq-based strategy so we can counter the threat posed by al Qaida around the world.

As we approach the 5th anniversary of the US-led invasion in Iraq, it is clear that continuing the current open-ended military policy doesn’t make sense. The American people certainly know that this war doesn’t make sense and they expect us to do everything in our power to end it. We in Congress cannot in good conscience put Iraq on the backburner, and we cannot turn a blind eye or feign helplessness as the administration keeps pursuing its misguided policies.

This Congress has no greater priority than making right the mistakes of the past 5 years ago. It authorized the war in Iraq. I do not want the American people to lose faith in their elected leaders for pursuing a war that they rightly oppose. I do not want to see this failed strategy perpetuate regional turmoil any longer and I do not want any more American troops to die or get injured for a war that is not in our national security interest.

KC-X TANKER DECISION

Mr. WARNER. Mr. President, on February 29, 2008, the Secretary of the Air Force, Michael W. Wynne, announced that the Air Force had selected the Boeing/KC-X competition in the KC-X competition for development and procurement of up to 179 tanker aircraft, which are urgently needed to support our armed forces.

This was a critical step forward in the recapitalization of an aging fleet of aircraft that are essential for force projection, intelligence, surveillance, and global strike capabilities. A modern tanker force is at the heart of our national security.

I understand that it was a carefully constructed and transparent process that the Department of Defense and the Department of the Air Force structured and faithfully implemented to reach this decision. As Secretary Wynne said, the announcement “is the culmination of years of tireless work and attention to detail by our acquisition professionals and source selection team, who have been committed to making this inter-agency trans- parency and promoting a fair competition for this critical aircraft program.”

The Boeing Company has filed a protest, as is their right under law, with the Government Accountability Office concerning the Air Force’s award of this contract to Northrop Grumman. Further, as provided by law, the GAO will issue their decision within the next 100 days.

I now would like to provide some context and historical background to the ongoing discussion by reviewing the oversight process employed by Senate oversight committees beginning
with the original proposed tanker lease procurement.

Nearly 6 years ago, a $30 billion authorization provision, placed in the fiscal year 2002 Defense appropriations bill, provided the Air Force the authority to lease, not purchase, up to 100 767s from Boeing; source contract, for use as aerial refueling tankers.

Authority to fund and execute this lease required approval of the 4 congressional committees of jurisdiction over these programs. Three approved; but, the fourth, the Senate Armed Services Committee, disapproved.

Under Senate procedure, the chairman of the committees made the decision for their respective committees. As chairman of Armed Services at the time, I found fault with the proposed lease contract and after consultations with Members—in particular Senator MCCAIN, who provided valuable oversight of the entire process—the committee declined to approve the proposal.

Additionally, consultations with outside experts had corroborated that procedures and provisions related to the lease contract required further oversight by Congress.

Following a full committee hearing on September 4, 2003, I directed the Department of Defense, by letter to investigate the Air Force’s initial proposal and analyze alternatives that would meet the operational requirements.

Furthermore, in letters to the General Accounting Office, the Congressional Budget Office, and the Office of Management and Budget, among others, I directed that these other agencies provide assessments of the proposal.

These assessments, as well as further oversight conducted by both the Senate Armed Services and Commerce Committees, led Deputy Secretary of Defense Wolfowitz to order a “pause” in the execution of the proposed lease contract.

On December 2, 2003, I sent a letter to the Deputy Secretary to concur with the decision requiring a “pause” in execution, and stated further:

The Department of Defense Inspector General inquiry should pursue the trail of evidence wherever it leads, in accordance with standard IG procedures.

By February 2004, Secretary of Defense Rumsfeld put a “halt” to the entire process, pending the DOD inspector general report.

During the following 3 years, the investigative process uncovered evidence revealing serious, criminal breaches in the very process that Americans trust to provide their service members with the equipment necessary to defend our great Nation. In fact, these efforts resulted in jail sentences for senior persons from the Air Force and Boeing, and a settlement of $600 million that was paid to the U.S. Treasury.

The findings confirmed—the view of the Senate Armed Services Committee—that the Air Force’s tanker lease proposal was faulty. Actions by the Congress allowed for the requisite time within which the executive branch could establish a free and fair competition. This ultimately resulted in a new proposed contract.

On December 1, 2006, Senator MCCAIN, then chairman of the Airland Subcommittee, wrote a letter to Robert Gates, then the President’s nominee to be Secretary of Defense. In his letter, Senator MCCAIN encouraged Secretary Gates to ensure a fair and open competition. I sent a second draft request for proposals in an effort to make certain that there was no ambiguity in the competition process. As chairman of the committee, I concurred with his initiative, given I have been a very strong proponent of competition.

Since the announcement on February 28, 2008, by the Secretary of the Air Force with regard to the Department’s acquisition decision, there has been, in my opinion, an injection of considerable misinformation in the public forum. Consequently, I believe I had an obligation to recite—and document—portions of the history relative to the debate.

I am particularly concerned about allegations that the proposed contract would adversely affect job opportunities in America, given parts of the aircraft would be manufactured abroad. I also draw on my experience as Under Secretary of the Navy, 1969–74, when I solicited bids, for major procurements of fleets of new aircraft, from an American industrial base of many companies sized, financed, and experienced to compete.

For many reasons that base, comprised of numerous large domestic companies, has consolidated and narrowed, but America remains the preeminent provider for the vast majority of our military procurements. Today, we also rely on our global partners for a wide diversity of technologies and support in joint military procurements. A prime example is the Joint Strike Fighter.

In closing, we must respect the right of Boeing to seek a review by the GAO as provided by law. It is my judgment that until the GAO acts and reports to Congress their findings; we should lower the emotional rhetoric, be accurate with the facts, and withhold judgment of the work done by a large dedicated group of uniformed and civilian acquisition specialists.

I ask unanimous consent that several letters be printed in the RECORD.

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


Hon. Donald H. Rumsfeld, Secretary of Defense, Washington, DC.

Dear Mr. Rumsfeld:

As you know, the Senate Armed Services Committee held a hearing today on the Department’s proposed lease of 100 KC-767A tanker aircraft. There was a long hearing—and an extensive exchange of questions and views in this hearing that lasted over three hours.

During the course of the hearing, Chairman Warner raised the option of leasing a smaller number of tanker aircraft—up to 25—to address the current, short-term need for additional tankers that would be accomplished by a traditional procurement, not a lease, of the remaining tankers, presumably under multi-year authority. Secretary Roche said that such an option was not considered. We would like to draw your attention to section 367 of the Senate version of National Defense Authorization Act for Fiscal Year 2004, which requires the preparation of an analysis of alternatives for the Department’s aerial refueling requirements. While this language is not directly targeted at the KC-767A lease matter, it reflects the thinking of the Senate that other alternatives should have been considered.

We request that the Department analyze the option of leasing up to 25 tanker aircraft, followed by a procurement of the remaining aircraft. Such an analysis should include an examination of the budgetary and cost implications of various options for an incremental lease-buy, including an accelerated exercise of the purchase option in the proposed lease.

Additionally, given the emphasis on an apparent corrosion problem in the existing KC-135 tanker fleet, we would appreciate your providing as with a thorough assessment of the extent of those corrosion problems and the expected cost of addressing those problems. The tanker aircraft acceded according to the previous Air Force plan instead of leased sooner as more recently proposed. Also, please provide us with a justification of the Department’s decision to pay $13.9 million per aircraft more than the $120.7 million per aircraft as determined by the Institute for Defense Analysis to be a reasonable purchase price.

The Committee will await your reply prior to meeting to discuss the pending lease proposal.

With kind regards,

Sincerely,

Carl Levin
Ranking Member.

John Warner
Chairman.

U.S. Senate, Committee on Armed Services, Washington, DC, September 25, 2003.

Honor. David M. Walker,
Comptroller General of the United States, Washington, DC.

Dear Mr. Walker:

As you know, the Senate Armed Services Committee held a hearing on September 4, 2003, to review the Department of Defense’s (DOD) proposed lease of 100 KC-767 aerial refueling aircraft. Testimony by the General Accounting Office (GAO), as well as that of O’s vision for the Congress on this issue over the past year and a half, was instrumental to the Committee during the hearing.

Subsequent to the hearing, Senator Levin and I asked DOD to analyze the option of leasing up to 25 aircraft, followed by a procurement of the remaining aircraft. We also asked for more detailed pricing information and a refinement of the Department’s analyses including the cost of addressing those problems for the existing KC-135 fleet of aircraft.

The Department has responded to that letter, and identified several alternative acquisition strategies, with associated estimates of cost and savings. I ask that the GAO review the Department’s response, a copy of which is attached. Please provide the Committee with your assessment of the validity of DOD’s assumptions and the accuracy of the cost and savings estimates, and identify
any other alternative acquisition strategies the Committee should consider.

Sincerely,

JOHN WARNER
Chairman

U.S. SENATE
COMMITTEE ON ARMED SERVICES

MR. DOUGLAS HOLTZ-EAKIN,
Director, Congressional Budget Office, 402 Ford
House Office Building, Washington, DC.

Dear Mr. Holtz-Eakin:

As you know, the Senate Armed Services Committee held a hearing on September 4, 2003, to review the Department of Defense’s (DOD) proposed lease of 100 KC-767 aerial refueling aircraft. Testimony by the Congressional Budget Office (CBO), as well as CBO’s work for the Congress on this issue over the past year and a half, was instrumental to the Committee during the hearing.

Subsequent to the hearing, Senator Levin and I asked DOD to analyze the option of leasing up to 25 aircraft, followed by a procurement of the remaining 75 aircraft. We also asked for more detailed pricing information and associated cost and savings estimates, including the cost of addressing those problems for the existing KC-135 fleet of aircraft. The Department has responded to that letter, and identified several alternative acquisition strategies, with associated estimates of cost and savings. I ask that the CBO review the Department’s response, a copy of which has been provided to the Committee, with your assessment of the validity of DOD’s assumptions and the accuracy of the cost and savings estimates, and identify any of the acquisition strategies the Committee should consider.

I ask that the CBO provide the results of this assessment as soon as possible.

Sincerely,

JOHN WARNER
Chairman

U.S. SENATE
COMMITTEE ON ARMED SERVICES

HON. PAUL WOLFOWITZ,
Deputy Secretary of Defense,
Defense Pentagon, Washington, DC.

Dear Secretary Wolfowitz:

I commend the Secretary of Defense for the prompt actions you have taken regarding the Air Force’s tanker aircraft program, in light of recent extraordinary personnel actions taken by the Boeing Company. Your decision to require a “pause” in the execution of any contracts to lease and purchase tanker aircraft is a prudent management step.

Further, I concur in your judgment to task the Department of Defense Inspector General (DOD-IG) to conduct an independent assessment. However, I believe that the DOD-IG assessment should go further than the review described in your letter of December 1, 2003. The DOD-IG inquiry should pursue the trail of evidence identified by the Department, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003.

Your recent actions clearly indicate that there are many outstanding questions that must be answered before issuing with this program. I expect that you will consult further with the Congress as you receive the report of the DOD-IG and that no actions will be taken with respect to the lease and purchase of KC-767 tanker aircraft until the Congress has had an opportunity to review the DOD-IG report. Ultimately, this program, as executed, must be done in a manner that is fully consistent with Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-138).

With kind regards,

JOHN WARNER
Chairman

HONORING DR. OSCAR BISCET

Mr. Nelson of Florida. Mr. President, I join today with Senators Márquez and Menendez and other colleagues, to highlight the ongoing struggle for freedom being waged by a people oppressed by their own government, and to honor the struggle of one particular individual whose commitment to bringing that freedom has never wavered, even in the face of overwhelming oppression.

Dr. Oscar Elias Biscet is a Cuban physician and human rights activist who has dedicated himself to the struggle to bring democracy, justice and freedom to Cuba.

Dr. Biscet was unjustly sent to prison by a regime scared of the truth that his activities threatened to unveil—the
truth that dissent in Cuba is regularly and brutally repressed; that political prisoners are regularly incarcerated in institutions that deprive them and their fellow inmates of basic life necessities; and most importantly, that the people of Cuba like all people, long for liberty and the opportunity to take care of their families and loved ones free from repression by their own government.

Dr. Biscet embodies the hopes and dreams of 11 million Cubans; we are here today to honor his efforts and his fellow Cubans’ hopes and dreams by introducing this bill, which would award Dr. Biscet a Congressional Gold Medal for his tireless work on behalf of the Cuban people.

It is our desire that this gesture will serve not only as a signal of hope to Dr. Biscet, who—charged with “insulting symbols of the fatherland,” “public disorder” and “instigation to commit crimes”—sits today in the notorious ‘Cuba’s Big Si’ prison, a symbol of the Cuban regime’s oppression, but also as a signal to that government and those like it around the world that we are watching, and that liberty ultimately always prevails.

ADDITIONAL STATEMENTS

HONORING HENRIETTA BELL WELLS

Mr. CORNYN. Mr. President, today I wish to pay my respects to one of my constituents, Mrs. Henrietta Bell Wells, who passed away on February 27, 2008.

Mrs. Wells was the last surviving member of the famous debate team from Wiley College in Marshall, Texas, whose story is told in the recent film “The Great Debaters.” She was a remarkable woman whose early success in challenging gender and racial barriers was followed by many years of faithful service. She will be missed but certainly not forgotten. Her life is truly inspirational.

I ask that an obituary that was published in The New York Times yesterday be printed in the Record.

The material follows:


(By Douglas Martin)

Henrietta Pauline Bell was born on the banks of Buffalo Bayou in Houston on Jan. 11, 1912, and was reared in the West Indies. When riots broke out in 1917 over police treatment of black citizens, her father, a World War I veteran, marched his family’s house was searched. Wells recalled being unable to try on clothes in segregated stores.

She did not debate in high school but was valedictorian of her class. She earned a modest scholarship from the YMCA to go to Wiley, Episcopal Life reported.

In the spring of 1930, Bell, her teammates and her chaperone arrived at the Seventh Street Theater in Chicago. It was the largest black-owned theater in town, but because no large white-owned facility would host a racially mixed audience, according to an article in The Marshall News-Messenger.

Wells remembers a remarkable moment.

She wore a dark suit and had her hair cut in a boyish bob. In an interview with Jeffrey Porro, one of the screenwriters of “The Great Debaters,” she felt very small on that very big stage. “I had to use my common sense,” she said.

She remembered Tolson urging her to punch up her delivery. “You’ve got to put something in there to wake the people up,” he had said.

Wells told The Chronicle, “It was a non-decision debate, but we felt at the time that it was a giant step toward desegregation.”

Tolson was portrayed in “The Great Debaters,” directed by Denzel Washington. The film starred the Chicago Sun-Times, the critic Roger Ebert wrote, “They are black, proud, single-minded, focused, and they express all this most dramatically in their debating.

In the fall of 1930, Henrietta Bell, who would later marry Wallace Wells, was a freshman in an English class taught by Tolson. The professor urged her to try out for the debate team, because she seemed to be able to think on her feet. She was the first woman on the team.

In an interview with The Houston Chronicle in 2007, she said the boys “didn’t seem to mind me.”

But the work was far from easy. Bell attended classes during the day, had three campus jobs and practiced debating at night.

The intensity of debating was reflected in Tolson’s characterization of it as “a blood sport.”

But the hard work paid off. In the interview with The Chronicle, Wells declared, “We weren’t intimidated.”

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of Iowa. I have great respect for the Davis family, and I’m so glad that they have rebuilt the Drake program. Keno and his wife Krista became parents during the season, too. Assistant coaches Chris Davis, Rodell Davis and Justin OBryan have obviously spent hours fine-tuning their talented and intelligent team.

I also need to congratulate Drake’s president Dr. David Maxwell and Athletic Director Sandy Hatfield Clubb for their support of the men’s basketball program. They have helped rebuild Drake’s basketball program while maintaining high academic standards. We all know how hard that is in college sports today. Drake is a shining example of how to do it.

Dolph Pulliam, a member of Drake’s one and only Final Four team, has served as an inspiration to the current Bulldogs. Dolph and his team played Lew Alcindor as Kareem Abdul-Jabbar today, and UCLA back in 1969 and only lost by 3 points. Since his playing days, Dolph has remained in the Des Moines area, working for the university and broadcasting their games on the radio. And he is quite a presence with his huge smile and blue leather suit. I know he has influenced the current Drake players, thanks to encouragement from Dr. Tom Davis to help them all rekindle the fires of great basketball.

So I want to again extend my congratulations to the Drake University men’s basketball program, and to their students and fans who’ve never lost faith in the team. It has been a joy to watch their success, and I hope that they continue winning during March Madness. I also hope that these young men will serve as an example to the young people in Iowa, to show that it is entirely possible to maintain high academic standards and winning ways on the court.

IN TRIBUTE TO BYRON JANIS

Mr. HARKIN. Mr. President, today I pay tribute to the accomplishments and inspirational life of Byron Janis as he approaches his 80th birthday later this month.

I learned about Mr. Janis’ upcoming milestone from his good friend Dick Thornburgh, the former Attorney General of the United States. Mr. Thornburgh was a key advocate during the administration of George H. W. Bush for enactment of the Americans with Disabilities Act, ADA, and I was proud to be the chief sponsor of the ADA in the Senate.

A Pennsylvania native, Mr. Janis is renowned as one of the world’s most talented concert pianists. In addition, his perseverance is a source of inspiration to countless Americans. By the age of 20, his virtuosity at the piano was so extraordinary that he performed a sold-out debut at New York’s famed Carnegie Hall.

Later, Mr. Janis was chosen to be the first individual to represent the United States in a cultural exchange with the Soviet Union. Remarkable on this mission, The New York Times wrote that “if music could replace international politics, Byron Janis could consider himself an ambassador.”

In their coverage of Byron Janis has dazzled audiences worldwide. He has performed for numerous U.S. Presidents, and has been honored with countless awards from around the globe.

However, perhaps Byron Janis’s greatest contribution to America lies not in his musical talent but rather in the example he has set of an individual responding to adversity with grace and courage, and with a truly indomitable spirit.

In 1973, he was diagnosed with arthritis in his hands and wrists, which could have ended his career as a pianist. But Mr. Janis refused to be stymied or stopped. His lifetime of accomplishments as a performer, cultural ambassador, and role model are truly remarkable. I am pleased today to recognize Byron Janis for his triumphs, for his accomplishments, and for inspiring millions of individuals around the world.

RECOGNITION OF BUSINESS EXECUTIVES FOR NATIONAL SECURITY

Mr. ROBERTS. Mr. President, today I wish to recognize the contributions of Business Executives for National Security, BENS.

Since 1982, this national organization has been a primary channel through which American business leaders have contributed their special experience and talent to help build a more secure nation. Founded by business tycoon and philanthropist Dolph Pulliam, BENS operates on the principle that America’s national security is everybody’s business. BENS is a highly respected nonpartisan organization of senior executives and entrepreneurs dedicated to enhancing our national security by implementing proven practices of the private sector.

Working with Congress and the Department of Defense, BENS helps protect the American homeland and build a more efficient and effective military. As the United States continues to confront domestic and international threats, BENS proves more important than ever before.

BENS has provided distinguished service to the Nation for over a quarter century. This service includes reforming the business of defense, protecting the homeland, tracking terrorist funding, and banning chemical weapons. BENS helps our Armed Forces by streamlining operations, and cutting waste, making more funds available for urgent priorities such as military readiness and modernization.

BENS is a pioneer in homeland security creating innovative partnerships around the country that civic-minded companies that provide assistance to local and State governments in times of emergency. BENS works with the Department of the Treasury to improve America’s ability to locate and suspend suspicious financial activities that fund terrorism.

BENS is a strong advocate of the Chemical Weapons Convention to eliminate the chemical weapons stockpile by 2012, reducing the chances such weapons will be used against the United States through a terrorist attack.

Mr. President, I ask my distinguished colleagues in the Senate to join me in recognizing BENS and their commitment to national security interests.

TRIBUTE TO PORTLAND STATE VIKINGS

Mr. SMITH. Mr. President, today, as a proud Oregonian, I congratulate the Portland State University men’s basketball team on a stellar performance last night. The PSU Vikings capped a five-game winning streak by soundly defeating the Northern Arizona University Lumberjacks 67 to 51 to win the Big Sky Conference Tournament and advance to the NCAA Tournament.

This achievement marks the Vikings’ first trip to the “Big Dance,” and an important moment to recognize their collective talents. I think I speak for all Oregonians when I say that we are greatly impressed by the hard work these young men and their coaches have put into achieve this victory. I congratulate the Portland State University men’s basketball team not only for their athletic achievement, but also for putting Oregon’s largest university on the map of collegiate sports. I know the PSU Vikings, who have lost only twice in 2008, will be an excellent representative of our home State in the national tournament.

Certainly this victory is just the beginning for the members of this team. I look forward to hearing of their successes not only in athletics but in any endeavor they choose to take on in the future.

Mr. President, allow me to specifically mention the names of all the coaches and players who have made my
State so very proud: Julius Thomas, Deonte Huff, Andre Murray, Mickey Polis, Jeremiah Dominguez, Dominic Waters, Brian Curtis, Tyrell Mara, Kyle Coston, Dupree Lucas, Phil Nelson, Justynn Hammond, J.R. Moore, Alex Tiefanthaler, Scott Morrison, Ken Bone, Tyler Geving, Eric Harper, Curtis Allen, and Tyler Coston. I heartily congratulate each and every one of you. I look forward to cheering you on in the NCAA Tournament this month.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawals and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

ENROLLED BILL SIGNED

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on March 13, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5394. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Spiromesifen; Pesticide Tolerance” (FRL No. 8351-7) received on March 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5395. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Brucellosis in Cattle; State and Area Classifications; Texas” (FRL No. 3800-0003) received on March 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5396. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Irish Potatoes Grown in Colorado; Marketing Order No. 151; Amended Marketing Agreement” (FRL No. 3006-0001) received on March 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5397. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled “Joint Improvised Explosive Device Defeat Organization;” to the Committee on Armed Services.

EC-5398. A communication from the Director, Pentagon Renovations and Construction Program Office, Department of Defense, transmitting, pursuant to law, the Office’s Annual Report for the year ending March 1, 2008; to the Committee on Armed Services.

EC-5399. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Export-Controlled Information Technology” (DFARS Case 2004-D010) received on March 12, 2008; to the Committee on Armed Services.

EC-5400. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the report of a rule entitled “Regulatory Amendment to Adjust the Seasonal Timing for Trip Limits for Atlantic Migratory Group Spanish Mackerel” (FRL No. 8147-0001) received on March 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5401. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (73 FR 9909) received on March 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5402. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” (FRL No. 8125-0001) received on March 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5403. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Standard-Definition and Enhanced Formatting for Television Broadcast Licensee Public Interest Obligations” ((FCC 07-205) (MB Docket No. 09-168)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5404. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “DTV Consumer Education Initiative” ((FCC 08-56) (MB Docket No. 07-186)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5405. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service” ((FCC 07-138) (MB Docket No. 07-268)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5406. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Susaville, California” (MB Docket No. 07-221) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5407. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of 73.202(b), Table of Allotments, FM Broadcast Stations: Blanco, Colorado” (MB Docket No. 07-181) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5408. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Inseason Closure of the Commercial Gill Net Fishery for Gulf Group King Mackerel in the Gulf of Mexico” (RIN0648-XF24) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5409. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program” (RIN0648-XF29) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area” (RIN0648-XF55) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-5411. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Regulatory Amendment to Adjust the Seasonal Timing for Trip Limits for Atlantic Migratory Group Spanish Mackerel” (RIN0648-MV17) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.
EC–5412. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report of a rule entitled “Final Rule Amending the Pacific Halibut Individual Fishing Quota Program Procurement Restrictions” (RIN0648-AU39) received on March 21, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Regulatory Amendment to the FMP for the Shrimp Fishery of the Gulf of Mexico” (RIN0648-AU39) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2008–37) received on March 10, 2008; to the Committee on Finance.

EC–5415. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation’s Grant and Legislative Request for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled “Standard for the Flammability of Mattress Sets; Technical Correction” (16 CFR Part 1633) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Texas Regulatory Program” (Docket No. TX–058–FOR) received on March 12, 2008; to the Committee on Energy and Natural Resources.

EC–5418. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans: Indiana” (FRL No. 8541–3) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5419. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans: Designation of Areas for Air Quality Plan Approval in the State of California; PM–10: Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area” (FRL No. 8542–6) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5420. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Colorado: Final Authorization of State Hazardous Waste Management Program Revisions” (FRL No. 8541–5) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5421. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final EPACT 90 Section 302b Revisions; Mobile Sources: Early Credit Technology Requirement Revision” (RIN2060–AO89)(FRL No. 8542–1) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5422. A communication from the Regulatory Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Information Technology Advisory Program” (RIN0660–AG49) received on March 12, 2008; to the Committee on Finance.

EC–5423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Dollar-Value LIFO Property Used in Rolling Vessels” (Rev. Proc. 2008–23) received on March 10, 2008; to the Committee on Finance.

EC–5424. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Estate of National Debt, Average Interest Rates, Yield Curves, and Segment Rates” (Notice 2008–37) received on March 10, 2008; to the Committee on Finance.

EC–5425. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Deputy Assistant Secretary for civilian employees assigned to Chad; to the Committee on Foreign Relations.

EC–5426. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to human rights practices; to the Committee on Foreign Relations.

EC–5427. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the defense articles and services that were licensed for export during fiscal year 2007; to the Committee on Foreign Relations.

EC–5428. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the waiver of restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–5429. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Russia to support a commercial communications satellite; to the Committee on Foreign Relations.

EC–5430. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Mexico for the assembly and repair of Honeywell Product Lines for various weapons systems and platforms; to the Committee on Foreign Relations.

EC–5431. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties (List 2008–21–2008–26); to the Committee on Foreign Relations.

EC–5432. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a semiannual report relative to payments made to Cuba for telecommunications services; to the Committee on Foreign Relations.

EC–5433. A communication from the Assistant Director of the National Park Service, Department of the Interior, transmitting, pursuant to law, a proposed agreement for the export of defense articles to the United Kingdom in support of the Direct Support Element of the Foreign Military Sales Program; to the Committee on Foreign Relations.

EC–5434. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the text of amendments to existing statements of international agreements, other than treaties (List 2008–21–2008–26); to the Committee on Foreign Relations.

EC–5435. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Afghanistan; to the Committee on Foreign Relations.

EC–5436. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Criteria and Procedures for Proposed Assessment of Civil Penalties” (RIN2129–AB57) received on March 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5437. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports related to the implementation of national health insurance; to the Committee on Health, Education, Labor, and Pensions.

EC–5438. A communication from the Public Participation, Government Printing Office, transmitting, pursuant to law, the Office’s Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5439. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled “Post–Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations” (RIN3209–AA14) received on March 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5440. A communication from the Acting Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation” (FAC 2005–24) received on March 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5441. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report relative to the proceedings of the Judicial Conference of the United States for the September 2007 session; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–291. A resolution adopted by the Board of Chosen Freeholders of the County of Monmouth of the State of New Jersey urging Congress to reverse the decision to close the United States Army Installation at Fort Monmouth; to the Committee on Armed Services.

POM–292. A collection of petitions for withdrawal of the Benefit Programs Coalition resolution relative to establishing a more equitable method of computing cost of living adjustments.
for Social Security benefits; to the Committee on Finance.

POM-293. A resolution adopted by the Senate of the State of Michigan urging Congress to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 86
Whereas, Ballast water discharges from ships entering the Great Lakes are the leading pathway for the introduction of aquatic invasive species and every opening of the St. Lawrence Seaway in 1959, ocean-going ships have introduced more than 30 new species to the Great Lakes; and
Whereas, to introduce and established aquatic invasive species are nearly impossible to eliminate and costly to control. Zebra mussels and other aquatic invasive species introduced from ballast water have irrevocably changed the Great Lakes and directly cost cities and industries—and indirectly cost Great Lakes residents—tens of millions of dollars per year to control; and
Whereas, current federal ballast water regulations designed to protect the Great Lakes are ineffective. At least eleven new aquatic invasive species have been introduced from ballast water since current requirements for ballast water exchange with open ocean water went into effect, including the recent introduction of moromorphic vibrio (VHS) that directly threatens the $1.5-billion Great Lakes fishery; and
Whereas, the ocean-going shipping industry has shown little urgency over the last two decades to develop and implement ballast water treatment technology, even as it introduced more and more aquatic invasive species to Great Lakes; and
Whereas, the state of Michigan has succeeded in identifying and requiring treatment that would provide operational protection to the Great Lakes; and
Whereas, Michigan and other states bear primary responsibility for protecting the health and safety of their citizens and the integrity of natural resources for their citizens. The Congress of the United States acknowledges the authority for the Great Lakes states to act unilaterally to protect and preserve the waters of the Great Lakes basin in the federal Clean Water Act and the National Invasive Species Act, as affirmed this past summer by the United States District Court for the Eastern District of Michigan; and
Whereas, Ballast water legislation, such as the Coast Guard Authorization Act of 2007 (H.R. 2830) and the Ballast Water Management Act of 2007 (S. 1576), would preempt federal authority to provide protection and would trample on fundamental states' rights to protect their natural resources. This short sighted approach undermines the millions of dollars and thousands of hours spent each year working to restore the Great Lakes to a healthy, self-sustaining system; and
Whereas, The Coast Guard Authorization Act of 2007 and the Ballast Water Management Act of 2007 would also set a precedent for future federal actions that restrict state authority to protect essential natural resources. Clearly, Michigan and other states are best suited to make decisions that keep our waters healthy and protect its residents with regulations, when needed, above and beyond minimum federal requirements; now, therefore, be it
Resolved by the Senate of the State of Michigan that we memorialize the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; and be it further resolved,
Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-294. A resolution adopted by the House of Representatives of the State of Maine urging Congress to ensure funding for veterans' health care; to the Committee on Veterans' Affairs.

RECOMMENDED JOINT RESOLUTION
Whereas, the United States Department of Veterans Affairs provides medical care for all veterans of the United States Armed Forces; and
Whereas, the funding for this health care is passed each year by the United States Congress as part of the discretionary budget; and
Whereas, the health care is seriously underfunded; and
Whereas, this serious and now chronic shortfall affects the veterans' access to quality medical care services; and
Whereas, the United States Department of Veterans Affairs and our Nation have a duty to serve our veterans and have entered into a contract, absolute and irrevocable, to provide them with proper health care: Now, therefore, be it
Resolved, That We, your Memorialists, respectfully urge and request that full funding for health care for veterans of the United States Armed Forces be passed and that all parties involved do their utmost to see that those who served their Nation are given the health care they deserve; and be it further resolved,
Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable James B. Peake, Secretary of Veterans Affairs, and to each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES
The following reports of committees were submitted:
By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:
S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes (Rept. No. 110-275).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:
S. 362. A bill to provide for media coverage of Federal court proceedings.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of committees were submitted:
By Mr. LEVIN for the Committee on Armed Services.
Marine Corps nomination of Lt. Gen. James F. Amos, to be General.
Navy nomination of Rear Adm. Derwood C. Curtis, to be Vice Admiral.
Navy nominations beginning with Rear Adm. (ih) William R. Burke and ending with Rear Adm. (ih) James P. Wisecup, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.
Mr. LEVIN, Mr. President, for the Committee on Armed Services I report the following nominations which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.
Air Force nomination of Andre G. Sarmiento, to be Major.
Air Force nomination of Rickey J. Reynolds, to be Major.
Air Force nomination of Daniel E. Bates, to be Major.
Air Force nominations beginning with Jefrey D. Lewis and ending with Robert J. Love, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.
Air Force nominations beginning with Austin B. Dosh and ending with Joshua M. Seltz, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.
Army nominations beginning with Gerald B. Whiler III and ending with Samuel R. Wetherill, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.
Air Force nominations beginning with Frank W. Allara, Jr. and ending with John M. Taccino, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Air Force nominations beginning with John R. Andrus and ending with Randall C. Zemke, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Army nominations beginning with Kathryn L. Aasen and ending with Richard D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Air Force nominations beginning with Zenen T. Alipuerto and ending with Dustin Zierold, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Air Force nominations beginning with Lenny W. Arias and ending with Michael K. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.
Army nominations beginning with Wesley M. Abadie and ending with Scott A. Zakaluzny, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Army nomination of Samuel H. Williams, to be Major.

Army nomination of Michael R. Brooks, to be Major.

Army nomination of James E. Davis, to be Major.

Army nomination of Michael G. Ryder, to be Lieutenant Colonel.

Army nominations beginning with Nicolas Aguilar and ending with D060541, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Doreene R. Alabran and ending with George J. Zeckler, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Roy W. Alabran and ending with John T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Kristin E. Agresta and ending with Michelle Thompson, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nomination of Richard E. Michael, to be Major.

Army nomination of Michael E. McCowan, to be Major.

Army nomination of Michael F. Szymansen, to be Major.

Army nomination of Barbara T. Embry, to be Major.

Army nominations beginning with Jose A. Acosta and ending with Mary E. Capoccioni, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Army nomination of Lillena C. Caldwell, to be Major.

Army nomination of Deanna L. Reiber, to be Major.

Army nomination of Christopher D. Yao, to be Major.

Army nomination of Michael L. Mansi, to be Lieutenant Colonel.

Army nomination of Marc Ferraro, to be Colonel.

Army nomination of Wendell L. King, to be Colonel.

Army nominations beginning with Paul C. Perlik and ending with Keith Moore, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Marc C. Hendler and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Allyson A. Peterson and ending with Brian E. Prehn, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Larry W. Ake and ending with Patrick S. Carson, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Gary L. Gross and ending with Peter M. Tan, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.
The PRESIDING OFFICER, Without objection, it is so ordered.

Coast Guard nomination of Kimberly J. Ayvec, to be Lieutenant Commander.

Coast Guard nominations beginning with Anthony C. Frank and ending with Patrick J. St. John, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

National Atmospheric Administration nominations beginning with Bennie N. Johnson and ending with Faith C. Opatrny, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2008.

By Mr. BIDEN for the Committee on Foreign Relations:

William Raymond Steiger, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: William Raymond Steiger.


The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. I hereby disclaim any knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. $100.00, 09/27/2004, Friends of Brett Davis, (Candidate for State Assembly in Wisconsin); $150.00, 10/22/2004, Republican National Committee; $150.00, 04/20/2006, Republican National Committee.

2. Spouse: N/A.


4. Parents: William Albert Steiger, (Deceased in 2004); Janet Dempsey Steiger, (Deceased in 2004), $250.00, 01/24/2003, Republican National Committee; $275.00, 12/30/2003, Republican National Committee; $100.00, 02/12/2004, Bush-Cheney ’04.

5. Grandparents: Carl Albert Steiger, (Deceased in 1990); Kathleen Wright Dempsey, (Deceased in 1989); Ray C. Dempsey, (Deceased in 1962).

6. Brothers and Spouses: None.

7. Sisters and Spouses: N/A.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nominations which were printed in the Record on the date indicated, and ask unanimous consent, to save the expense of reprinting, to the Executive Calendar that this nomination lie at the Secretary’s desk for the information of Senators.

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

Foreign Service nominations beginning with Allan P. Mustard and ending with Kevin N. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2008.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions:

*Neil Romano, of Maryland, to be an Assistant Secretary of Labor.

*Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2014.

*Robert F. Cohen, Jr., of West Virginia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2014.

*Jamshed K. Chokey, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Marvin J. Bajusz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Joel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications thereof, for a term of six years expiring August 26, 2014.

*Jan Cellucci, of Massachusetts, to be a Member of the Board of Directors of the Library Services Board for a term expiring December 6, 2012.

*William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring December 6, 2012.

*Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring December 6, 2012.

*Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and referred to the committees indicated.

S. 2756. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2757. A bill to amend the Internal Revenue Code of 1986 to extend certain benefits applicable to the Gulf Opportunity Zone, and for other purposes; to the Committee on Finance.

By Ms. MURkowski (for herself and Mr. STEVENS):

S. 2758. A bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY):

S. 2759. A bill to provide for KinderCare Plus programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. BOND):

S. 2760. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER:

S. 2761. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and transfer the proceeds of the tax to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. COBURN, Mr. CRAIG, and Mr. BUNNING):

S. 2762. A bill to prioritize the provision of assistance to combat HIV/AIDS, tuberculosis, and malaria in in-need countries; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 2763. A bill to amend the Internal Revenue Code of 1986 to provide higher education opportunity credit in place of existing education tax incentives; to the Committee on Finance.

By Mr. KERRY:

S. 2764. A bill to amend the Servicemembers Civil Relief Act to enhance protections for servicemembers relating to mortgages and mortgage foreclosures, and for other purposes; to the Committee on Armed Services.

By Mr. HAGEL:

S. 2765. A bill to strengthen and permanently preserve social security; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 2766. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2767. A bill to provide for judicial discretion regarding suspensions of student eligibility under section 484r of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. Reid, Mr. DURBIN, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. Obama, Mr. SANDERS, Mr. BROWN, Mr. BUDINOL, Mrs. CLINTON, Mr. KERRY, and Mrs. BOXER):
By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, and Mr. HAGEL): S. 2768. A bill to authorize the appropriate use of information in the Firearms Trace Database, and for other purposes; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, and Mr. HAGEL): S. 2769. A bill to authorize appropriate use of information in the Firearms Trace Database, and for other purposes; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, and Mr. HAGEL): S. 2770. A bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for those who harm the offspring of nondomestic livestock; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LANDRIEU (for herself, Mr. HAGEL, Ms. SNOWE, Mr. DODD, Mr. BAYH, Mr. KERRY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. JOHNSTON): S. 2771. A bill to require the president to call a conference on children and youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mrs. BOXER): S. 2772. A bill to amend title 10, United States Code, to provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN (for himself and Mr. BOND): S. 2773. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. SCHUMER): S. 2774. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. HARKIN, and Mrs. CLINQUE): S. 2775. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with United States Government agencies as American employers for purposes of certain employment taxes and benefits; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. HATCH, Mr. BOND, Mr. LIEBERMAN, and Mr. HAGEL): S. 2776. A bill to provide duty-free treatment for training equipment from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. ENSHIN, and Mr. COLEMAN): S. 2777. A bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself and Mr. MENENDEZ): S. 2778. A bill to amend title 37, United States Code, to expand certain bonus and special pay authorities for members of the Armed Forces to enhance the recruitment and retention of psychologists, social workers, mental health nurses, and other mental health professionals in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. DURBIN, Mr. SALAZAR, Mr. ALLARD, and Mr. BENNETT): S. 2779. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that affected tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. LIEBERMAN): S. 2780. A bill to require an electronic database of information on the incidence of suicide among members of the Armed Forces; to the Committee on Armed Services.

By Ms. STABENOW (for herself and Mr. BUNNING): S. 2781. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. BROWN): S. 2782. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit on crude oil and transfer the proceeds of the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mrs. BOXER, and Mr. BROWN): S. 2783. A bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mr. Harkin (for himself, Mrs. Feinstein, and Mr. Kennedy): S. 2784. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STABENOW: S. 2785. A bill to amend title XVIII of the Social Security Act to preserve access to physicians’ services under the Medicare program; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. HATCH, Mr. BOND, Mr. LIEBERMAN, and Mr. HAGEL): S. 2786. A bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. Klobuchar, Ms. Stabenow, Mr. Coleman, Mr. Harkin, Mr. Casey, Mr. Sanders, Mr. Schumer, Mr. Cardin, Mr. Brown, Ms. Collins, Mr. Leahy, Mrs. Clinton, Mr. Levin, Mr. Kennedy, Mr. Kerry, Mrs. Boxer, Mr. Reid, and Mr. Brown): S. J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule proposed by the Secretary of Health and Human Services relating to optional State plan case management services under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. SCHUMER, Mr. LUTENBERG, Mr. FEINGOLD, and Ms. STABENOW): S. Res. 481. A resolution designating April 2008 as ‘‘National Autism Awareness Month’’ and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DODGAN, Mr. ENSHIN, Mr. BINGAMAN, Mr. INHOFE, Ms. McCASKILL, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSTON): S. Res. 482. A resolution designating July 26, 2008, as ‘‘National American Cowboy’’; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN): S. Res. 483. A resolution recognizing the first weekend of May 2008 as ‘‘Ten Commandments Weekend’’; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY): S. Res. 484. A resolution designating March 25, 2008, as ‘‘National Cerebral Palsy Awareness Day’’; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BROWN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BACUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DE MINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENENST, Mr. ENZI, Mr. FEINGOLD, Mr. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KORIL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MCDANIEL, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. McCaskill, Mr. MENENDEZ, Mr. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPEZTTER, Mr. STABENOW, Mr. STEVENS, Mr. Sununu, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHEATSHIRE, Mr. WICKER, and Mr. WYDEN): S. Res. 485. A resolution relative to the death of Howard Metzenbaum, former United States Senator for the State of Ohio; considered and agreed to.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. STABENOW, Mr. DOMENICI, Mr. LEVIN, Mr. BROWN, Mr. ENSHIN, Ms. CANTWELL, and Mr. LINCOLN): S. Res. 486. A resolution to congratulate the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that curtail the addiction of the United States to oil and stem the effects of climate change through the
Automotive X PRIZE competition; considered and agreed to.

By Mr. CHAMBLISS (for himself and Ms. LANDRIEU):
S. Res. 487. A resolution designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day; considered and agreed to.

By Ms. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. LUGAR, Mr. CRAPO, Mr. BAYH, Mr. MCCONNELL, Mrs. BOXER, Mr. BUNNING, Ms. LANDRIEU, Mr. FISCHER, Mr. INHOFE, Mr. JOHNSON, Mr. COCHRAN, Mr. DURBIN, and Mr. DODD):
S. Res. 486. A resolution designating the week beginning March 16, 2008, as “National Safe Place Week”; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. STEVENS, Mr. SPICER, Mr. CARDIN, and Mr. LEAHY):
S. Res. 489. A resolution designating April 2008 as Public Radio Recognition Month; considered and agreed to.

By Mrs. HUTCHESON (for herself, Mr. CORNYN, and Mr. VITTER):
S. Con. Res. 71. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D; itol for the presentation of the Congressional Healthier and can never be taken away.

coverage that will make Americans affordable, guaranteed private health insurance.

nessee (Mr. CORKER) were added as cosponsors of S. 593, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

At the request of Mr. Web, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 334
At the request of Mr. Wyden, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 593
At the request of Mr. Burr, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 593, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 739
At the request of Mr. Bingaman, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 799
At the request of Mr. Grassley, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 871
At the request of Mr. Lieberman, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 891
At the request of Mr. Smith, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 961
At the request of Mr. Nelson of Nebraska, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1003
At the request of Ms. Stabenow, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1009
At the request of Mr. Harkin, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1161
At the request of Mr. Bingaman, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Montana (Mr. Tester) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of Medicare coverage of medical nutrition therapy services.

S. 1177
At the request of Mr. Carper, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1179
At the request of Mr. Bingaman, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1673
At the request of Ms. Cantwell, the name of the Senator from Illinois (Mr. Obama) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1725
At the request of Mr. Harkin, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 1725, a bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to improve the protection of pension benefits, and for other purposes.

S. 1738
At the request of Mr. Biden, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1926
At the request of Mr. Schumer, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2119
At the request of Mr. Johnson, the name of the Senator from New Hampshire (Mr. Gregg) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2119
At the request of Mr. Nelson of Florida, the names of the Senator from New Hampshire (Mr. Gregg), the Senator from Maine (Ms. Collins), the Senator from Vermont (Mr. Leahy), the Senator from Montana (Mr. Tester), the Senator from Georgia (Mr. Chambliss), the Senator from Idaho (Mr. Craig), the Senator from Alaska (Ms. Murkowski), the Senator from Oklahoma (Mr. Coburn), the Senator from Connecticut (Mr. Lieberman), the Senator from Kansas (Mr. Brownback), the Senator from Kentucky (Mr. Bentsen), the Senator from North Dakota (Mr. Dorgan), the Senator from South Dakota (Mr. Thune), the Senator from...
Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. NELSON), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Tennessee (Mr. CORKER), the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wisconsin (Mr. REID), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Ms. STABENOW), the Senator from Maryland (Ms. MUKULSKI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MENENDEZ), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program. 

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls. 

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2418, a bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes. 

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2431, a bill to address emergency shortages in food banks.

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children’s Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

At the request of Mr. COBURN, the Senator from South Carolina (Mr. DE MINT), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2709, a bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

At the request of Mr. COBURN, the Senator from South Carolina (Mr. DE MINT), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2710, a bill to authorize the Department of Homeland Security to use an employer’s failure to timely resolve discrepancies with the Social Security Administration after receiving a “no match” notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

At the request of Mr. COBURN, the Senator from South Carolina (Mr. DE MINT), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2711, a bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes. 

At the request of Mr. DODD, his name was added as a cosponsor of S. 2731, a
bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2734

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2734, a bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Ms. MISKULSKI) were added as cosponsors of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample commitment, international resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

AMENDMENT NO. 4144

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4154 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4155

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 4155 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4162

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4162 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4164

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Ms. KLOBuchar), the Senator from Colorado (Mr. SALAZAR), the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. Mikulski) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of amendment No. 4164 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4165

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4164 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4166

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 4165 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4165 intended to be proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4167

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON) and the Senator from New Mexico (Ms. KLOBuchar) were added as cosponsors of amendment No. 4167 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4168

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA), the Senator from Oregon (Mr. SMITH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4168 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4169

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4169 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4171

At the request of Mr. CASEY, the names of the Senator from Minnesota (Ms. KLOBuchar) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4171 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4172

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4172 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4173

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4173 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4181

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4181 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4192

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4192 proposed to S. Con. Res. 70, an original concurrent resolution 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.
Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4216

At the request of Mr. Dorgan, the name of the Senator from Maine (Ms. Snowe) and the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors of amendment No. 1199 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4217

At the request of Mr. Cardin, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of amendment No. 4200 proposed to S. Con. Res. 70, an original concurrent resolution 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.

At the request of Mrs. Lincoln, the name of the Senator from Hawaii (Mr. Akaka), the Senator from Minnesota (Ms. Klobuchar) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of amendment No. 4194 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4218

At the request of Mr. Sanders, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of amendment No. 4202 proposed to S. Con. Res. 70, an original concurrent resolution 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.

At the request of Mr. Specter, the names of the Senator from South Dakota (Mr. Johnson), the Senator from Utah (Mr. Hatch) and the Senator from Delaware (Mr. Vitter) were added as cosponsors of amendment No. 4203 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4219

At the request of Mr. Lautenberg, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from New York (Mrs. Clinton) were added as cosponsors of amendment No. 4210 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4220

At the request of Mr. Nelson of Nebraska, the names of the Senator from Maryland (Ms. Mikulski), the Senator from Maine (Mrs. Collins), the Senator from New York (Mrs. Clinton), and the Senator from Maine (Ms. Collins) were added as cosponsors of amendment No. 4212 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4221

At the request of Mr. Enzi, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of amendment No. 4215 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4222

At the request of Mr. Alexander, the name of the Senator from Kansas (Mr. Roberts) was added as a cosponsor of amendment No. 4222 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4223

At the request of Mr. Allard, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of amendment No. 4233 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4224

At the request of Mr. Vitter, the name of the Senator from North Carolina (Mrs. Dole) was added as a cosponsor of amendment No. 4234 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4225

At the request of Mrs. Feinstein, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of amendment No. 4225 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4226

At the request of Mrs. Feinstein, the name of the Senator from New Jersey (Mr. Menendez) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of amendment No. 4230 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4227

At the request of Mr. McConnell, his name was added as a cosponsor of amendment No. 4230 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4228

At the request of Mr. Sessions, the names of the Senator from Georgia (Mr. Isakson) and the Senator from Georgia (Mr. Chambliss) were added as cosponsors of amendment No. 4231 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4229

At the request of Mr. Alexander, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of amendment No. 4243 proposed to S. Con. Res. 70, an original concurrent resolution 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.
Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4240

At the request of Mr. Feingold, his name was added as a cosponsor of amendment No. 4245 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4241

At the request of Mr. Dodd, the names of the Senator from Minnesota (Ms. Klobuchar), the Senator from Illinois (Mr. Obama), the Senator from New Jersey (Mr. Menendez), the Senator from Connecticut (Mr. Lieberman), the Senator from Illinois (Mr. Durbin), and the Senator from New York (Mrs. Gillibrand) were added as cosponsors of amendment No. 4254 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4242

At the request of Mr. Inhofe, the names of the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors of amendment No. 4255 proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4243

At the request of Mr. Lautenberg, his name was added as a cosponsor of amendment No. 4260 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4244

At the request of Mrs. Clinton, the names of the Senator from Iowa (Ms. Harkin), the Senator from Ohio (Mr. Brown), the Senator from Illinois (Mr. Obama), the Senator from New Jersey (Mr. Lautenberg), and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of amendment No. 4260 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4245

At the request of Mrs. Boxer, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of amendment No. 4263 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4246

At the request of Ms. Cantwell, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of amendment No. 4251 intended to be proposed to S. Con. Res. 70, an original concurrent resolution 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.

AMENDMENT NO. 4247

At the request of Mr. Brown, the names of the Senator from New York (Mrs. Clinton) and the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors of amendment No. 4252 proposed to S. Con. Res. 70, an original concurrent resolution 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.
(C) communities benefit when youth are engaged productively during the summer, providing much-needed services that meet real community needs.

(b) Appropriations—Out of any money in the Treasury not otherwise appropriated, and in addition to any funds appropriated under any provision of Federal law other than this Act, there is appropriated to the Secretary of Labor for youth activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), $1,000,000,000, which shall be available for the period of April 1, 2008 through December 31, 2008, under the conditions described in subsection (c).

(c) Conditions—

(1) USE OF FUNDS.—The funds appropriated under subsection (b) shall be used for summer employment opportunities referred to in section 128(c)(2)(C) of such Act (29 U.S.C. 2854(c)(2)(C)).

(2) LIMITATION.—Such funds shall be distributed in accordance with sections 127 and 128 of such Act (29 U.S.C. 2852, 2853), except that no portion of such funds shall be reserved to carry out 128(a) or 169 of such Act (29 U.S.C. 2853(a), 2854).

(3) BROAD ACCESSIBILITY.—The effectiveness of the activities carried out with such funds shall be measured, under section 136 of such Act (29 U.S.C. 2871), only with performance metrics described in section 136(c)(2) of such Act (29 U.S.C. 2871(c)(2)).

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. SPECTER):

S. 2756. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system for youth serving entities.

Mr. BIDEN. Mr. President, I rise today with my colleagues Senator HATCH and Senator SPECTER to introduce the Child Protection Improvement Acts of 2008. This bill will expand and make permanent the national child safety pilot program that we passed as part of the PROTECT Act back in 2003. This bill is, in my view, an absolutely essential step towards developing a comprehensive approach to protect our Nation’s children.

Human service organizations rely on volunteers and employees to provide services and care to children. These individuals coach soccer games, mentor young people, run youth camps, and much more. Approximately 61 million adults currently volunteer—with 27 percent dedicating their volunteer service to education and youth programs. By volunteering, they necessarily gain very close, often unsupervised access to our children. Of course, the vast majority of these people have the best interest of our children at heart—and we need as many volunteers as we can get. But, at the same time, we have to understand that bad people will take any step they can to gain access to children and many attempt to do this by volunteering.

Congress has previously attempted to ensure that States make FBI criminal history record checks available to organizations seeking to screen employees and volunteers who work with children, through the National Child Protection Act of 1993 and the Volunteers for Children Act. However, according to a report from the Attorney General, these laws “did not have the intended impact of broadening the availability of checks.” A 2007 survey conducted by MENTOR/National Mentoring Partnership found that only 18 States allowed youth serving organizations to access nationwide Federal Bureau of Investigation background searches. And, even when states do provide access to background checks, it can be expensive and time consuming.

With the PROTECT Act pilot we decided to give some groups a direct line towards obtaining a national background check from the FBI and obtaining a fitness determination by the National Center for Missing and Exploited Children to see whether the applicant could present a potential threat to children. Thanks to the hard work and commitment of NCMEC, the FBI, MENTOR/National Mentoring Partnership, and others this pilot has proven incredibly effective. During the course of the pilot, we conducted roughly 37,000 background checks. Of these checks, 6.1 percent of prospective volunteers were found to have a criminal record of concern, including very serious offenses like sexual abuse of minors, assaults, murder, and serious drug offenses. In all, this represents over 2,200 dangerous people we prevented from working as volunteers with children. In addition, over 40 percent of the individuals with criminal records had committed an offense in a state other than where they were applying to volunteer, meaning that a state-only search would not have found relevant criminal records. In my view, this speaks to the urgent need of expanding this pilot to more groups and towards making the program permanent.

Despite these successes, the pilot was limited in several respects. The pilot was limited in scope with only a few youth-serving entities able to participate, and irregularities with respect to the annual appropriations process made it extremely difficult to operate the program to its fullest extent. With the legislation, we are introducing today, we build upon the lessons learned by taking the following steps: make the program permanent, which will help ensure that long-term investments are made to make the program effective; establish an Applicant Processing Center, APC, to assist youth serving organizations with the administrative tasks related to accessing the system, such as obtaining a fingerprint and handling billing with the FBI; and permanently establish and upgrade the fitness determination process at the National Center for Missing and Exploited Children.

In addition, we authorize the collection of a small surcharge to pay the FBI fee and offset the expenses incurred by National Center for Missing and Exploited Children and the Applicant Processing Center. With literally millions of volunteers working with our Nation’s youth every year, it is imperative to provide a mechanism to allow more youth-serving organizations access and ensure a steady stream of resources to allow the program to grow toward the goal of protecting more children. This bill will do that.

Before closing, I want to touch on fee for service component which is added to this bill. Of course, the goal has always been that the fee also be fast, inexpensive, and accurate for these checks to be suitable for non-profit organizations. By adding a small surcharge to the fee the FBI charges, we maintain that goal while expanding access. The bottom line is this—youth-serving organizations have told us that the ability to consistently obtain background checks and fitness determinations is critical and they will pay a little more to have access. Because Federal resources are simply not sufficient to provide wide access, and because the eb and flow of the appropriations process creates instability with respect to how many checks can be completed, what a small surcharge was the right approach.

Even with the surcharge, we still keep the cost very low. The bill calls for a fee no greater than $25 or the actual costs of preparing the application, running the background check through the FBI, and making the fitness determination by NCMEC for nonprofits. The applicant processing center created in this bill will collect this fee and make sure that all the costs are offset. And the goal is to have this fee cover all of the costs so that we can grow a system that is available to a wide range of entities that work with children. As of today, the American Camp Association, the Afterschool Alliance, the America’s Promise Alliance, Big Brothers Big Sisters of America, Boys and Girls Clubs of America, Communities In Schools, Inc., First Focus, MENTOR/National Mentoring Partnership, and YMCA of the USA all agree with this approach.

In addition, the bill authorizes $5 million in 2009 for startup costs and to develop new processes and technologies to automate and streamline the functions to keep costs down. And, while it’s not a part of this legislation, I hope that we can get some of our great technology companies to help us with this effort by possibly donating some of their time, expertise, and ingenuity to work on helping us to access the system, such as obtaining a fingerprint and handling billing with the FBI; and permanently establish and upgrade the fitness determination process at the National Center for Missing and Exploited Children which is a time consuming, labor-intensive process involving the manual review of background checks. We have established a similar public-private partnership when we established the National Domestic Violence Hotline, and I hope we will be able to replicate that success here. Once we get this bill passed, I will be reaching out to some of our best technology companies to see if they can help us ensure that these checks remain inexpensive and
available for as many youth-serving groups as possible.

I would once again like to thank my colleagues Senator HATCH’s and Senator SPEETZ’s work on crafting this bill. We proved that we can help protect children and reduce the low cost with the pilot program, and I believe that this bill will help expand access to a greater number of groups so that we can grow that number of protected children exponentially. To me, this is exactly the kind of service that the government owes our children, and I look forward to its prompt passage before the expiration of the pilot program on July 30th, later this summer.

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. 2736

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 “Child Protection Improvements Act of 2008.”

SECTION 2. FINDINGS.

Congress finds the following:

(1) In 2006, 61,200,000 adults (a total of 26.7 percent of the population) contributed a total of 8,100,000 hours of volunteer service. Of those who volunteer, 27 percent dedicate their service to education or youth programs, or a total of 16,500,000 adults.

(2) Assuming recent incarceration rates remain unchanged, an estimated 6.6 percent of individuals in the United States will serve time in prison for a crime during their lifetime. The Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation maintains fingerprints and criminal histories on more than 47,000,000 individuals in the United States and contributes a large majority of fingerprints electronically to the nationwide Federal Bureau of Investigation background searches.

(3) Over 25 percent of the individuals with criminal records had committed an offense in a State other than the State in which they were applying to volunteer, meaning that a State-only search would not have found significant criminal results. In addition, even though volunteers knew a background check was being performed, over 50 percent of the individuals found to have a criminal record did not have the criminal results indicated on their application form that they did not have a criminal record.

(4) The Child Safety Pilot Program also demonstrates that timely and affordable background checks are possible, as background checks under that program are completed within 3 to 5 business days at a cost of $18.

SECTION 3. BACKGROUND CHECKS.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) by redesignating section 5 as section 6; and

(2) by inserting after section 4 the following:

SEC. 5. PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS FOR CHILD-SERVING ORGANIZATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ‘applicant processing center’ means the applicant processing center established by the Attorney General under sub-section (b)(1); (2) the term ‘child’ means an individual who is less than 18 years of age; (3) the term ‘covered entity’ means a business or organization, whether public, private, for-profit, nonprofit, or voluntary that provides care, which includes supervision, treatment, education, training, instruction, or recreation to children, including a business or organization that licenses, certifies, or coordinates individuals or organizations to provide care, which includes supervision, treatment, education, training, instruction, or recreation; and (4) the term ‘covered individual’ means an individual—

(A) who has, seeks to have, or may have unsupervised access to a child served by a covered entity; and (B) who—

(1) is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity; or (2) owns or operates, or seeks to own or operate, a covered entity.

(b) CHILD SAFETY PILOT PROGRAM.—The term ‘identification document’ has the meaning given that term in section 1028 of title 18, United States Code.

(1) the term ‘participating entity’ means a covered entity that is approved under subsection (f) to receive nationwide background checks from the applicant processing center that participate in the fitness determination program.

(2) the term ‘State’ means an entity under the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

(3) the term ‘State authorized agency’ means a division or office of a State designated by that State to report, receive, or disseminate criminal history information.

(c) ESTABLISHMENT OF PROGRAM.—Not later than 90 days after the enactment of the Protection Improvements Act of 2008, the Attorney General shall—

(1) establish within the Federal Government through an agreement with a non-profit entity an applicant processing center; and

(2) enter into an agreement with the National Center for Missing and Exploited Children, under which the National Center for Missing and Exploited Children shall establish a fitness determination program.

(d) APPLICANT PROCESSING CENTER.—

(1) PURPOSE.—The purpose of the applicant processing center is to streamline the process of obtaining nationwide background checks, provide effective customer service, and facilitate widespread access to nationwide background checks by participating entities.

(2) DUTIES.—The applicant processing center shall—

(A) provide information to covered entities regarding the requirements to become a participating entity; (B) provide participating entities with access to nationwide background checks on covered individuals; (C) receive paper and electronic requests for nationwide background checks on covered individuals; and (D) serve as a resource center to provide guidance and assistance to participating entities regarding how to submit nationwide background checks, how to interpret the criminal history records, how to obtain State criminal background checks, and other related information.

(3) USE OF INFORMATION.—To the extent practicable, negotiate an agreement with each State authorized agency under which—

(i) that State authorized agency shall conduct a State criminal background check within the time periods specified in subsection (e) in response to a request from the applicant processing center and provide criminal history records to the National Center for Missing and Exploited Children; and

(ii) a participating entity may elect to obtain a State background check in addition to obtaining nationwide background checks, through a unified request to the applicant processing center.

(F) convert all paper fingerprint cards into electronic form and thereby transmit all fingerprints electronically to the national criminal history background check

...

S2140 CONGRESSIONAL RECORD—SENATE March 13, 2008
(4) FEES.—
(A) IN GENERAL.—The applicant processing center may collect a fee to defray the costs of conducting a criminal history background check and fitness determination, in an amount not to exceed the lesser of

(i) the actual cost to the applicant processing center and the National Center for Missing and Exploited Children to conduct a criminal history background check and fitness determination under this section; or

(ii) $25 for a participating entity or nonprofit organization which is a nonprofit entity; or

(iii) $40 for any other participating entity; and

(B) REDUCED FEES.—In determining the amount of the fees to be collected under subparagrapah (A), the applicant processing center—

(i) shall, to the extent possible, discount such fees for nonprofit entities that are nonprofit entities; and

(ii) may use fees paid by participating entities that are not nonprofit entities to reduce fees paid by participating entities that are nonprofit entities.

(C) PROHIBITION ON FEES.—

(1) IN GENERAL.—A participating entity may not charge another entity or individual a surcharge to access a background check conducted under this section.

(2) EXEMPTIONS.—The Attorney General shall bar any participating entity that the Attorney General determines violated clause (i) from submitting background checks under this section.

(3) FUNCTION DETERMINATION PROGRAM.—

(1) PURPOSE.—The purpose of the fitness determination program is to provide participating entities and any background information regarding whether a covered individual has been convicted of, or is under pending arrest or indictment for, a crime that bears upon the fitness of the covered individual to have responsibility for the safety and well-being of the children in their care.

(2) REQUIREMENTS OF FITNESS DETERMINATION PROGRAM.—As part of operating the fitness determination program, the National Center for Missing and Exploited Children shall—

(A) establish procedures to securely receive criminal history background records from the Federal Bureau of Investigation and, if appropriate, State authorized agencies; and

(B) make decisions regarding whether the criminal history record information received in response to a criminal history background check conducted under this section indicates that an individual has a criminal history record that may render the covered individual unfit to provide care to children, based on the criteria described in paragraph (B)(i).

(C) convey a fitness determination to the applicant processing center;

(D) specify the source of the criminal history information upon which a fitness determination is based; and

(E) work with the applicant processing center and the Federal Bureau of Investigation to develop procedures and processes to ensure that criminal history background check requests are being completed within the time periods specified in subsection (e).

(3) CRITERIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the fitness determination program shall use the criteria relating to when criminal history background check requests indicate that an individual has a criminal history record that may render the individual unfit to provide care to children that were established for the Child Safety Pilot Program under section 108(a)(3) of the PROTECT Act (42 U.S.C. 5119a note).

(B) REVIEW.—The Attorney General and the National Center for Missing and Exploited Children, in coordination with national organizations representing a range of covered entities, shall review the criteria described in subparagraph (A) and make any changes needed to use such criteria in the fitness determination program.

(4) TIMING.—

(A) IN GENERAL.—Criminal background checks shall be completed not later than 10 business days after the date that a request for a national background check is received by the applicant processing center. The applicant processing center shall work with the National Center for Missing and Exploited Children and the Federal Bureau of Investigation to ensure that the time limits under this subsection are being achieved.

(B) EXCEPTIONS.—The applicant processing center may rely on background checks—

(i) conducted by an entity that is a participating entity under paragraph (1), the applicant processing center determined that the entity is a participating entity under paragraph (1); or

(ii) conducted by an entity that is a participating entity under paragraph (1) for which the applicant processing center determined that the entity is a participating entity under paragraph (1).
Mr. DODD. Mr. President, I rise today to introduce legislation to enhance opportunities for low-income children entering school. Today, I am introducing the Childhood Kindergarten Plus Act of 2008.

The Kindergarten Plus Act will provide children below 185 percent of the poverty line with additional time in school during the summer before, and the summer after, their traditional kindergarten school year to ensure that they enter school ready to succeed.

Too many low-income children enter school unprepared because they have not had access to educational resources such as books and other tools for learning. Arriving at school already behind, many of these children find it difficult, if not impossible, to catch up academically to their more affluent peers.

When we consider the achievement gap between low-income children and their wealthier peers, it immediately becomes clear that we must do a better job of preparing these children for school. Consequently, we need to expose them to classroom practices earlier, introduce them to critical educational concepts, and familiarize them with school activities such as story or circle time. Ultimately, we need to provide these children with a solid foundation that allows them to enter school with the skills necessary to become strong students.

Only 39 percent of low-income children, compared to about 85 percent of high-income children, can recognize letters of the alphabet upon arrival in kindergarten. Moreover, low-income children often have a more limited vocabulary. By the time they are in first grade, families on average, 5,000 words in their vocabulary. In contrast, children from more affluent families enter school with vocabularies of about 20,000 words. These startling discrepancies should tell us that more needs to be done to help all children enter school with an equal opportunity for success.

Kindergarten Plus strives to provide these opportunities and to lessen the achievement gap by providing low-income children with additional exposure to high-quality schooling. This legislation was named after Sandy Feldman. As many of you know, Sandy was a tireless advocate for children and public education. Her commitment to ensuring that low-income children had access to educational resources and support early childhood education led her to develop the concept for this legislation, and it was Sandy who spent countless hours developing the details to ensure this would be a high-quality initiative. I’ve had the privilege of working with Sandy in developing the initial legislation and am proud that this bill bears her name.

I am joined today in introducing this legislation by my colleagues Senators LIEBERMAN and DURBIN. This bill is supported by the American Federation of Teachers, National Education Association, Council of Great City Schools, the U.S. Postal Service, Employees International Union, American Federation of State, County and Municipal Employees, National Association of Child Care Resource and Referral Agencies, and Easter Seals. I urge my colleagues to join in my effort to cosponsor this legislation. I encourage them to help launch low-income children on the path to school success.

Mr. President, I ask unanimous consent that the text of this 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. 2759
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the “Kindergarten Plus Act of 2008.”

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) Kindergarten has proven to be a beneficial experience for children, putting children on a path that positively influences their learning and development in later school years.

(2) Kindergarten and the years leading up to kindergarten are critical in preparing children to succeed in school, especially if the children are from low-income families or have other risks of difficulty in school.

(3) Disadvantaged children, on average, lag behind other children in literacy, numeracy, and social skills, even before formal schooling begins.

(4) For many children entering kindergarten, the achievement gap between children from low-income households compared to children from high-income households is already evident.

(5) Eighty-five percent of beginning kindergartners in the highest socioeconomic group, compared to 84 percent of their peers in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 88 percent of beginning kindergartners in the highest socioeconomic group compared to 84 percent of their peers in the lowest socioeconomic group, can recognize numbers and shapes.

(6) Once disadvantaged children are in school, they learn at the same rate as other children. Therefore, providing disadvantaged children with additional time in kindergarten, the summer before such children enter kindergarten, will help schools close achievement gaps and accelerate the academic progress of their disadvantaged students.

(7) High quality, extended-year kindergarten that provides children with enriched learning experiences is an important factor in helping to close achievement gaps, rather than having the gaps continue to widen.

SEC. 3. DEFINITIONS.
In this Act:

(A) ELIGIBLE STUDENT.—The term “eligible student” means a child who:

(A) is a 5-year old, or will be eligible to attend kindergarten at the beginning of the next school year;

(B) comes from a family with an income at or below 185 percent of the poverty line; and

SEC. 4. EXTENSION OF CHILD SAFETY PILOT.
Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 3001) is amended—

(1) by striking “60-month”; and

(2) by adding at the end the following:

"The Child Safety Pilot Program under this paragraph shall be comprehensive: (A) 30-month; (B) a 5-year-old child, or (C) a child who is eligible for special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) or section 607(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 617(e))."

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY):
(C) is not already served by a high-quality program in the summer before or the summer after the child enters kindergarten.

(2) KINDERGARTEN PLUS.—The term “Kinder-
garten Plus” means the voluntary full-day particip-
ation of kindergarten children in the summer before and during the summer after the traditional kindergarten school year (as determined by the Secretary).

(3) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given in the term in section 911 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) PARENT.—The term “parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or step-
parent with whom the child lives, or a person who is legally responsible for the child’s wel-
fare).

(5) PARENTAL INVOLVEMENT.—The term “parental involvement” means the participa-
tion of parents in regular, 2-way, and meaningful communication with school per-
sonnel involving student academic learning and other school activities, including ensur-
ing that parents—
(A) play an integral role in assisting their child’s learning;
(B) are encouraged to be actively involved in their child’s education at school; and
(C) are full partners in their child’s education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child.

(6) POVERTY LINE.—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(7) PROVIDER.—The term “provider” means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the design, delivery of high-quality early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—
(A) lead to the expectations for what children should know and be able to do when they enter kindergarten and grade 1, as established by the State education agency;
(B) in the case of an entity that is not a local educational agency and that serves children who have not entered kindergarten, meet the performance standards contained in the State’s accountability report; and
(C) meet the performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 611A of the Head Start Act (42 U.S.C. 9803a) or the prekindergarten standards of the State where the entity is located.

(8) SCHOOL YEAR.—The term “school year” means the academic year, including the summer before and during the summer after, the traditional kindergarten school year.

(9) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. GRANTS TO STATE EDUCATIONAL AGEN-
CIES AUTHORIZED.

(a) IN GENERAL.—The Secretary is author-
ized to make grants to State educational agencies to provide Kind-
ergarten Plus programs in the State.

(b) SUFFICIENT SIZE.—To the extent pos-
sible, the Secretary shall ensure that each grant awarded under this section is of suffi-
cient size to enable the State educational agency receiving the grant to provide Kin-
dergarten Plus to all eligible students served by the State with the highest concentrations of eli-
gible students.

(c) MINIMUM AMOUNT.—The Secretary shall not award a grant to a State educational agency under this section in an amount that is less than $500,000.

(d) STATE REQUIREMENTS.—A State edu-
cational agency shall use—
(1) not more than 3 percent of the grant funds received under this Act for administra-
tion of kindergarten Plus programs sup-
ported under this Act;
(2) not more than 3 percent of the grant funds received under this Act to develop pro-
fessional development activities and cur-
ricula for teachers and staff of Kindergarten Plus programs in order to develop a con-
tinuum of developmentally appropriate cur-
ricula and practices for preschool, kinder-
garten, and grade 1 that ensures—
(A) an effective transition to kindergarten and to grade 1 for students; and
(B) appropriate expectations for the stu-
dents’ learning and development as the stu-
dents make the transition to kindergarten and to grade 1; and
(3) the minimum of the grant funds to award subgrants to local educational agen-
cies.

(e) PRIORITY.—In awarding grants under this Act the Secretary shall give priority to State educational agencies that—
(1) on their own or in combination with other government agencies, provide full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State; or
(2) demonstrate progress toward providing full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State by submitting a plan that shows how the State educational agency will, at a minimum, double the number of such children that were served by a full-day kindergarten program in the school year preceding the school year for which assistance is first sought.

SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
CIES.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act—
(1) shall reserve an amount sufficient to continue to fund multiyear subgrants award-
ed under this section; and
(2) shall award subgrants to local edu-
cational agencies within the State to enable the local educational agencies to pay the Federal share of the costs of carrying out Kindergarten Plus programs for eligible stu-
dents.

(b) PRIORITY.—In awarding subgrants under this section, the State educational agency shall give priority to local educational agencies—
(1) serving the greatest number or percent-
age of kindergarten-age children who are from families with incomes below 185 percent of the poverty line, based on data from the most recent school year; and
(2) that propose to significantly reduce the class size and student-to-teacher ratio of the classes in their Kindergarten Plus programs below the average class size and student-to-
teacher ratio of the classes served by the local educational agencies.

(c) FEDERAL SHARE.—The Federal share of the costs of carrying out a Kindergarten Plus program shall be—
(1) 100 percent for the first, second, and third years of the program;
(2) 85 percent for the fourth year of the program; and
(3) 75 percent for the fifth year of the program.

(d) IN-KIND CONTRIBUTIONS.—The non-Fed-
eral share of the costs of carrying out a Kin-
dergarten Plus program may be in the form of in-kind contributions.

SEC. 6. STATE APPLICATION.

(a) IN GENERAL.—In order to receive a grant under this Act, a State educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary determines ap-
propriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency and shall consult with providers of early childhood education programs, early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the applica-
tion shall include—
(1) a description of developmentally appro-
priate teaching practices and curricula for children that will be put in place to be used by local educational agencies and eligible providers offering Kindergarten Plus pro-
grams to carry out this Act;
(2) a general description of the nature of the Kindergarten Plus programs to be con-
ducted with funds received under this Act, including—
(A) the number of hours each day and the number of days each week that children in each Kindergarten Plus program will attend the program; and
(B) if a Kindergarten Plus program meets for less than 9 hours a day, how the needs of full-time working families will be addressed;
(3) goals and objectives to ensure that high-quality Kindergarten Plus programs are provided;
(4) an assurance that students enrolled in Kindergarten Plus programs funded under this Act will receive additional comprehen-
sive services (such as nutritional services, health care, and mental health care), as needed; and
(5) a description of how the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Early Start, Head Start, Read-
ing First, and Other Early Education and Preschool programs, to ensure the needs of children entering kindergarten, throughout the school year, and into the summer after kindergarten.

(b) The State will provide professional de-
velopment for teachers and staff of local edu-
cational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early math, and (notably, and positively) before the children enter kindergarten, throughout the school year, and into the summer after kindergarten.

(c) The State will assist Kindergarten Plus programs to provide exemplary parent edu-
cation and parental involvement activities such as training and materials to assist par-
ants in being their children’s first teachers at home or home visiting.

(d) The State will conduct outreach to par-
ents with eligible students, including parents of migrant children, par-
ents of children with disabilities, and par-
ents of migratory children and
(E) The State educational agency will ensure that each Kindergarten Plus program uses developmentally appropriate practices, including practices and materials that are culturally and linguistically appropriate for the population of children being served in the program.

SEC. 7. LOCAL APPLICATION.

(a) In GENERAL.—In order to receive a subgrant under this Act, a local educational agency will submit an application to the State educational agency at such time and containing such information as the State educational agency determines appropriate.

(b) Consultation.—The application shall be developed by the local educational agency in consultation with early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include a description of—

(1) the standards, research-based and developmentally appropriate curricula, teaching practices, and ongoing assessments for the purposes of improving instruction and services, to be used by the local educational agency;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are aligned with the State expectations for what children should and be able to do when the children enter kindergarten and grade 1, as set by the State educational agency; and

(B) include—

(i) language skills, including an expanded use of the English language;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) mathematics knowledge and skills, including aspects of classification, seriation, number sense, spatial relations, and time;

(iv) other cognitive abilities related to academic achievement;

(v) social and emotional development, including self-regulation skills;

(vi) physical development, including gross and fine motor development skills;


(3) the local educational agency will conduct an in-service training for eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children, which may include—

(A) activities to provide parents early exposure to the school environment, including meetings with teachers and staff;

(B) activities to provide in-service training to parents of the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have access to information concerning the Kindergarten Plus program and the school environment;

(4) how the local educational agency will assist the Kindergarten Plus program to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children’s first teachers at home or home visiting; and

(5) how the local educational agency will work with local center-based and family child care providers and Head Start agencies to ensure—

(A) the nonduplication of programs and services; and

(B) that the needs of working families are met through child care provided before and after the Kindergarten Plus program.

SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.

(a) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this Act shall use the subgrant funds for the following:

(1) The operational and program costs associated with the Kindergarten Plus program as described in the application to the State educational agency.

(2) Personnel services, including teachers, paraprofessionals, and other staff as needed.

(3) Additional services, as needed, including snacks and meals, mental health care, health care, linguistic assistance, special education and related services, and transportation services associated with the needs of the children in the program.

(4) Transitions to ensure children make a smooth transition into first grade and proper communication is made with the elementary school on the educational development of each child.

(5) Outreach and recruitment activities, including community forums and public service announcements in local media in various languages if necessary to ensure that all individuals in the community are aware of the availability of such program.

(6) Parent involvement programs, including materials and resources to help parents become more involved in their child’s learning at home.

(b) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(c) Enrichment activities, such as—

(1) art, music, and other creative arts;

(2) outings and field trips; and

(3) other experiences that support children’s curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATION.—The local educational agency may free funds received under this Act to award a grant to an eligible provider to enable the eligible provider to carry out a Kindergarten Plus program and the school environment, including coordination with local center-based child care and family child care providers, and Head Start agencies for the children participating in the program, to accommodate the schedules of working families.

(c) CONTENTS.—If an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with this Act, a local educational agency shall coordinate with existing programs in the community to provide extended care and comprehensive services for children and their families in need of such care or services.

SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.

To be eligible for a subgrant under this Act, each local educational agency shall ensure that—

(1) each Kindergarten Plus classroom has—

(A) highly qualified teachers, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(B) if an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with section 8(b), a teacher that, at a minimum, has a bachelor’s degree in early childhood education or a related field and experience in teaching children of this age;

(2) a qualified paraprofessional that meets the requirements for paraprofessionals under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), is in each Kindergarten Plus classroom;

(3) Kindergarten Plus teachers and paraprofessionals are compensated on a salary scale comparable to kindergarten through grade 3 teachers and paraprofessionals in public schools served by the local educational agency; and

(4) Kindergarten Plus class sizes do not exceed the class size and standards set at the State or local level for the traditional kindergarten program.

SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS AUTHORIZED.—If a State educational agency does not apply for a grant
under this Act or does not have an application approved under section 6, then the Secretary is authorized to award a grant to a local educational agency within the State to enable the local educational agency to pay the Federal share of the costs of carrying out a Kindergarten Plus program.

(b) Eligibility.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency operates a full-day kindergarten program that, at a minimum, is targeted to kindergarten children from families with incomes below 185 percent of the poverty line within the State.

(c) Application.—In order to receive a grant under subsection (a), a local educational agency shall submit to the Secretary an application that:

(1) contains the descriptions set forth in section 7; and

(2) includes an assurance that the Kindergarten Plus program funded under such grant will serve eligible students.

(d) Applicability.—Sections 8 and 9 shall apply to a local educational agency receiving a grant under this section in the same manner as such sections apply to a local educational agency receiving a subgrant under section 9(a).

SEC. 11. EVALUATION, COLLECTION, AND DISSEMINATION OF INFORMATION.

(a) In General.—Each State educational agency that receives a grant under this Act, in cooperation with the local educational agencies in the State that receive a subgrant under this Act, shall carry out an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State.

(b) Information Collection and Reporting.—The evaluation process shall include:

(1) information from the local needs assessment, conducted in accordance with section 7(e)(6), including—

(A) the number of eligible students in the geographic area;

(B) the number of children served by Kindergarten Plus programs, disaggregated by family income, race, ethnicity, native language, and prior enrollment in an early childhood education program; and

(C) the number of children with disabilities served by Kindergarten Plus programs;

(2) the recruitment of teachers and staff for Kindergarten Plus programs, and the retention of such personnel in the programs for more than 1 year;

(3) the provision of services for children and families served by Kindergarten Plus programs, including parent education, home visits, and comprehensive services for families who need such services;

(4) the opportunities for professional development for teachers and staff; and

(5) the curricula used in Kindergarten Plus programs.

(c) Comparison.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(d) Information Collection and Reporting.—The information necessary for the evaluation shall be collected yearly by the State and reported every 2 years by the State to the Secretary.

(e) Analysis of Effectiveness.—The Secretary shall analyze the data for the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 through 2014.

By Mr. LEAHY (for himself and Mr. BOND):

S. 2760. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, to improve the functions of the National Guard Bureau, and to enhance the effectiveness of Kindergarten Plus programs, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am pleased again to join my friend and colleague Senator KIT BOND of Missouri in bringing to the Senate another matter of importance to the missions of the National Guard and to the dedicated men and women of the Guard who perform these missions.

Today we are introducing the National Guard Empowerment and State-National Guard Integration Act of 2008. We introduce this legislation on behalf of the 91-member U.S. Senate National Guard Caucus, which we co-chair. The military is still not structured properly to respond to the domestic threats that will come again. This legislation would take us tangible steps forward in correcting that. Our bill would sharpen the Defense Department’s focus on helping the National Guard respond to domestic emergencies.

This legislation is a new phase in our bipartisan and bicameral drive to empower the Guard for successfully meeting the challenges that our States and the Nation are asking the Guard to meet. It would clarify away bureaucratic cobwebs in the Defense Department’s organizational structure to improve decision making on homeland defense issues that involve the Guard. This bill builds on some of the strong provisions enacted in the enactment of the National Security Act of 1947, the Guard Empowerment Bill in the recently enacted fiscal year 2008 Defense Authorization Bill. By empowering the National Guard through more responsibilities, authorities, and new lines of control, this bill focuses the Defense Department’s attention on this critical realm of domestic defense. The bill structures potential military operations within the U.S. in a way outlined by the Constitution, ensuring that our local and state military reserve—Federal control—in these emergencies.

We know that the military—the active duty force, the National Guard, and the Reserves—has an important role in responding to emergencies at home, events like natural disasters. The events of Hurricane Katrina and so many other situations have amply underscored that reality. Our civilian authorities will continue to want to tap into the resources, personnel, and expertise, and there is no question that we have to bargain through those.

The debate taking place, mostly behind the scenes and within the walls of the Pentagon, has been about how we structure that response. The goal must be an effective response in line with the Constitution. Our national charter protects our basic liberties and places sovereignty in the hands of the people through government with adequate checks and balances, splitting administration among Federal, State, and local levels.

This Empowerment Bill would be effective because it drives to enhance the National Guard, our first military responders. This is exactly the type of empowerment that is needed during dire situations time and time again. The National Guard takes its responsibility to carry out relief missions at home as seriously as it takes its missions abroad as the nation’s primary military reserve. The National Guard is a locally based force, spread out in armories and readiness centers across the country. The Guard can flow forces among States through the Emergency Management Assistance Compact process, which is the force one of the few shining lights in the darkness of the response to Hurricane Katrina. The National Guard has units that specialize in civil support, including highly trained, full-time teams located in every one of our States. The bottom line is that the Guard has shown that it can do this mission and do it superbly.

The approach of the Empowerment Bill is constitutional because it propels military operations within the defense-oriented items. The Guard is our mayors, our public safety chiefs, and our Governors who are responsible for the security of their communities. Under our governmental system, they are the ones that should be in control of emergency situations—any Federal assets that come in should be strictly in support of them—certainly not the other way around. The Guard is a State force that works closely with these civilian authorities all the time. The Guard, which serves under civilian authorities, is part and parcel of the community. The Guard knows that it is civilians, including their elected leaders and the very populace, who are the ultimate decision-makers in these situations.

Our bill includes several key provisions. To improve the quality of advice at the highest levels, the Chief of the National Guard Bureau would gain a full seat on the Joint Chief of Staff, a key advisory body where insufficient civilian involvement is a critical defense matters. The bill would ensure that U.S. Northern Command remains a Federal military headquarters that truly supports the Governors and the initial Guard response in an emergency, providing for the Governors to have tactical control over any active duty and Reserve assets that might be operating in their home State during an emergency. The National Guard Bureau is enhanced in another section which specifically gives the National Guard a seat in their own subcommittee for domestic defense-oriented items. The Bureau would carry out its responsibilities in close cooperation with a newly
established planning committee and council that integrally involves the States’ Adjutants General. And the bill assigns several key command and deputy command positions to National Guard officers who have experience in homeland defense and domestic emergency response matters.

This fiscal year 2008 Defense Authorization Bill ushered in several improvements to the National Guard, including an elevation of the Bureau Chief to the rank of four-star general. The National Guard Bureau is now more than a joint agency than a sub-branch of the Army and Air Force, though the Guard remains a key part of the Army and Air Force’s Total Force. The Deputy Commander or Commander of U.S. Northern Command now must come from the ranks of the National Guard. These are far-reaching steps, though I remain concerned that the Department has yet to implement these provisions, not even filling the four-star position yet.

Together, last year’s enacted organizational changes and those put forth in this bill will fundamentally improve our preparations for an emergency, and ensure an effective, swift, and constitutional response when another emergency occurs.

Our National Guard has never let our country down, and—one once again—we cannot let our Guard down. I urge prompt attention and action on this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2790

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

SEC. 1. SHORT TITLE. This Act may be cited as the ‘National Guard Empowerment and State-National Defense Integration Act of 2008.’

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:—

(’’7) The Chief of the National Guard Bureau.’’

(b) CONFORMING AMENDMENT.—Section 10562 of such title is amended by—

(A) redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection:—

’’(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff by section 151(c) of this title.’’

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10564 of title 10, United States Code, is amended by inserting after the end of such section the following new subsection:—

’’(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 of each year, the Director of the National Guard Bureau shall submit to Congress a report on the following:

‘’(1) The requirements validated under section 10563a(b)(1) of this title during the preceding fiscal year.

(2) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.

(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.’’

SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended after section 10503 the following new section:—

’’10503a. Functions of National Guard Bureau: military assistance to civil authorities

(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities gaps such as:

(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Secretary of Defense, have responsibility as follows:

(1) To validate the requirements of the several States with respect to military assistance to civil authorities.

(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

(6) To carry out other responsibilities relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau.

(2)(A) Under the integrated planning process established by the Chief of the National Guard Bureau, the planning process may be known as the ‘National Guard Bureau Strategic Integrated Planning Process.’

(B) The planning directorate, as designated by the Secretary of Defense, shall develop and maintain the integrated planning process.

(3) The planning directorate described in paragraph (1) shall develop and submit to the Joint Chiefs of Staff, as the Secretary of Defense designates, a list of proposals for such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

(4) The planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals described in paragraph (3) to the planning directorate under clause (1).

(B) The planning directorate described in this subsection, through the Integrated Planning Committee (to be known as the ‘State Strategic Integrated Planning Committee’) composed of the adjutant general of each of the several States, the Territory of the Wealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

?’’

(c) THE PLANNING DIRECTORATE.—(1) The planning directorate described in this subparagraph is a planning directorate (to be known as the ‘State Strategic Integrated Planning Directorate’) composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

(1) A major general of the Army National Guard.

(2) A major general of the Air National Guard.

(3) A major general of the regular Army.

(4) A major general of the regular Air Force.

(5) A major general (other than a major general under clauses (i) and (iv) of the United States Northern Command.

(6) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

(B) THE PLANNING DIRECTORATE.—(1) The planning directorate shall—

(2) carry out the activities described in subsection (a); and

(3) publicize the availability of the integrated planning process.

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:—

’’10544. National Guard training and equipment budget for military assistance to civil authorities and for other domestic operations

(a) IN GENERAL.—The budget justification documents submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and other domestic operations during such fiscal year.

(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

(2) The acquisition of equipment, material, and other supplies and services necessary for the provision of such assistance and such operations in the current fiscal year.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10543 the following new item:—

’’10563a. Functions of National Guard Bureau: military assistance to civil authorities.’’

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:—

’’10544. National Guard training and equipment budget for military assistance to civil authorities and for other domestic operations.’’

(d) REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.—

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking ‘‘Director, Army National Guard’’ each place it appears and inserting ‘‘Vice Chief, Army National Guard’’;

(2) by striking ‘‘Director, Air National Guard’’ each place it appears and inserting ‘‘Vice Chief, Air National Guard’’; and

March 13, 2008

S 2146

CONGRESSIONAL RECORD — SENATE
(4) by striking “Deputy Director, Air National Guard” each place it appears and inserting “Deputy Chief, Air National Guard”.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking “Director of the Army National Guard” each place it appears and inserting “Chief of the Army National Guard” and inserting “Vice Chief of the Army National Guard, or Chief of the Air National Guard”.

(c) REPEALS.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Chief of the Air National Guard.

SEC. 5. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 4(a) of this Act, is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of any provisions of law requiring such duty or experience as a condition of assignment or promotion.”

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State, or as adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) ANNUAL REPORTS ON DUTY IN JOINT FORCE HEADQUARTERS.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the Chief of the National Guard Bureau shall submit to the Senate a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers of the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(d) ANNUAL REPORTS ON JOINT EDUCATION COURSES LISTED UNDER PARAGRAPH (1).—For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

SEC. 6. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHWESTERN COMMAND AND OTHER COMBATANT COMMANDERS.

(a) COMMENDATION RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command shall be the Commander of the United States Pacific Command and shall—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, provide for the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense shall prescribe policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

(d) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the commander of a State or possession described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the headquarters.

SEC. 7. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

“CHAPTER 16—CONTROL OF THE ARMED FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

“Sec. 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

“(a) IN GENERAL.—The Secretary of Defense shall prescribe policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

“(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the commander of a State or possession described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the headquarters.

“(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a), in this section, the term ‘possessions’ means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

(3) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

“16. Control of the Armed Forces in Activities Within the States and Possessions ........................................... 341”.

SEC. 8. REQUIREMENTS RELATING TO THE NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Air National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States to those officers who are eligible and available, who have served as the adjutant general of a State.
Section 7: Governor’s Tactical Control

Direction to the Department of Defense to establish procedures for the nation’s Governors to have tactical control over the military forces, including Title 10 active forces, operating in their state during an emergency. Such tactical control will be exercised by the Governor through the Joint Force Headquarters of the National Guard of the State. According to Department of Defense standards, Tactical Control is “Command authority over assigned or attached forces, which is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned.”

Section 6: National Guard Command Positions

A National Guard officer will remain Command of Air Force North, while Guard officers shall become the Commander Army North, and Commander or Deputy Commander of Joint Task Force Alaska, Joint Task Force Civil Support, and Joint Task Force North.

SUMMARY: NATIONAL GUARD EMPOWERMENT AND STATE-NATIONAL DEFENSE INTEGRATION ACT OF 2008

PURPOSE

To enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response

SECTION 1: Title


Section 2: Joint Chiefs of Staff

Make the Chief of the National Guard Bureau a full member of the Joint Chiefs of Staff.

Section 3: Guard Bureau Duties

Formally give the Guard Bureau the function of working with the states to identify equipment gaps for the purpose of providing military assistance to civil authorities. The Bureau shall work with states—through a State/Adjutant General-dominated planning committee and Federal planning directorate—to validate equipment requirements, develop doctrine for assisting civil authorities in emergencies, acquire necessary equipment, prepare a military assistance budget, and administration of the funding provided for military assistance.

Section 4: Vice Chiefs

Rename the positions of Activities Directors of the Army and Air National Guard to “Deputy Chiefs, Army National Guard,” and “Deputy Chief, Air National Guard,” respectively.

Section 5: Joint Duty Credit

Provides the Adjutants Generals of the United States with so-called Joint Duty Credit for their experience in the position. Requires the Department of Defense to provide a report on providing joint-duty credit for officers serving in National Guard Joint Forces Command as well as summary of Joint-Duty courses available for Reserve Components officers interested in following a joint career.

Section 6: Northern Command

States that Northern Command and Pacific Command are the commands responsible for providing military assistance for civil authorities, and, to carry out that responsibility, to provide the states in employing the National Guard and facilitate the deployment of Title 10 forces to supplement and support the Guard, whether operating in State Active Duty or under Title 32 United State Code. Northern Command and Pacific Command must complete a Memorandum of Understanding with the National Guard Bureau on their operational relationship within 180 days of enactment.
The 2003 legislation was also a demonstration of the American people's desire that their generosity not be wasted, as they have seen before with so many other aid programs. To that end, the legislation required that the lion's share of PEPFAR funds be spent only on treatment of patients in need.

It encouraged accountability and transparency and it funded programs that could demonstrate results, such as the requirement that one third of prevention funds be spent on abstinence education—a decision that has kept countless persons from getting infected with HIV since 2003.

It is therefore mind boggling to me that recent reauthorization proposals remove by the majority in the House Foreign Affairs Committee last week and the bill scheduled for mark up by the Senate Foreign Relations Committee today—would take such giant steps backward.

The bill originally introduced in the House would have eliminated the conscience clause, which protects humanitarian and medical professionals involved in these programs from having to participate in prevention and treatment methods that they find morally or religiously unacceptable. Wholly, this provision was kept in the bill passed by the House committee, though it is substantially watered down—to the point of being non-binding—in the Senate Foreign Relations Committee bill.

The original House bill struck the requirement that organizations that receive PEPFAR grants be opposed to prostitution and sex trafficking. That these commonsense provisions were even in danger of being dropped in the reauthorization of PEPFAR is sadly telling. It appears the Senate Foreign Relations Committee chose not to challenge such an unimpeachable provision of law.

And, unlike the majority on the House Foreign Affairs Committee, which backed down from including many troubling provisions on abortion and family planning demanded by far left groups, it appears the Senate Committee bill would pander to the so-called "family planning" agenda. I am also deeply troubled that both the House Foreign Affairs Committee and Senate Foreign Relations Committee reauthorization proposals remove from consideration that at least fifty-five percent of the funds in the program be spent on treatment of AIDS patients. This provision was an important check on bureaucratic wastefulness and "make work" and it must be preserved.

Additionally, the requirement that thirty-three percent of PEPFAR prevention funds be spent on abstinence education, removed by the majority in last year’s omnibus appropriations process, has not been restored in either of the reauthorization proposals. In fact, all that remains in the tatters of that requirement in either of these bills is something only a bureaucrat could love: in the event a future AIDS coordinator chooses to ignore abstinence education, a report must be sent to Congress.

What is more, both of these reauthorization proposals include provisions that appear to undermine protections for intellectual property, the same protections that are necessary to ensure that innovation and research into lifesaving medications continue.

While the provisions of these two proposals are well-meaning, they further increase support for TB and malaria programs, even though the U.S. is already the largest contributor to TB and malaria programs through the Global Fund. Sadly, the Global Fund has become synonymous with graft and multilateral bureaucratic waste in many countries. We should not be duplicating those existing programs. We owe it to the American taxpayer, an unknowable number suffering from these dread diseases, to fix the problems that abound in the Global Fund.

Lastly, but most significantly, both reauthorization proposals more than triple the expenditure for PEPFAR—something we cannot afford. PEPFAR 2003 authorized $5 billion over 5 years for emergency AIDS relief. Not satisfied with a mere doubling of this program as requested, both of these proposals would provide $30 billion over 5 years.

As I have noted already, the American people are a generous people. Our annual foreign aid budget reflects this generosity. However, this ability to give is not limitless.

Need I remind my colleagues, our economy is in distress. The presidential candidates on the other side are calling for a Federal Government bailout of homeowners facing foreclosure: with $50 billion, we could provide $35,157 homeowners with such a bailout.

Moreover, Congress just passed, and the president just signed, a program to provide Americas with checks intended to stimulate the economy. While I have doubts that this plan will succeed, I note that with this $50 billion, 157 million tax filers could be given rebate checks of $318.47.

Alternatively, with $50 billion, we could "fully fund" both No Child Left Behind and the Individuals with Disabilities Education Act at their authorized levels for one year.

Congress is beginning the annual budget cycle and we are daily confronted with requests for more and more federal spending. Already, key leaders in the budget process are threatening that if they don’t get their way on domestic spending, they will use the upcoming but overdue War Supplemental or will short circuit the budget process with a continuing resolution or yet another omnibus. Agreeing to this massive increase is not the way to discipline what is already shaping up to be a budget train wreck.

Governing is about choosing. By agreeing to this increase to $50 billion, neither the House nor Senate committees are governing. They are taking the easy course of action: spending.

I supported the President’s Emergency Plan for AIDS Relief in 2003. I could reluctantly support doubling that amount over the next five years. But adding another $20 billion on top of that is too much.

We cannot lose sight of the sacrifices of millions of Americans who work hard and pay the taxes that support these programs. $50 billion is too much.

I cannot support a bill that so dramatically spends beyond what we can afford and so wantonly ignores accountability and transparency tools that safeguard the generosity of the American people.

This legislation can still be salvaged. Yesterday, I cosponsored legislation with the Senator from Oklahoma, Dr. BURR, that sets some key principles that must be a part of the reauthorization.

Earlier today, I introduced a bill that would prohibit the extension of PEPFAR funds away from their core purpose, helping the neediest countries. This legislation must also be a part of the reauthorization of PEPFAR.

I support the PEPFAR program and I believe that it is worth passage if funded at a responsible authorization level with at least the kind of commonsense policy, accountability, and transparency provided in the 2003 bill.
Any drug abuse expert will tell you that helping someone get off of drugs or stay away from trying them requires a variety of approaches. In some cases the fear of consequences, such as the Aid Elimination Penalty, may be enough. But in many other cases, counseling, treatment, and positive reinforcement may offer more effective ways to achieve this goal.

Our laws should reflect the need for varied approaches. Unfortunately, the Aid Elimination Penalty does not. It is a blunt tool that sweeps all cases into the same one size fits all solution. There is little distinction under this law as to whether the drug possession is a major or minor violation and to what degree the infraction affects the community at large; Teenagers bowing to peer-pressure for the first time are treated the same as serious drug users disrupting their communities. This means that while in some cases we are penalizing chronic drug abusers, we are also penalizing good students who will mature and have a better chance of rectifying their mistakes by continuing their education.

What is most disturbing is how the consequence penalty can negatively impact the course of a student’s life. Many students affected by the Aid Elimination Penalty are forced to leave school since it is no longer affordable without financial assistance. Data from the National Center of Education Statistics demonstrates that many of these students will not continue their education: 36 percent of students who leave 4-year institutions do not return within 5 years and 50 percent of students who leave 2-year institutions do not return within 5 years. For these students, denial of Federal college assistance will only force them from school, and may set them on an even more self destructive course of increased drug use and abuse. In these cases, the Elimination Penalty actually backfires and serves to undermine our efforts to prevent the use and abuse of drugs.

That is why I am introducing this legislation to insert judicial discretion into the current law. My bill would make the penalty dependent on the ruling of a judge, allowing them to weigh the value of implementing the penalty as part of other sanctions and punishments on a case by case basis. This will enable us to deny students financial aid if the situation merits it, and if he or she believes it is the most effective or even the only way to help a student get control of his or her life. This legislation would also grant judges the ability, based on the circumstances, to determine that continuation of a college education, in conjunction with rehabilitation and possibly other sanctions, offers both the student and the community the best possible outcome. This is both the way the rest of the criminal justice system works and it is the way the Aid Elimination Penalty should be implemented. With this change we can fine tune our approach to this problem and minimize the negative unintended consequences of current law. I urge my colleagues to see the wisdom of this approach and help me to refine the law to be more effective in protecting our communities and ensuring deserving students the opportunity to advance their education.

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. 2767

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

SECTION 1. JUDICIAL DISCRETION FOR SUSPENSION OF ELIGIBILITY.

Section 484(r) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)) is amended—

1. in paragraph (1), by striking “A student” and inserting “Subject to paragraph (3), a student”;

2. by redesignating paragraph (3) as paragraph (4); and

3. by inserting after paragraph (2) the following:

“(3) APPLICABILITY.—This subsection shall only apply to a student if the Federal or State court that convicted the student of an offense described in paragraph (1) has ordered that the student’s eligibility for assistance under this title be suspended in accordance with this subsection.”.

By Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BAUCUS, Mrs. CLINTON, Mr. KERRY, and Mrs. BOXER):

S. 2768. A bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, today I introduce a bill that would rectify an oversight made in the recent passage of the Economic Stimulus Act of 2008. If enacted, this bill will allow thousands of veterans to realize the American dream of owning a home. Senators Reid, Durbin, Burr, Rockefeller, Murray, Obama, Sanders, Brown, Baucus, Clinton, Kerry, and Boxer join me in offering this legislation.

The VA Home Loan Guaranty was part of the original GI Bill in 1944. It was signed into law by President Franklin D. Roosevelt and provided veterans with a federally guaranteed home loan with no down payment. So, as World War II was ending, landmark legislation made the dream of home ownership possible for millions of returning veterans. They were able to build new homes and otherwise begin new lives following their service and with the assistance of the Federal Government.

Today, more than 25 million veterans and servicemembers are eligible for VA home loan guarantees. Eligibility extends to veterans who served on active duty for a minimum of 90 days during wartime or a minimum of 181 continuous days during peacetime, and have a discharge other than dishonorable. Members of the Guard and Reserve who have never been called to active duty must serve a total of 6 years in order to be eligible. Certain surviving spouses are also eligible for the housing guarantee.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Act of 2004. The maximum guarantee amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, since the Freddie Mac conforming loan limit for a single family residence in 2008 is $417,000, VA will guaranty a veteran’s loan up to $104,250, or 25 percent of the Freddie Mac limit. This guaranty amount was increased to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly $730,000, in the highest cost areas, while leaving the VA limit of $417,000 untouched.

The measure I am introducing today would correct the oversight in the Economic Stimulus Act and extend the temporary increase to veterans as well. Unlike the economic stimulus legislation, my legislation would extend the temporary increase to December 31, 2011, rather than just through 2008. This would enable more veterans to utilize their VA benefit to purchase a home. In fact, VA expects that there would be an increase of approximately 4,313 loans as a result of increasing the VA loan limit through December 2011.

I urge all of my colleagues to support this measure, so that this important group of Americans might reap the benefits of an increased home loan guaranty in this time of economic uncertainty.

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. 2768

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

SECTION 1. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3753(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on
In an effort to keep BSE infected beef out of the food supply, USDA banned all nonambulatory cattle from being slaughtered regardless of the reason.

Since then, the regulation banning nonambulatory cattle from slaughter has been revised to allow veterinarians discretion on a case-by-case basis to allow downed cattle into the food supply.

Clearly, establishments have an incentive to keep all the animals delivered to their facility ambulatory for slaughter.

This legislation provides the incentive for an establishment to follow the laws and regulations governing the humane handling of nonambulatory animals by offering a graduated penalty system for noncompliance.

For a first violation, in addition to temporarily suspending USDA inspection, a fine will be assessed and will be based on a percentage of the establishment’s gross inspection fees.

A second violation will suspend USDA inspection services for 1 year.

A third violation will withdraw the establishment’s Grant of Inspection permanently, effectively closing the operation.

Additionally, to aid in recovering all of the meat products that are recalled, the USDA will be required to promulgate regulation to release the names of establishments that have received recalled products.

This will help distributors, retailers and consumers better identify products that have been recalled to aid them in getting those products off their shelves and out of their homes.

We must ensure that those who process our food provide the safest, most wholesome products possible to consumers, and when a recall is necessary, we must provide the best notification systems for consumers to take action.

This bill will take us one step closer to a safer more wholesome food supply system.

I hope that my colleagues will join us in support of this important bill.

By Ms. LANDRIEU (for herself, Mr. HAGEL, Ms. SNOWE, Mr. DODD, Mr. BAYH, Mr. KERRY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. JOHNSON):

S. 2771. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased today to introduce with Senator HAGEL legislation that would reinstate the White House Conference on Children and Youth. This Conference was originally created by President Theodore Roosevelt in 1909, and continued every 10 years through 1970. Despite funding in 1981 and reauthorization legislation in 1990, no conference has been held since that 1970 gathering.

It is time to renew our commitment to America’s children and resurrect the oldest White House Conference in U.S. history.

Similar to the White House Conference on Aging, this symposium would be the culmination of nationwide events held over a 2-year span. Just as with the first White House Conference, this summit would focus on child welfare issues. This legislation authorizes a conference to be held in 2010, and establishes a bipartisan, bicameral policy committee, including members selected by the next administration. To promote and inform the conference and to engage stakeholders, State and local events would be held around the country in 2009. These events and the conference would focus specifically on child welfare including the range of issues from prevention, intervention to permanency including reunification, kinship care and adoption. Participants would also include state officials, court and legal representatives, providers, children, tribal representatives and other parties affected by or involved with the child welfare system. By connecting these stakeholders through this conference, we can improve the lives of children throughout the country.

Previous conferences have led to major policy improvements in child welfare. The Children’s Bureau was established after the first conference, and recommendations were made that emphasized the institutionalization of children and encouraged the growth of adoption agencies. In 1919, the White House Conference initiated standards for child welfare, and ten years later it created a 19-point charter to address the needs of our children.

We look forward to comparable achievements from the conference in 2010, and hope that you will join with us in this effort.

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. 2771

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 ‘White House Conference on Children and Youth in 2010 Act’.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds the following:

(1) In 2005 there were over 3,000,000 reports of child abuse and neglect. Only 40 percent of the children from the substantiated reports received follow-up services, and 20 percent of such children were placed in foster care as a result of an investigation.

(2) Each year there are nearly 900,000 substantiated reports of child abuse and neglect.

(3) Each year approximately 60 percent of substantiated reports are reports of neglect, 30 percent are physical or sexual abuse reports, and more than 20 percent are reports that involve other forms of abuse.

(4) Almost 500,000 children (including youth) were in foster care at the end of fiscal year 2004 and nearly 800,000 spent at least some time in foster care during the year.

(5) Almost 51,000 children are adopted from the foster care system each year, more than 117,000 children are waiting to be adopted.
Each year approximately 22,000 youth leave the foster care system not because they have found permanent placements, but because they have reached the age at which foster care is no longer available. (6)

(7) The child welfare system includes State and local governments, tribal governments, child welfare agencies, child welfare case-workers, judges, lawyers, social workers, the courts, volunteer court-appointed special advocates, mental health and health care professionals, educators, and advocates.

(b) Planning and Direction.—(1) In developing such recommendations and plans for action to meet the challenges and needs of children and families involved with the child welfare system, the President shall:

(2) House of Representative Appointees.—(A) 3 members who are officers or employees of the Federal Government; and

(3) Senate Appointees.—(A) Majority Appointees.—Two members shall be selected by the majority leader of the House of Representatives; after consultation with the chairpersons of the Committee on Education and Labor, and the Committee on Ways and Means, of the House of Representatives, (B) Minority Appointees.—Two members shall be selected by the minority leader of the House of Representatives, after consultation with the majority members of such committee.

(c) Purposes of the Conference.—(1) To identify the problems and challenges of child welfare, and to consider the children and families affected by decisions made through the child welfare system; (2) to strengthen the use of research-based best practices that can prevent child abuse and neglect with a special focus on younger children; (3) to strengthen the use of research-based best practices that can increase placement permanency for children removed from their homes, including practices involving family reunification, kinship placement, and adoption; (4) to promote the role of State and local family courts in each State child welfare system; (5) to develop recommendations that will reduce the number of children who are in out-of-home care and who fail to leave foster care by the age of majority, and recommendations that will reduce the over-representation of certain populations in the child welfare system; (6) to examine the role of the Government in building an equal partnership with State, local, and tribal entities in order to assist with, and encourage, State, local, and tribal coordination; (7) to develop such specific and comprehensive recommendations for State-level executive and legislative action as may be appropriate for resolving the well-being of children in such system; and (8) to review the status of recommendations regarding child welfare made by previous White House Conferences.

SEC. 4. POLICY COMMITTEE.—(a) Establishment.—There is established a Policy Committee, which shall be comprised of 17 members to be selected as follows: (1) Presidential appointees.—Nine members shall be selected by the President and shall consist of—(A) 3 members who are officers or employees of the Federal Government; and (B) 6 members, who may be officers or employees of the Federal Government, with experience in the field of child welfare, including policymakers and providers and children directly affected by the child welfare system.

(b) House of Representative Appointees.—(A) Majority Appointees.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the chairpersons of the Committee on Education and Labor, and the Committee on Ways and Means, of the House of Representatives.

(3) Senate Appointees.—(A) Majority Appointees.—Two members shall be selected by the majority leader of the Senate, after consultation with the ranking minority member of such committee.

(4) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Policy Committee, and shall serve until the expiration of the term for which they were appointed. Any vacancy in the Policy Committee shall be filled in the same manner as the original appointment.

(c) Voting: Chairperson.—(1) Voting.—The Policy Committee shall act by the vote of a majority of the members present. (2) Chairperson.—The President shall select a chairperson from among the members of the Policy Committee; if no chairperson is selected, the members may vote only to break a tie vote of the other members of the Policy Committee.

(d) Duties of Policy Committee.—(1) Meetings.—The Policy Committee shall hold its first meeting at the call of the Secretary, not later than 30 days after the President selects. Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee.

(e) General Duties.—Through meetings, hearings, and working sessions, the Policy Committee shall—(A) make recommendations to the Secretary to facilitate the timely convening of the Conference; (B) submit to the Secretary a proposed agenda for the Conference not more than 90 days after the first meeting of the Policy Committee; (C) determine the number of delegates to be selected in accordance with sections 5 and 6, and the manner by which the delegates are to be selected in accordance with such section; (D) select delegates for the Conference; and (E) establish other advisory committees as needed to facilitate Conference participation of—(i) professionals with direct experience providing services to children and families in the child welfare system; and (ii) children and families in the child welfare system.

(f) Powers of the Policy Committee.—(1) Information from Federal agencies.—The Policy Committee may secure directly from any Federal department or agency such information as the Policy Committee considers necessary to carry out this Act. Upon request of the chairperson of the Policy Committee, the head of such department or agency shall furnish such information to the Policy Committee.

(2) Postal Services.—The Policy Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(3) Personnel.—(1) Travel expenses.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 43, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

(2) Detail of Government Employees.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 5. CONFERENCE DELEGATES.—To carry out the purposes of the Conference, the Secretary shall appoint delegates for the conference, who shall be fairly balanced in terms of their points of view with respect to child welfare, without regard to political affiliation or past partisan activity, who shall include—(1) the directors of child welfare systems of the States; (2) the chairpersons of the State and local family court systems, representatives of the State bar associations, and attorneys specializing in family law; (3) elected officials of State and local governments; and (4) advocates (including national and State organizations), guardians, experts in the field of child welfare, and children (including youth) affected by the child welfare system, and the general public.

SEC. 6. AUTHORIZATION OF THE CONFERENCE.—(a) Authority to Call the Conference.—The President shall call a White House Conference on Children and Youth in 2010 (referred to as the ‘‘Conference’’) to be convened not later than 18 months after the selection of the last member of the Policy Committee established in section 4, to encourage and enhance the implementation of required policy changes, and to develop recommendations for actions to implement the policy set forth in section 2(b).

(b) Planning and Direction.—The Secretary shall plan, convene, and conduct the Conference in cooperation with the Chairperson and other appropriate Federal entities, including the Attorney General, the Secretary of Education, and the Secretary of Housing and Urban Development, United States.
SEC. 6. CONFERENCE ADMINISTRATION.
(a) ADMINISTRATION.—In conducting and planning the Conference, the Secretary shall—
(1) request the cooperation and assistance of the heads of such other Federal entities as may be appropriate, including the detailing of personnel;
(2) furnish all reasonable assistance, including financial assistance, not less than 18 months before the Secretary convenes the Conference, to State child welfare systems, State and local family court systems, and other appropriate organizations, to enable them to organize and conduct State-level child welfare conferences in conjunction with and in preparation for participation in the Conference;
(3) prepare and make available for public comment a proposed agenda, for the Conference, that reflects to the greatest extent possible the major child welfare issues facing child welfare systems and the courts, consistent with the policy set forth in section 2(b);
(4) prepare and make available background materials that the Secretary determines to be necessary for the use of delegates to the Conference; and
(5) employ such additional personnel as may be necessary to carry out this Act without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.
(b) DUTIES.—In carrying out the Secretary's responsibilities and functions under this section, the Secretary shall—
(1) the conferences held under subsection (a)(2) will—
(A) be conducted so as to ensure broad participation of individuals and groups; and
(B) include conferences on Native Americans—
(i) to identify conditions that adversely affect Native American children in the child welfare system and to identify Native American families who are at risk of entering such system;
(ii) to propose solutions to ameliorate such conditions; and
(iii) to provide for the exchange of information relating to the delivery of services to Native American children in the child welfare system and Native American families who are at risk of entering such system;
(2) the proposed agenda for the Conference under subsection (a)(3) is—
(A) published in the Federal Register not less than 180 days before the Conference is convened; and
(B) made available for public comment for a period not less than 60 days;
(3) the final agenda for the Conference, prepared after the Secretary takes into consideration comments received under paragraph (2), is transmitted to the Chief Executive Officers of the States, not later than 30 days after the close of the public comment period required by paragraph (2);
(4) the personnel employed under subsection (a)(5) are fairly balanced in terms of their points of view with respect to child welfare systems and Native American families without regard to political affiliation or past partisan activity;
(5) the recommendations of the Conference are not inappropriately influenced by any publication that provides special interest, but instead are the result of the independent and collective judgment of the delegates of the Conference; and
(6) before the Conference is convened—
(A) current and adequate statistical data (including decennial census data) and other information on the well-being of children in the United States; and
(B) such information as may be necessary to evaluate Federal programs and policies relating to child welfare systems that the Secretary may obtain by making grants or to entering into agreements with, public agencies or nonprofit organizations, are readily available in advance of the Conference to the Secretary.
SEC. 7. REPORT OF THE CONFERENCE.
(a) PROPOSED REPORT.—
(1) PREPARATION.—After consultation with the Policy Committee, the Secretary shall prepare a proposed report of the Conference containing—
(A) the results of the conference, which shall include findings of a comprehensive coherent national policy on State child welfare systems (including the courts involved); and
(B) recommendations of the Conference for the implementation of such policy.
(2) PUBLICATION AND SUBMISSION.—The proposed report shall be published in the Federal Register, and submitted to the chief executive officers of the States, not later than 60 days after the Conference adjourns.
(b) RESPONSE TO PROPOSED REPORT.—The Secretary shall respond to the comments, views, and findings of the chief executive officers of the States, not later than 180 days after receiving the proposed report, their views and findings, and the comments, views, and findings of the chief executive officers of the States submit to the Secretary, not later than 180 days after receiving the proposed report, their views and findings on the proposed report.
(c) FINAL REPORT.—Not later than 90 days after receiving the comments, the views and findings of the chief executive officers of the States, under subsection (b), the Secretary shall—
(1) prepare a final report of the Conference, which shall include—
(A) a statement of the policy and recommendations of the Conference;
(B) a compilation of the comments, and the views and findings of the chief executive officers of the States; and
(C)(i) the recommendations of the Secretary for a comprehensive coherent national policy on State child welfare systems (including the courts involved), after taking into consideration the comments, views, and findings; and
(ii) the recommendations of the Secretary for the administrative and legislative action necessary to implement the recommendations described in clause (i); and
(2) publish the final report in the Federal Register and transmit the report to the President and to Congress.
SEC. 8. DEFINITIONS AND REFERENCES.
(a) DEFINITION.—
(1) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.
(2) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.
(b) REFERENCES.—In this Act, a reference to a child welfare system of a State includes a reference to a child welfare system of a tribal government.
SEC. 9. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There is authorized to be appropriated $30,000,000 to carry out this Act.
(b) LIMITATION ON APPROPRIATIONS.—Authority provided in this Act to make expenditures or to enter into contracts under which the United States shall be effective only to the extent that amounts are provided, and only to the extent of the amounts provided, in advance in appropriations Acts.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. FEINSTEIN, and Mr. SCHUMER):

S. 2774. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judici-
to future judgeship needs. If caseloads continue to increase, Congress has the option to introduce legislation making permanent or renewing these temporary judgeships.

By providing that these new judgeships become effective the day after the inauguration of the next President, we attempt to insulate this effort from partisan politics.

This bill has the support of the Judicial Conference and Senators on both sides of the aisle. I thank Senators Finkenstien and Schumer for joining us in this effort. A comprehensive bill to respond to the increasing workload of our Federal judiciary is long overdue.

Mr. President, I ask unanimous consent that 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. 2774

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 “Federal Judgeship Act of 2008”.

SEC. 2. COURT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional circuit judge for the first circuit court of appeals;
(2) 2 additional circuit judges for the second circuit court of appeals;
(3) 2 additional circuit judges for the third circuit court of appeals;
(4) 1 additional circuit judge for the sixth circuit court of appeals;
(5) 2 additional circuit judges for the eighth circuit court of appeals; and
(6) 4 additional circuit judges for the ninth circuit court of appeals;

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the ninth circuit court of appeals. The first 2 vacancies arising on the court 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) TABLES.—In order that the table contained in section 44 of title 28, United States Code, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

“Districts” Judges

Alabama: Northern 7
MIDDLE 3
Southeastern 3
Alaska 3
Arizona 17
Arkansas: Eastern 5
Western 3
California: Northern 16
Eastern 10
Central 31
Southern 13
Colorado 8
Connecticut 8
Delaware 4
District of Columbia 15
Florida: Northern 4
Middle 19
Southern 19
Georgia: Northern 11
Middle 4
Southern 3
Hawaii 4
Idaho 2
Illinois: Northern 22
Central 4
Southern 4
Indiana: Northern 5
Southern 6
Iowa: Northern 2
Southern 3
Kansas 6
Kentucky: Eastern 5
Western 4
Eastern and Western 1
Louisiana: Eastern 12
Middle 3
Western 4
Maine 3
Maryland 10
Massachusetts 13
Michigan: Eastern 15
Western 4
Minnesota 8
Mississippi: Northern 3

SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;
(2) 4 additional district judges for the central district of California;
(3) 4 additional district judges for the eastern district of California;
(4) 2 additional district judges for the northern district of California;
(5) 1 additional district judge for the district of Colorado;
(6) 4 additional district judges for the middle district of Florida;
(7) 2 additional district judges for the southern district of Florida;
(8) 1 additional district judge for the southern district of Indiana;
(9) 1 additional district judge for the district of Minnesota;
(10) 1 additional district judge for the western district of Missouri;
(11) 1 additional district judge for the district of Nebraska;
(12) 1 additional district judge for the district of New Mexico;
(13) 3 additional district judges for the eastern district of New York;
(14) 1 additional district judge for the western district of New York;
(15) 1 additional district judge for the district of Oregon;
(16) 1 additional district judge for the district of South Carolina;
(17) 1 additional district judge for the eastern district of Texas;
(18) 2 additional district judges for the southern district of Texas;
(19) 1 additional district judge for the western district of Texas;
(20) 1 additional district judge for the eastern district of Virginia; and
(21) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the middle district of Alabama;
(2) 1 additional district judge for the district of Arizona;
(3) 1 additional district judge for the central district of California;
(4) 1 additional district judge for the northern district of California;
(5) 1 additional district judge for the district of Colorado;
(6) 1 additional district judge for the middle district of Florida;
(7) 1 additional district judge for the southern district of Florida;
(8) 1 additional district judge for the district of Idaho;
(9) 1 additional district judge for the northern district of Iowa;
(10) 1 additional district judge for the district of Nevada;
(11) 1 additional district judge for the district of New Jersey;
(12) 1 additional district judge for the district of New Mexico;
(13) 1 additional district judge for the district of Oregon; and
(14) 1 additional district judge for the district of Utah.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—(1) The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by subsection 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be assigned to districts as provided by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), and the district judges in those districts shall hold the office under section 313 of title 28, United States Code, as amended by this Act.

(2) The existing judgeship for the northern district of Ohio authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy arising in the district court in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 312(c) shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

“Districts

Number

Circuits

of judges

First 11
Second 7
Third 15
Fourth 16
Fifth 15
Sixth 17
Seventh 11
Eighth 13
Ninth 33
Tenth 12
Eleventh 12
Federal 12

SEC. 4. TABLES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the district of Arizona;
(2) 4 additional district judges for the central district of California;
(3) 4 additional district judges for the eastern district of California;
(4) 2 additional district judges for the northern district of California;
(5) 1 additional district judge for the district of Colorado;
(6) 4 additional district judges for the middle district of Florida;
(7) 2 additional district judges for the southern district of Florida;
(8) 1 additional district judge for the southern district of Indiana;
(9) 1 additional district judge for the district of Minnesota;
(10) 1 additional district judge for the western district of Missouri;
(11) 1 additional district judge for the district of Nebraska;
(12) 1 additional district judge for the district of New Mexico;
(13) 3 additional district judges for the eastern district of New York;
(14) 1 additional district judge for the western district of New York;
(15) 1 additional district judge for the district of Oregon;
(16) 1 additional district judge for the district of South Carolina;
(17) 1 additional district judge for the eastern district of Texas;
(18) 2 additional district judges for the southern district of Texas;
(19) 1 additional district judge for the western district of Texas;
(20) 1 additional district judge for the eastern district of Virginia; and
(21) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the middle district of Alabama;
(2) 1 additional district judge for the district of Arizona;
(3) 1 additional district judge for the central district of California;
(4) 1 additional district judge for the northern district of California;
(5) 1 additional district judge for the district of Colorado;
(6) 1 additional district judge for the middle district of Florida;
(7) 1 additional district judge for the southern district of Florida;
(8) 1 additional district judge for the district of Idaho;
(9) 1 additional district judge for the northern district of Iowa;
(10) 1 additional district judge for the district of Nevada;
(11) 1 additional district judge for the district of New Jersey;
(12) 1 additional district judge for the district of New Mexico;
(13) 1 additional district judge for the district of Oregon; and
(14) 1 additional district judge for the district of Utah.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—(1) The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by subsection 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, and the existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), and the judgeships in those districts shall hold the office under section 313 of title 28, United States Code, as amended by this Act.
Court Security Improvement Act of 2007

amendment made by section 509(a)(2) of the
made by this Act shall take effect after the

For that reason, when I chaired the
Judiciary Committee I sponsored and
co-sponsored judge-ships bills in 2000
when Bill Clinton was President and in the
108th Congress under the current
President. I am cosponsoring this bill with Senator
LEAHY, the current Judiciary Com-
mittee, chairman. It is based on the ju-
dicial conference’s assessment of their
needs, not on backroom political deals, and it reflects the changes to the allo-
cation of appeals court seats made in
S. 378, the Court Security Improvement Act, which I also cosponsored.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. HARKIN, and Mrs. CLINTON):
S. 2775. A bill to amend the Internal
Revenue Code of 1986 and the Social Se-
tics Act to treat certain domes-
tically controlled foreign persons per-
forming services under contract with
the United States Government as
American employers for purposes of
certain employment taxes and benefits;
to the Committee on Finance.

Mr. KERRY. Mr. President, today
Representatives Ellsworth and Eman-
uel and Senator OBAMA and I are intro-
ducing the Fair Share Act of 2008 which
ends the practice of U.S. Government
contractors setting up shell companies in
foreign jurisdictions to avoid payroll
taxes. On March 6, 2008, Farah Stock-
man of the Boston Globe reported that
Kellogg, Brown and Root Inc. KBR, has
avoided payroll taxes by hiring work-
ers through shell companies in the
Cayman Islands. The article estimates that
hundreds of millions of dollars in
payroll taxes have been avoided a dis-
turbing, yet not all too surprising dis-
covergy.

KBR is an American engineering and
construction company, formerly a sub-
sidiary of Halliburton, based in Hous-
ton, TX. Throughout its history, KBR
and its predecessors have won numer-
ous contacts with the United States
military. In recent years, however,
many of these contacts have been called
in to question based on every-
thing from wasteful spending to mis-
management and lack of competition.
The evasion of payroll taxes is yet one
more serious misstep.

The Fair Share Act of 2008 will end
the practice of U.S. Government con-
tractors setting up shell companies in
foreign jurisdictions to avoid payroll
taxes. The legislation amends the In-
ternal Revenue Code and the Social Se-
tics Act to treat foreign subsidiaries of
U.S. companies performing services
under contract with the U.S. Govern-
ment as American employers for the
purpose of Social Security and Medi-
care payroll taxes. The legislation will
apply to foreign subsidiaries of a U.S.
parent. The degree of common own-
ship applied by the legislation is 50 per-
cent, meaning that the U.S. parent
would have to own more than 50 per-
cent of the subsidiary.

In addition, the legislation addresses
the situation in which a U.S. sub-
sidiary of a foreign corporation sub-
contracts with its foreign subsidiary to
perform a contract with the U.S. Gov-
ernment. In this situation, the legis-
lation would apply to wages paid by
the foreign subsidiary to its U.S. employ-
ees. The legislation does not address
the situation in which the foreign par-
ent contracts directly with the U.S.
Government. Present law will continue
to apply to totalization agreements.
The legislation applies to services per-
formed after the date of enactment.

The bottom line is this: Federal con-
tractors should not be allowed to use
tax loopholes to avoid paying U.S.
Medicare and Social Security taxes on
behalf of their American employees
working in Iraq. Furthermore, KBR
should have a competitive advan-
tage over its U.S. competitors because
it sets up sham corporations to avoid
paying its fair share of U.S. payroll
taxes. Failing to contribute to Social
Security and Medicare thousands of
times over is not shielding the tax-
payers they claim to protect, it is cost-
ing our citizens.

At a time when as much as $300 bil-
ion per year in taxes goes uncollected
by the government, and by some esti-
mates more than a third of that money
may be related to corporations using
offshore tax havens, we should close
evry loophole possible.

Just last week, the Government Ac-
countability Office, GAO, went to the
Caymans to investigate U.S. compa-
ies offshore operations. The GAO
went to look at the buildings where
U.S. corporations locate shell corpo-
ations. These corporations are often
nothing more than a computer file. Ac-
cording to the Boston Globe, the KBR
Cayman Island corporations do not
even have an office or a phone number.
I commend Senators Baucus and
Grassley for requesting this investiga-
tion.

As a member of the Finance Com-
mittee, I will continue working to
close corporate loopholes that are
fueled by greed. I urge my colleagues
to support ending this egregious prac-
tice.

Mr. President, I ask unanimous con-
sent 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. 2775
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in
Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Fair Share
Act of 2008”.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated
such sums as may be necessary to carry out
the provisions of this Act, including such
sums as may be necessary to provide appro-
priate space and facilities for the judicial po-
tions created by this Act.

SEC. 5. EFFECTIVE DATE.
(a) In GENERAL.—This Act (including the
amendments made by this Act) shall take ef-
fect on January 21, 2009.
(b) COORDINATION RULE.—The amendments
made by this Act shall take effect after the
amendment made by section 509(a)(2) of the
Court Security Improvement Act of 2007
(Public Law 110–177; 121 Stat 2543).

MR. HATCH. Mr. President, Ameri-
cans are pledged to have the best and
most independent judicial system in
the world. In our constitutional frame-
work, Congress has responsibility to
both make the laws and ensure that
the judiciary tasked with interpreting
and applying those laws has the ap-
propriate resources. This includes address-
ing the staffing and compensation
needs of the judicial branch, and we
should strive to do so without political
gambles or speculation about the out-
come of elections.

Vermont ......................................... 2
Virginia: Eastern ............................... 8
Western ............................... 4
North Carolina: Eastern .......................... 28
Middle ....................................... 18
Western ....................................... 5
North Dakota .................................. 2
Ohio: Northern .................................. 11
Southern ..................................... 8
Oklahoma: Northern ............................ 3
Eastern ....................................... 6
Western ....................................... 7
Oregon, Eastern, and Western ........................ 1
Pennsylvania: Eastern .......................... 22
Middle ....................................... 6
Western ....................................... 10
Puerto Rico ..................................... 7
Rhode Island .................................. 3
South Carolina .................................. 11
South Dakota .................................... 3
Tennessee: Eastern .............................. 5
Middle ....................................... 4
Western ....................................... 5
Texas: Northern .................................. 12
Southern ...................................... 21
Eastern ....................................... 8
Western ....................................... 14
Utah ............................................. 5
Vermont ......................................... 2
Virginia: Eastern .................................. 12
Western ....................................... 4
Washington: Eastern ........................... 4
Western ....................................... 8
West Virginia: Northern ........................ 3
Southern ...................................... 5
Wisconsin: Eastern ............................. 5
Western ....................................... 2
Wyoming ......................................... 3.
SEC. 2. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS. 

(a) PICA TREATMENT. —Section 3121 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN FOREIGN PERSONS AS DOMESTIC PERSONS. —

"(1) In general. —If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

"(2) Domestic corporation. —A controlled group of entities (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

"(3) Treatment of certain foreign persons as American employer.

"(i) In general. —If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

"(ii) The determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

"(g) EFFECTIVE DATE. —The amendment made by this section shall apply to services performed after the date of the enactment of this Act.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. ENSHIN, and Mr. COLEMAN):

S. 2777. A bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record, as follows:

S. 2777

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Dr. Oscar Elias Biscet was born on July 20, 1961, in Havana, Cuba,

(2) Dr. Biscet is married to fellow democracy advocate, Elsa Morejon Hernandez, and he has 2 children.

(3) Dr. Biscet is currently serving a 25-year prison sentence for allegedly committing crimes against the sovereignty of the Cuban regime;

(4) in 1997, Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana, which promotes and denounces human rights violations inside Cuba and wherever the rights and liberties of human beings are disregarded;

(5) as a physician, Dr. Biscet denounced the double-standards and systematic repression of the Cuban National Health Care System, and as a result he was forbidden from practicing medicine;

(6) on February 27, 1999, Dr. Biscet was imprisoned for 3 years, after hanging the national flag sideways at a press conference;

(7) although he independently and democratically advocates have always used this statement as a sign of civil disobedience, the regime nonetheless accused Dr. Biscet of insulating the nation's symbols, public disorder, and inciting criminal activity;

(8) once released in 2002, and unable to practice medicine, Dr. Biscet engaged in organizing seminars on the Universal Declaration of Human Rights;

(9) on December 6, 2002, on his way to one such meeting, he and several of the seminar's participants were beaten and arrested;

(10) on April 7, 2003, Dr. Biscet was sentenced to 25 years in prison and sent to a special state security prison, Kilo Cinco y Medio in Pinar Del Rio province;

(11) Dr. Biscet has declared himself a "plantado", a political prisoner who refuses to undertake ideological "reeducation" or wear a common prisoner's uniform and therefore remains in Cuba's political gulag;

(12) on November 5, 2007, President Bush redesignated Dr. Biscet a political prisoner (in absentia) with the Presidential Medal of Freedom, stating that “Dr. Biscet is a champion in the fight against tyranny and oppression. Despite being imprisoned for his beliefs, he continues to advocate for a free Cuba in which the rights of all people are respected.”; and

(13) Dr. Biscet is a follower of the Dalai Lama, Ghandhi, and Martin Luther King, and continues to fight every day to bring democracy and justice to Cuba.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Dr. Oscar Elias Biscet in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike and sell duplicates in bronze of the gold medal pursuant to this Act.

SEC. 3. DUPLICATE MEDALS.

(a) NATIONAL MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) STATUS OF MEDALS.—(1) NATIONAL MEDALS.—The medals struck pursuant to this Act, which have been accepted by foreign governments, may be disposed of in such manner as the Secretary shall determine.

(2) NUMISMATIC ITEMS.—For purposes of sections 5334 and 5336 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 4. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprises Fund such amounts as may be necessary to pay the cost of the medallion, labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprises Fund.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. SALAZAR, Mr. ALLARD, and Mr. BENNETT):

S. 2779. A bill to amend the Surface Mining and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain reclamation projects: to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment in the West. This legislation addresses a recent interpretation by the Department of the Interior, DOI, which restricts the ability of states to use certain funds under the Abandoned Mine Reclamation Act.
Under the bill, western, non-certified states could continue to use the payments comprising their so-called previously unappropriated state share balances for noncoal reclamation. I hope that my colleagues will support this legislation, which has important implications for abandoned mine clean-up in the West.

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. 2779

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

SECTION 1. ABANDONED MINEL RECLAMATION.

(a) LIMITATION ON FUNDS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting "or section 411(b)(1)" after "section 402(g)."

(b) USE OF FUNDS.—Section 411(b)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(c)(1)(D)(ii)) is amended by inserting "or 409" after "section 403."

By Ms. STABENOW (for herself and Mr. BUNNING):

S. 2781. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

Ms. STABENOW. Mr. President, I wish to discuss a critical infrastructure issue facing our nation. As our population ages, we will need more health care professionals. We are already seeing shortages in critical areas such as nursing.

The council on Graduate Medical Education, COGME, has also strongly advised that we need to train more physicians. COGME recommends that the number of physicians entering residency programs increase by 3,000 over the next 10 years to partially remedy an anticipated shortfall of 85,000 physicians by 2020.

Yet for many of my teaching hospitals, there is a problem in how they are reimbursed through the Medicare Program for training the next generation of doctors. Their "graduate medical education" reimbursement GME, is based on data collected over 30 years ago that no longer reflects current costs and increasing needs. Over 30 Michigan teaching hospitals lose more than $745,000,000 per year as a result of Medicare's outdated policy. Insufficient funding makes it very difficult for hospitals to train a workforce sufficient to care for the growing Medicare population.

Congress has recognized that this formula has caused unfairness in GME payments. In 1999, Congress set a minimum payment level at 70 percent of the national average, and in 2000, Congress raised the minimum payment level again to 85 percent of the national average.

The bill I am introducing today with my colleague, Senator BUNNING, merely raises the floor again to 100 percent of the national average over a 3-year period. Teaching hospitals could use the additional money to make up shortfalls or pay for additional resident to train.

I am pleased to have the support of the American Osteopathic Association as well as many of Michigan's premier medical schools and academic medical centers.

I look forward to working with my colleagues on ensuring that our Nation's teaching hospitals are the envy of the world and that we have the physician workforce we need for the future.

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 printed in the Record, as follows:

STATEWIDE CAMPUS SYSTEM, MICHIGAN STATE UNIVERSITY COLLEGE OF OSTEOPHISTIC MEDICINE, March 10, 2008.

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: The Statewide Campus System at Michigan State University is a consortium of 26 hospitals in Michigan. Its primary purpose is to provide medical education to nearly 2,000 residents, and fellows and interns within our state. Support for the training of these physicians comes primarily from federal matching through the Medicare program. We are acutely aware of the current shortfall of training residency positions that exists from Medicare that is used to offset medical education. We welcome increased patient safety and competency assessment of procedures performed by residents are unfunded mandates that we are now challenged to provide.

As we aware that Congress has addressed this issue in piecemeal fashion in moving the reimbursement level from 70 to 85 percent of the locally adjusted national average. It is further recommended in the Medicare Modernization Act of 2003 by adding a provision that the redistributed postdoctoral positions be reimbursed at 100 percent of the national average.

This is to level the playing field so that teaching institutions can be compensated in accordance with their regionally adjusted average and use the additional funds to expand our educational commitments to residents.

The Statewide Campus System is supportive of your efforts to introduce legislation that would increase Medicare's Direct Medical Educational payments at 100 percent for those hospitals whose historical costs are less than the national average. We strongly endorse legislation that has the same impact sponsored in the 109th Congress, S. 2589 and H.R. 4371.

Sincerely yours,

MARK CUMMINGS, PhD,
Associate Dean, SCS,
UNIVERSITY OF MICHIGAN HEALTH SYSTEM,
March 11, 2008.

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of Michigan's hospitals disadvantaged under Medicare's Direct Graduate Medical Education payment system, we strongly endorse...
your legislation to address the longstanding inequities for graduate medical education to be introduced on the Senate floor on March 13, 2008.

As you know, Medicare’s formula for paying hospitals that operate teaching programs is based on data from the early 1980s which are significantly below current costs and increasing net reimbursement funding makes it very difficult for hospitals to train a workforce sufficient to care for the growing Medicare population.

In a state where 34 teaching hospitals lose more than $13 million a year as a result of Medicare’s out-dated policy. More than 600 hospitals also receive less than the national average payment from Medicare for the direct costs of providing graduate medical education.

Congress has addressed this problem over the past 7 years in various incremental ways. In 2000, Congress included provisions in the “Medicare, Medicaid and SCHIP Benefit Improvement and Protection Act” (BIPA) to raise the floor for direct graduate medical education payments from 70 percent of the locality adjusted national average to 85 percent. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare’s payments to teaching hospitals by including a provision requiring that any resident positions redistributed to other hospitals be reimbursed at 100 percent of the national average.

The legislation would continue on this important path by increasing Medicare’s Direct Graduate Medical Education (DGME) payments to hospitals to 100 percent of the national average per resident for facilities whose historical costs are less than the national average. In short, Medicare should pay for the average cost of operating a training program, not simply the cost that is less than Medicare’s fair share of the costs of operating a medical education program. We appreciate your leadership on behalf of the teaching hospitals, the physicians we train, and the patients we serve.

Sincerely,

Douglas Strong, Chief Executive Officer, UMHHC
American Osteopathic Association

Hon. Debbie A. Stabenow, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. Jim Bunning, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENSORS STABENOW AND BUNNING: On behalf of the 61,000 osteopathic physicians represented by the American Osteopathic Association (AOA), I am pleased to inform you of our support for your legislation, which would amend title XVIII of the Social Security Act to increase to 100 percent of the national average payment from Medicare for the costs of educating and training quality physicians who are capable of meeting the health care needs of the nation. However, we must increase the payment floor for direct graduate medical education payments.

Again, thank you for your leadership on this issue. The AOA and our members stand ready to assist you in securing the enactment of this important legislation. Please do not hesitate to call upon the AOA for assistance as you move forward on this issue.

Sincerely,

Peter B. Ajluni, DO
President.

Hon. Debbie A. Stabenow,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

Hon. Jim Bunning,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

SEumas STABENOW AND BUNNING: On behalf of the Coalition for DGME Fairness, thank you very much for introducing direct graduate medical education (DGME) legislation.

We stand together in strong support of your legislation so that we can continue to train a workforce sufficient to care for the growing Medicare population. Medicare pays less than its fair share for the costs of educating doctors in more than 600 hospitals across the country.

Your legislation would address the out-dated methodology and longstanding inequity by increasing the Direct Graduate Medical Education (DGME) payment—for hospitals whose historical costs are less than the national average—to 100 percent of the national average per resident amount. Medicare pays hospitals for operating teaching programs based on costs reported in the early 1980s. These payments bear little, if any, relationship to the actual cost of operating training programs in the 21st century.

Twice before (1999 and 2001), Congress made incremental improvements in DGME payments for these hospitals, implementing a floor at 70 percent and then raising it to 85 percent of the national average. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare’s payments to teaching hospitals by requiring that unused residency positions redistributed to other hospitals be paid 100 percent of the national average. This legislation would complete Congress’s work to address this inequity.

On behalf of our physicians, hospitals, and the patients we serve, we commit to work diligently with you to this legislation enacted. If you have further questions or need to get in touch with the coalition please contact Peggy Tighe, Partner at Strategic Health Care at 202-266-2600 or at peggy.tighe@ahcme.org.

Sincerely,

COALITION FOR DGME FAIRNESS.

Enclosure.

ALABAMA
Huntsville Hospital; University of Alabama

ARKANSAS
Crittenden Memorial Hospital

CALIFORNIA
Cedars-Sinai Medical Center; Loma Linda University Medical Center; Pacific Hospital; Long Beach Memorial Hospital; Stanford Hospital; UCLA Medical Center; UC San Francisco Medical Center; University of CA Davis Medical Center; UCSF Medical Center; UCI Medical Center; UCLA Neuropsychiatric Hospital.

CONNECTICUT
Bridgeport Medical Center; Danbury Hospital; Hospital of St. Raphael; Saint Francis Hospital & Medical Center; Yale New Haven Hospital.

DISTRICT OF COLUMBIA
Georgetown University Hospital.

FLORIDA
Bayfront Medical Center; H. Lee Moffitt Cancer Center; Tampa General Hospital; Westchester General Hospital.

ILLINOIS
Memorial Medical Center; Mercy Hospital & Medical Center; Northwestern Memorial Hospital; St. Johns Hospital.

INDIANA
Ball Memorial Hospital.

KANSAS
University of Kansas Hospital.

KENTUCKY
Jewish Hospital; St. Mary’s Mercy Medical Center; University of Louisville; University of Kentucky Hospital.

MASSACHUSETTS
Mount Auburn Hospital; Tufts-New England Medical Center.

MAINE
Maine Medical Center.

MICHIGAN
Botsford General Hospital; Genesys Regional Medical Center; Henry Ford Bi-County Hospital; Henry Ford Wyandotte; Ingham Regional Medical Center; Mount Clemens General Hospital; POH Medical Center; St. Joseph Mercy Hospital; University of Michigan Health System.

MINNESOTA
St. Mary’s Medical Center.

MISSOURI
Des Peres Hospital; Freeman Health; St. Luke’s.

NORTH CAROLINA
Duke University Health System.

NORTH DAKOTA
Trinity Health.

NEW JERSEY
Monmouth Medical Center; Newark Beth Israel Medical Center; Saint Barnabas Medical Center; UMDNJ—University Hospital; Union Hospital.

OHIO
Cleveland Clinic Hospital; Clinton Memorial Hospital; Doctors Hospital; Fairview Hospital; Hillcrest Hospital; Forum Health Western Reserve; James Cancer Hospital; Medical University of Ohio; Ohio State University Hospital; National Jewish; Methodist; Southern Ohio Medical Center; South Pointe Hospital; St. Elizabeth Health Center; St. Joseph Regional Health Center; The University of Toledo; University Hospitals.

OKLAHOMA
Hillcrest Medical Center; Oklahoma State Univ. Medical Center; St. Anthony Hospital.

PENNSYLVANIA
Lancaster General Hospital; Lehigh Valley Hospital; Memorial Hospital; Millcreek Community Hospital; Robert Parker Hospital.

RHODE ISLAND
Miriam Hospital; Rhode Island Hospital.

TEXAS
JPS Health Network; Memorial Hermann Hospital System; St. Josephs, Ryan.

UTAH
Univ. of Utah Hospitals and Clinics.
Mr. BUNNING. Mr. President, I am proud to be introducing legislation today with Senator STABENOW that will benefit many of the teaching hospitals across the nation, including 20 facilities in the Commonwealth of Kentucky.

Teaching hospitals play a critical role in educating, inspiring, and preparing our young doctors to meet the challenges of their new profession. Although necessary, this training adds to the cost of patient care. That is why Medicare pays these hospitals for its share of the cost of training new physicians through payments known as direct graduate medical education payments—or DGME payments.

Unfortunately, there is some inequity in how DGME payments are calculated. The legislation we are introducing today takes steps to adequately reimburse teaching hospitals for the cost of training new physicians.

Teaching hospitals initially reported their direct costs to the Department of Health and Human Services in the mid-1980s. These reported amounts are now the basis for which each teaching hospital is reimbursed.

Unfortunately, there was a disparity in the types of costs each hospital reported, which has lead to large variations in payments between hospitals. Hospitals are also being reimbursed on data that is 20 years old.

To help rectify this problem, in 1990 Congress passed the Nutrition Labeling and Education Act, NLEA, requiring fast-food and other chain restaurants to provide point of sale information on calories, saturated fat, trans fat, and sodium and will require point of sale labeling of calories on foods sold in vending machines.

I would also like to note that last night, one of the true lions of the Senate, my old friend Howard M. Metzenbaum from Ohio, passed away. Senator Metzenbaum was a good friend and a great senator. One of his great achievements in the Senate is that he was the author of and the driving force behind the Nutrition Education and Labeling Act, which first established nutrition labeling for packaged foods. The bill that we are introducing today builds upon Senator Metzenbaum’s work on nutrition labeling, and in honor of his work and his distinguished career, I am naming this bill after him.

Let there be no doubt: poor nutrition in America is indeed an epidemic, and it is continuing to grow. This is a public health crisis and we must address it. Although this bill alone will not end the problem of obesity in its tracks, it provides consumers with an important tool with which to make better choices about the food that they and their children consume.

By Mr. GRASSLEY:

S. 2786. A bill to amend the title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Medicare Rural Health Access Improvement Act of 2008.

The purpose of this legislation is to continue ongoing efforts to ensure that Americans in rural areas have access to health care services. Much has been done in the past to improve access to rural providers such as hospitals and doctors. Much more still needs to be done.

I hold town meetings in each of the 99 counties in the great State of Iowa every year. As many know, Iowa is largely a rural State, and a significant concern that I consistently hear during these meetings is the difficulty my constituents experience in accessing health care services. As the former chairman and currently the ranking member of the Finance Committee, it has, therefore, been a priority for me to advocate for the availability of health care in rural areas.

In Iowa, as in many rural areas across the country, hospitals are often
not only the sole provider of health care in rural areas, but also employers and purchasers in the community. Moreover, the presence of a hospital is essential for purposes of economic development because businesses check to see if a hospital is in the community in which they want to set up shop. You can see, it is vital that these institutions are able to keep their doors open.

In previous legislation, Congress has been able to improve the financial viability of rural hospitals. For instance, the creation and subsequent improvements to the Critical Access Hospital designation has greatly improved the financial health of certain small rural hospitals and ensured that community residents have access to health care.

However, there are still a group of rural hospitals that need help. I am referring to what are known as “tweener” hospitals, which are too large to be Critical Access Hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. These facilities are struggling to stay afloat despite their tireless efforts. Like in many communities across the country, the staff of tweener hospitals and their community residents take great pride in the quality of care at these facilities. I have heard countless stories of the exemplary work tweener hospitals in Iowa perform not only as providers of essential health care, but also as responders of their communities. It is for this reason that many provisions in this bill are intended to improve the financial health of tweener hospitals and ensure that people have access to health care.

Most tweener hospital are currently designated as Medicare Dependent Hospitals and Sole Community Hospitals under the Medicare program. There are provisions, both temporary and permanent, included in this bill that would improve payments for Medicare services for this types of hospitals. This includes improvements to the payment methodologies so that inpatient payments to these facilities would better reflect the costs they incur in providing care. Improvements are also proposed in this bill to Medicare hospital outpatient payments for both Medicare Dependent Hospitals and Sole Community Hospitals so they would both share the benefit of hold harmless payments and add-on payments.

Also a major driver of the financial difficulties that tweener hospitals face is the fact that many have relatively low volumes of inpatient admissions. This bill would improve the existing low-volume add-on payment for hospitals so that more rural facilities with low volumes would receive the assistance they desperately need.

Over the years, many have commented that it is simply unfair for many rural hospitals to receive only a limited payment of Medicare Disproportionate Share Hospital, or DSH, payments while many urban hospitals are not subject to such a cap. This bill would eliminate the cap for DSH payments for those rural hospitals for a 2-year period. There are also other provisions that would continue to help rural hospitals. The rural flexibility program would be extended for another year. Certain rural hospitals that are paid on a cost basis for the outpatient laboratory services they provide would continue to do so on a permanent basis. And Critical Access Hospitals that provide laboratory services would be paid 101 percent of their costs regardless of whether the specimen was collected from a patient of the CAH or whether the specimen was collected in a skilled nursing facility or clinic associated with the CAH.

This legislation also seeks to improve incentives for physicians located in rural areas and increase beneficiaries’ access to rural health care providers. It includes provisions designed to reduce inequitable disparities in payments for hospital services resulting from the Geographic Practice Cost Indices, or adjusters, known as GPCIs. Medicare payment for physician services varies from one area to another based on the geographic adjustments for a particular area. These adjustments are intended to reflect cost differences in a given area compared to a national average of 1.0 so that an area with costs above the national average would have an index greater than 1.0, and an area with costs below the national average would have an index less than 1.0. There are currently three geographic adjustments: for physician work, practice expense, and malpractice expense. Unfortunately, the existing geographic adjusters result in significant disparities in physician reimbursement which penalize, rather than equalize, physician payment in Iowa and other rural states. These geographic disparities in payment lead to rural states experiencing recruitment and retaining physicians and other health care professionals due to their significantly lower reimbursement rates.

These disparities have perverse effects when it comes to realigning Medicare payment to reward quality of care. Let me put that into context. Iowa is widely recognized as providing some of the highest quality health care in the country yet Iowa physicians receive some of the lowest Medicare reimbursement due to these inequitable geographic adjustments. Medicare reimbursement for some procedures is at least 30 percent lower in Iowa than payment for those very procedures in other parts of the country. That is a significant disincentive for Iowa physicians who are providing some of the best quality care in the country, and it is fundamentally unfair. Congress needs to reduce these disparities in payment and focus on rewarding physicians who provide high quality care.

The inequitable geographic payment formulas have also exacerbated the problems that rural areas face in terms of access to health care. Rural America today has far fewer physicians per capita than urban areas. The GPCI formulas are a dismal failure in promoting an adequate supply of physicians in States such as Iowa, and more severe physician shortages in rural areas are predicted in the future.

The legislation I am introducing today makes changes in the GPCI formulas for work and practice expense to reverse this trend. It establishes a 1.0 floor for the physician work and practice expense adjustments to reduce payment differences and more accurately compensate physicians in rural areas for their true practice costs. We must act now to help rural States recruit and retain more physicians so that beneficiaries will continue to have access to needed health care.

Congress has previously enacted a number of other provisions to improve Medicare payment for health care professionals and primary care in poverty areas that will expire soon. This bill extends the five percent incentive payments for primary care and specialty physicians in poverty areas through December 2009. It also extends the existing payment arrangements which allow independent laboratories to bill Medicare directly for certain physician pathology services.

The bill includes several new provisions to improve beneficiary access to health care services. It increases rural ambulance payments by 5 percent for the next 18 months. It permanently increases the payment limits for rural health clinics. It allows hospital-based renal dialysis centers and skilled nursing facilities to provide telehealth services. It also allows physician assistants to order post-hospital extended care services and to serve hospice patients.

Finally, the bill would protect rural areas from being adversely affected by the new Medicare competitive bidding program for durable medical equipment. It would ensure that home medical equipment suppliers who provide equipment and services in rural areas and small metropolitan statistical areas, MSAs, with a population of 600,000 or less can continue to serve the Medicare program by exempting these areas from competitive bidding. We must ensure that rural areas continue to have medical equipment suppliers available to serve beneficiaries in these areas.

Mr. President, as you can see, we still have much to do when it comes to ensuring access to health care in rural America. I look forward to working with my colleagues on this important matter.

Mr. President, I ask unanimous consent that I have printed in the RECORD a summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
MEDICARE RURAL HEALTH ACCESS
IMPROVEMENT ACT OF 2008

TITLE I—PROVISIONS RELATING TO MEDICARE
PART A

Section 101. Extension of Medicare Rural Hospital Flexibility Grant Program.

Current Law
Presently, the Medicare Rural Hospital Flexibility Grant Program is authorized for $35 million from FY2006 through FY2008.

Explanation of Provision
The provision would extend this grant program through FY2009.

Section 102. Improvements to the Medicare Dependent Hospital (MDH) Program.

Current Law
MDHs are small rural hospitals with a high proportion of patients who are Medicare beneficiaries (those at least 80 years old, patients discharged on or after October 1, patient days or discharges attributable to Medicare in FY1987 or in two of the three most recently audited cost reporting periods, and that has less than 800 total discharges). A low volume hospital is defined as an acute care hospital that is located more than 25 road miles from another comparable hospital with less than 200 total discharges receive a 25% payment increase for every Medicare discharge.

Explanation of Provision
This provision would make a temporary adjustment that would provide payments in FY2007 and FY2008 for low-volume hospitals. A low-volume hospital could be located more than 15 road miles from another comparable hospital and have 2,000 discharges or less. MDHs would receive a 25% increase in payments for covered HOPD services for services starting January 1, 2009. The increase would be applied before calculations of outliers and post-discharge adjustments. The MDH would be able to revise this percentage starting for services furnished after January 1, 2010 through procedures of a regulation. The increase would not apply to pass-through drugs and biologicals. The increased payments as they relate to SCIDs and MDHs would not be implemented in a budget-neutral manner.

Section 103. Rebasing for Sole Community Hospitals (SCHs).

Current Law
Medicare payments to SCHs for inpatient hospital services are made on the basis of the federal all-inclusive payment amount or, if higher, 95% of the adjusted FY1982 or FY1987 hospital specific costs. Starting for discharges on October 1, 2006, an MDH that elected to be paid using its hospitits specific costs would have its payments based on 75% of those costs.

Explanation of Provision
Starting for discharges on October 1, 2008 until October 1, 2011, an MDH that elected to be paid using the national standardized amount or, if higher, 95% of the adjusted FY1982 or FY1987 hospital specific costs. Starting for discharges on October 1, 2006, an MDH that elected to be paid using its hospitits specific costs would have its payments based on 75% of those costs.

Section 104. Temporary Improvements to the Medicare Inpatient Hospital Payment Adjustment Cap for Low-volume Hospitals.

Current Law
Under Medicare’s Inpatient Prospective Payment System (IPPS), certain low-volume hospitals receive a payment adjustment to account for their higher costs per discharge. A low volume hospital is defined as an acute care hospital that is located more than 25 road miles from another comparable hospital and that has less than 800 total discharges during the fiscal year. Under current law, the Secretary is required to determine an appropriate percentage increase for these low-volume hospitals based on the relationship between the standardized cost-per-case for such hospitals and their total discharges to account for the additional incremental costs (if any) that are associated with such number of discharges. The low-volume adjustment is limited to no more than 80% of the prior reimbursement system. Qualifying hospitals (those located more than 25 road miles from another comparable hospital) with less than 200 total discharges receive a 25% payment increase for every Medicare discharge.

Explanation of Provision
This provision would make a temporary adjustment that would provide payments in FY2007 and FY2008 for low-volume hospitals. A low-volume hospital could be located more than 15 road miles from another comparable hospital and have 2,000 discharges or less. MDHs would receive a 25% increase in payments for covered HOPD services for services starting January 1, 2009. The increase would be applied before calculations of outliers and post-discharge adjustments. The MDH would be able to revise this percentage starting for services furnished after January 1, 2010 through procedures of a regulation. The increase would not apply to pass-through drugs and biologicals. The increased payments as they relate to SCIDs and MDHs would not be implemented in a budget-neutral manner.

Section 201. Extension and Expansion of the Medicare Hospital Outpatient Department Hold Harmless Provision for Small Rural Hospitals.

Current Law
Small rural hospitals (with no more than 100 beds) that are not SCHs that are part of a CAH, laboratory services furnished by a CAH, and clinical diagnostic laboratory services (CDL) furnished after January 1, 2010 through January 1, 2012, would be reimbursed at 101% of costs for outpatient hospital services furnished by small rural hospitals (with no more than 100 beds). This provision would make a temporary adjustment that would provide payments in FY2007 and FY2008 for low-volume hospitals. A low-volume hospital could be located more than 15 road miles from another comparable hospital and have 2,000 discharges or less. MDHs would receive a 25% increase in payments for covered HOPD services for services starting January 1, 2009. The increase would be applied before calculations of outliers and post-discharge adjustments. The MDH would be able to revise this percentage starting for services furnished after January 1, 2010 through procedures of a regulation. The increase would not apply to pass-through drugs and biologicals. The increased payments as they relate to SCIDs and MDHs would not be implemented in a budget-neutral manner.

Section 202. Extension and Expansion of the Medicare Hospital Outpatient Department Hold Harmless Provision for Rural Sole Community Hospitals (SCHs). Starting for discharges on October 1, 2008, SCHs would be able to elect payment based on their FY2002 hospital-specific payment amount. This amount would be increased by the annual update starting in FY2008.

Section 203. Clarification of Payment for Clinical Laboratory Tests Furnished by Critical Access Hospitals (CAHs).

Current Law
Medicare outpatient covered clinical laboratory services are generally paid based on a fee schedule. Clinical diagnostic laboratory services provided to patients who receive services directly from a physician on a hospital inpatient basis are paid 101% of reasonable costs. Clinical laboratory services provided by CAHs to those who are not patients are paid on the basis of the Medicare fee schedule. In no instance are Medicare beneficiaries liable for any coinsurance or deductible amounts.

Explanation of Provision
Under this provision, clinical diagnostic laboratory services furnished by a CAH starting in January 1, 2009 would be reimbursed at 101% of costs as outpatient hospital services without regard to whether the specimen was collected from a patient of the physician or laboratory. The Secretary was required to study to determine whether the costs incurred by Medicare for outpatient hospital services is based on the Medicare outpatient payment system (MOPP) for hospital outpatient depart-
Section 205. Extension of Medicare Incentive Payment Program for Physician Scarcey Areas.

Current Law

MMA provided for an additional 5% in payments to certain physicians in scarcity areas for the period January 1, 2005 through December 31, 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) extended the payment through January 1, 2008. The Secretary was required to calculate, separately for practicing primary care physicians and specialists, the ratios of such payment to Medicare beneficiaries in the county, rank each county (or equivalent area) according to its ratio for primary care and specialists separately, and then identify those areas with the lowest ratio which collectively represented 20% of the total Medicare beneficiary population in those areas. The list of counties was to be revised no less often than once every three years unless there were no new data. There would be no administrative or judicial review of the designation of the county or area as a scarcity area, the designation of an individual physician’s specialty, or the assignment of a postal zip code to the county or area. The listing of counties appeared in Appendix X and Appendix J of the 2005 physician fee schedule update.

Explanation of Provision

The provision would extend the add-on payments through December 31, 2009.

Section 206. Revisions to the Work Geographic Adjustment Under the Medicare Physician Fee Schedule.

Current Law

Medicare’s physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor. The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the national average would have an index below 1.00. The practice expense geographic adjustment is calculated by measuring variations in employee wages and rent, and geographic and practice expense geographic adjustment is calculated by measuring variations in employee wages and rent, effective 2010.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the national average would have an index below 1.00.

Subsection (b) would reduce the geographic adjustment for practice expense to 50 percent of the current adjustment for employee wages and rent, effective 2010.

Section 206. Extension of Treatment of Certain Physician Pathology Services Under Medicare.

Current Law

BBA 97 specified that independent labs that had agreements with hospitals on July 22, 1999, to bill directly for the technical component of pathology services could continue to do so in 2001 and 2002. The provision has been periodically extended. TRHCA extended the provision through 2007, and MMSEA further extended it through June 30, 2008.

Explanation of Provision

The provision would be extended through December 31, 2009.

Section 209. Extension of Increased Medicare Payments for Rural Ground Ambulance Services.

Current Law

Ambulance services are paid on the basis of a national fee schedule, which is being phased in. The fee schedule establishes seven categories of air ambulance services and two categories of air ambulance services. The payment for a service equals a base rate for the level of service plus payment for mileage. Geographic adjustments are made to a portion of the base rate.

Explanation of Provision

The provision would provide for an increase in the rates otherwise established for ground ambulance services of 5% in rural areas for the period July 1, 2008–December 31, 2009.

Sec. 210. Adding Hospital-Based Renal Dialysis Centers (Including Satellites) As Original Sites for Payment of Telehealth Services.

Current Law

Medicare pays for certain services including diagnostic interview examinations and end pharmacological management, psychiatric, other area. The listing of counties appeared in Appendix X and Appendix J of the 2005 physician fee schedule update.

Explanation of Provision

The provision would establish the RHC as a telemedicine site. The provision would permit otherwise qualifying rural health centers to serve as a telemedicine site. The provision would be effective for services furnished on or after January 1, 2009.

Section 211. Expansion of Telehealth Services to Skilled Nursing Facilities.

Current Law

Medicare covers certain services including professional consultations, office and other outpatient visits, individual psychotherapy, pharmacological management, psychiatric diagnostic interview examinations and end stage renal disease related services delivered via an eligible telecommunications system. The originating site (the location of the beneficiary receiving the telehealth service) can be a physician or practitioner’s office, a critical access hospital, a rural health clinic, a federally qualified health center, or a hospital. The originating site must be in a rural health professional shortage area or in a county that is not in a metropolitan statistical area or at an entity that participates in a specified federal telemedicine demonstration project.

Explanation of Provision

The provision would permit otherwise qualifying skilled nursing facilities to be the originating site for the provision of covered telehealth services furnished on or after January 1, 2009.

Section 212. Rural Health Clinic Improvements.

Current Law

Most rural health clinics (RHCs) receive certain services under Medicare coverage subject to per-visit payment limits and certain productivity standards. Each year the limit is increased by the percentage increase in the Medicare Economic Index (MEI). For CY2007, the RHC upper payment limit is $74.29 per visit.

Explanation of Provision

The provision would establish the RHC upper payment limit would be increased by the percentage increase in the MEI applicable to primary care services.

Section 213. Exemption for suppliers in small MSAs and rural areas.

Current Law

The MMA established Medicare competitive bidding for durable medical equipment, supplies, and other items. The Secretary is required to establish competitive acquisition areas, but has discretion to exempt rural areas and areas with low population density within urban areas that are not competitive, unless a significant national market exists through mail order for a particular item or product. The program would be phased-in so that competition under the program occurs in 10 of the largest metropolitan statistical areas (MSAs) beginning in 2008, 80 of the largest MSAs in 2009, and remaining areas after 2009.

Explanation of Provision

The provision would require the Secretary to exempt rural areas and small MSAs with a population of 150,000 or less. Competitive bid prices would not apply to rural and small MSAs exempted under this section. The provision would be effective as if included in the MMA. The provision would be effective as if incorporated into the bill prior to implementation of competitive bidding prior to September 1, 2008.
Section 214. Permitting Physician Assistants to Order Post-Hospital Extended Care Services and to Provide for Recognition of Attending Physician Assistants as Attending Physicians for Hospice Patients.

(a) Ordering Post-Hospital Extended Care Services.

Current Law

In a skilled nursing facility (SNF), Medicare law allows physicians, as well as nurse practitioners and clinical nurse specialists who do not have a direct or indirect employment relationship with a SNF, but who are working in collaboration with a physician, to certify the need for post-hospital extended care services for purposes of Medicare payment. Section 20.2.1 of Chapter 8 of the Medicaid program defines post-hospital extended care services as care provided as an extension of care for a condition for which the individual received inpatient hospital services. Extended care services are considered “post-hospital” if they are initiated within 30 days after discharge from a hospital stay that included at least three consecutive days of medically necessary inpatient hospital care.

Explanation of Provision

The provision would allow a physician assistant who does not have a direct or indirect employment relationship with a SNF, but who is working in collaboration with a physician, to certify the need for post-hospital extended care services for Medicare payment purposes.

(b) Recognition of Attending Physician Assistants as Attending Physicians to Serve Hospice Patients.

Current Law

Under the Medicare program, hospice services may only be provided to terminally ill individuals who have a physician or nurse practitioner who may be employed by a hospice program and who the individual identifies as having the most significant role in the determination and delivery of medical care to the individual at the time the individual makes an election to receive hospice care.

For an individual to be eligible for Medicare-covered hospice services, the individual’s attending physician (not including a nurse practitioner) and the medical director (or physician member of the interdisciplinary group of the hospice program) must each certify in writing that the individual is terminally ill at the beginning of the first 90-day period of hospice care.

Explanation of Provision

For purposes of a hospice written plan of care, Medicare defines an attending physician as a physician or nurse practitioner who may be employed by a hospice program and who the individual identifies as having the most significant role in the determination and delivery of medical care to the individual at the time the individual makes an election to receive hospice care.

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the text of the joint resolution was ordered to be printed in the Record, as follows:

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 481—DESIGNATING APRIL 2008 AS “NATIONAL AUTISM AWARENESS MONTH” AND SUPPORTING EFFORTS TO INCREASE FUNDING FOR RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution, which was referred to the Committee on the Judiciary:

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas there is currently only $800 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2008 as “National Autism Awareness Month” will increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as “National Autism Awareness Month”;

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for special needs of their children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, and expand programs and individualized services for those with autism across their life spans, and promote understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic option for young children with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) supports the Federal Government’s more than 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.),

(6) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(7) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 482—DESIGNATING JULY 26, 2008, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DURBIN, Mr. DONNELLY, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON) submitted the following resolution, which was referred to the Committee on the Judiciary:

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;
Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation; whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000, which is the 7th most watched sport in the Nation; whereas membership and participation in rodeo and other organizations that promote and emphasize the livelihood of a cowboy spans every generation and transcends race and gender; whereas the cowboy is a central figure in literature and the Western genre and occupies a central place in the public imagination; whereas the cowboy is an American icon; and whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

RESOLVED, That the Senate—

(1) designates July 26, 2008, as “National Day of the American Cowboy”; and
(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 483—RECOGNIZING THE FIRST WEEKEND OF MAY 2008 AS “TEN COMMANDMENTS WEEKEND”

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution which was referred to the Committee on the Judiciary:

S. Res. 483

Whereas the Ten Commandments are precepts foundational to the faith of millions of Americans; Whereas the Ten Commandments are a declaration of fundamental principles for a fair and just society; Whereas, from the founding of the United States, the Ten Commandments have been part of America’s basic cultural fabric; Whereas the national hero and first President of the United States, Washington, proclaimed in his first inaugural address in 1789: “[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, whose providential aids can supply every human defect, that His benediction may concur to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.”; Whereas one of the great leaders of the United States, President John Quincy Adams, declared in a letter to his son, “The law given from Sinai was a civil and municipal as well as a moral and religious code . . . [many] were of universal application—laws essential to the existence of men in society, and most of which have been enacted by every nation, which ever professed any code of law.”; Whereas President Harry S Truman affirmed, “The fundamental basis of this Nation’s law was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings which we get from Exodus and St. Matthew, from Isaiah and St. Paul. I don’t think we emphasize that enough, because we don’t have the proper fundamental moral background, we will finally wind up with a totalitarian govern-
the rates to be much higher than originally expected. This report will help the CDC to provide a more comprehensive picture of cerebral palsy and advance efforts to provide better services for these children.

Raising awareness of cerebral palsy is integral in the fight against this debilitating condition. I encourage my colleagues to work with Senator CASEY and me to designate March 25, 2008 as “National Cerebral Palsy Awareness Day.”

Mr. CASEY. Mr. President, I am proud to submit, along with Senator SPECTER, this resolution declaring March 25 as National Cerebral Palsy Awareness Day. With this resolution, it is my hope that we can increase education and public awareness about cerebral palsy among the general public and the medical community.

Cerebral palsy, commonly referred to as CP, is not one disorder but many. It includes a spectrum of neurological disorders that may appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture. CP is caused by damage to one or more specific areas of the brain during fetal development, or before or during birth or shortly thereafter.

Although most children with CP are born with it, it is often not detected until months or years later. The Centers for Disease Control and Prevention estimate that about 10,000 babies will develop cerebral palsy each year in the United States. According to the March of Dimes, about 2 to 3 children per 1,000 have cerebral palsy. An estimated 800,000 people in the United States have CP. The average lifetime cost of cerebral palsy is estimated at nearly $1.5 million. This includes expenses associated with additional doctor visits, speech and physical therapy, surgery, prescription drugs, transportation, emergency room visits, residential care, and other needed expenses. Children with cerebral palsy need much more attention than other children do. They have special needs for movement, interaction, and communication and require daily assistance and therapy. Many times, parents do not know where to turn.

Clearly, children and families affected by cerebral palsy need our help, our love, and support. The Centers for Disease Control and Prevention have recently released information showing that the incidence of cerebral palsy is increasing and the rate is now about 1 in 278 children. While we presently have no cure for cerebral palsy, we do have treatments that will do much to improve a child’s abilities to live the fullest life possible. Most children with CP have the capacity for intellectual and emotional development, sometimes beyond what others may expect of them. Life may be more challenging and stressful, but that should not prevent these children from getting all the help and resources we can offer them and their families.

Scientists and researchers are hopeful that we will achieve a breakthrough in treating cerebral palsy. But to do so, we must make this disorder a priority in our research and medical communities.

Every child and adult with cerebral palsy faces unique challenges and their treatment and therapy must be tailored to meet their own unique needs. But they do have one thing in common—they all share an intrinsic value and worth as human beings and children of God, equal to the value and worth of any other human being on this Earth. Many times, individuals with disabilities in one area have great gifts in other areas. With loving attention and care—and with more research into treatments and assistive resources—individuals with cerebral palsy can access their own unique gifts and full potential. Increasing public awareness and understanding will help the general public to understand the contributions such individuals have to make to their families, communities and our society at large.

It is my fervent hope that this resolution will help Americans to understand and recognize the importance of assisting our fellow citizens who have cerebral palsy, of providing support for their family members and research dollars for foundations and leading Government agencies.

SENATE RESOLUTION 485—RELATIVE TO THE DEATH OF HOWARD METZENBAUM, FORMER UNITED STATES SENATOR FOR THE STATE OF OHIO

Mr. REID (for himself, Mr. MCCONNELL, Mr. VINOVICH, Mr. BROWN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BACA, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNSACK, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Ms. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DE MINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DOHGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GORE, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAVETTE, Mr. LATHURBER, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NEUMANN, Mr. PERRY, Mr. ROBERTS, Mr. ROGERS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHEBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mrs. WYDEN) submitted the following resolution:

Resolved. That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved. That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved. That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

SENATE RESOLUTION 486—TO CONGRATULATE THE X PRIZE FOUNDATION FOR THEIR EFFORTS TO INSPIRE A NEW GENERATION OF VIALBLE, SUPER-EFFICIENT VEHICLES THAT COULD HELP BREAK THE ADDICTION OF THE UNITED STATES TO OIL AND STEM THE EFFECTS OF CLIMATE CHANG THROUGH THE AUTOMOTIVE X PRIZE COMPETITION

Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. STABENOW, Mr. DOMENICI, Mr. LEVIN, Mr. BROWN, Mr. ENSIGN, Ms. CANTWELL, and Mrs. LINCOLN) submitted the following resolution:

Resolved. That the Secretary of the Treasury communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved. That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved. That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved. That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Whereas the Automotive X PRIZE is a pri-

Whereas breakthroughs are often achieved...
Whereas the Automotive X PRIZE will award a multi-million dollar purse to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 miles per gallon of fuel or an equivalent; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate—

(1) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition; and

(2) congratulates the X PRIZE Foundation on the vision of the Foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

SENATE RESOLUTION 487—DESIGNATING MARCH 22, 2008, AS NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. CHAMBLISS (for himself and Ms. LANDRIEU) submitted the following resolution:

S. Res. 487

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs that are in need; 

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through education and rehabilitation research for counselors; 

Whereas the various professional organizations, including the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Accreditation Council on Rehabilitation Counseling Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education; and

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Education and Human Resources of the Committee of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need; Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 16 through March 22, 2008, as ‘National Rehabilitation Counselors Appreciation Week; and

(2) commends all of the hard work and dedication by rehabilitation counselors who provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assist those who require rehabilitation.

SENATE RESOLUTION 488—DESIGNATING THE WEEK BEGINNING MARCH 16, 2008, AS ‘‘NATIONAL SAFE PLACE WEEK’’

Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. LUGAR, Mr. CRAPO, Mr. BAYH, Mr. MCCONNELL, Mrs. BOXER, Mr. BUNNING, Ms. LANDRIEU, Mr. FEINGOLD, Mr. INHOFE, Mr. JOHNSON, Mr. COCHRAN, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was—

S. Res. 488

Whereas the youths of the United States will be the future bearers of the bright torch of democracy; 

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety; and

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation; 

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation’s most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance; 

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); 

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); 

Whereas the Safe Place placard displayed at businesses, schools, and other facilities is a beacon of safety and refuge to at-risk youths; 

Whereas more than 900 communities in 41 States make the Safe Place program available at nearly 16,000 locations; 

Whereas more than 200,000 youths have gone to Safe Place locations to get help when they were running away from home and had received counseling by phone as a result of Safe Place information the youths received at school; 

Whereas through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 16 through March 22, 2008, as ‘‘National Safe Place Week’’; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer involvement in, the Safe Place Program; and

(B) observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 489—DESIGNATING APRIL 2008 AS PUBLIC RADIO RECOGNITION MONTH

Ms. KLOBUCHAR (for herself, Mr. STEVENS, Mr. SPECTER, Mr. CARDIN, and Mr. LEAHY) submitted the following resolution:

S. Res. 489

Whereas the mission of public radio is to create a more informed public—one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures; 

Whereas the programming and content created and distributed by public radio is based upon three core values—qualities of mind, quality of heart and quality of spirit—and exemplifies the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community; 

Whereas public radio is known for distinctive, award-winning programming including Morning Edition, All Things Considered, A Prairie Home Companion, Marketplace, Speaking of Faith, and This American Life; 

Whereas the United States’ more than 800 public radio stations serve the nation and every congressional district with news, information, cultural, and music programming that is unique to free radio; 

Whereas some 31 million Americans listen each week to public radio programming; 

Whereas the public radio audience has doubled in the past 15 years and increased by some 70 percent in the past decade; 

Whereas public radio stations are licensed by community foundations, colleges, universities, school boards, libraries, and other local non-profit entities; 

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and tailor their programming to meet the needs of local audiences; 

Whereas public radio stations receive, on average, more than 85 percent of their annual funding from local sources; 

Whereas public radio’s public service also finds expression through a deep, rich music discovery, education and enrichment experience—both for its audience and for performers, singer-songwriters, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else; 

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history—jazz, classical, folk, blue grass, the blues, Celtic—and regards these formats as the priceless family treasures of public radio’s musical foundations; 

Whereas public radio is responding to its commitment to community and fact-based journalism with several initiatives including the local News Initiative and an effort to increase public radio’s service to communities through investments in station capacity to provide in-depth, serious, and balanced news and Public Insight Journalism, a pioneering concept that uses citizens to help cover the news by sharing their observation, knowledge, and expertise; 

Whereas public radio has embraced digital broadcasting technology because of its inherently inclusive nature and potential to expand public service programming; and

Whereas public radio stations strive to serve the public interest: Now, therefore, be it

Resolved, That the month of April 2008 shall be known as Public Radio Recognition Month, during which time all of America’s public radio stations shall be celebrated for
their contributions to our Nation’s communities and enduring civic spirit.

SENATE CONCURRENT RESOLUTION 71—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VITTER) submitted the following concurrent resolution:

S. Con. Res. 71

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on April 23, 2008, for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4235. Mr. NELSON, of Florida (for himself and Ms. SNOWE) 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 2010 through 2013.

SA 4236. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4237. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4238. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4239. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4240. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4241. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4242. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4243. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4244. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4245. Mr. SESSIONS (for himself and Mr. DE MINT) 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 4246. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4247. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4248. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4249. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4250. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4251. Mr. SESSIONS (for himself and Mr. INHOFE) 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 4252. Mr. READERS 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 4253. Mr. SESSIONS (for himself and Mr. DE MINT) 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 4254. Mr. Baucus 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 4255. Mr. REED 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 4256. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4257. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4258. Mr. BAUCUS 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 4259. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4260. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4261. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4262. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4263. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4264. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4265. Mr. SESSIONS (for himself and Mr. LIEBERMAN) 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 4335. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4336. Mr. ENSIGN (for himself and Mr. DeMINT) 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 4337. Mr. DeMINT 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 4338. Mr. DeMINT 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 4339. Mr. DeMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra;

SA 4340. Mr. DeMINT 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 4341. Mr. DeMINT 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 4342. Mr. DeMINT 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 4343. Mr. DeMINT 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 4344. Mr. DeMINT 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 4345. Mr. DeMINT 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 4346. Mr. DeMINT (for himself, Mrs. McCaskill, Mr. Coburn, Mr. Kyl, Mr. Corker, Mr. Bink, Mr. Graham, Mr. Obama, Ms. Clinton, Mr. Cornyn, Mr. Bayh, Mr. Martinez, Mr. Enzi, Mr. Barrasso, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4347. Mr. DeMINT 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 4348. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4349. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4350. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4351. Mr. OBAMA 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 4352. Mr. CASEY (for himself, Mr. Durbin, Mr. Brown, Mr. Grassley, Mr. Schumer, Mr. Johnson, Mrs. Clinton, Mr. Sanders, Mr. Shelby), submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4353. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4354. Mr. GREGG submitted an amendment intended to be proposed by Mr. GREGG to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4355. Mr. GREGG 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 4356. Mr. GREGG 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 4357. Mr. GREGG 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 4358. Mr. GREGG 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 4359. Mr. GREGG 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 4360. Mr. BAUCUS 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 4361. Mrs. CLINTON (for herself, Mr. Casey, and Mr. Brown) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4362. Mr. WHITEHOUSE 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 4363. Mr. SESSIONS 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 4364. Mr. SMITH (for himself and Mrs. Dole) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4365. Mr. SMITH (for himself and Mrs. Dole) 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 4366. Mr. ROBERTS 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 4367. Mr. GRAHAM 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 4368. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4369. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4370. Mr. HINGAMAN (for himself, Ms. Snowe, Mr. Cardin, Mr. Obama, Mr. Phylor, Ms. Collins, Mr. Dodd, Mr. Levin, Mr. Sanders, Mr. Kerrey, Mr. Sony, Mr. Snow, Mrs. Lincoln, Mr. Harkin, Mr. Nelson, of Nebraska, Ms. Starksnow, and Mrs. Clinton) submitted an amendment intended to be proposed by them to the concurrent resolution S. Con. Res. 70, supra.

SA 4371. Mr. GRAHAM (for himself and Mr. DeMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4372. Mr. KYL 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 4373. Mr. REID proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4374. Mr. VITTER 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 4375. Mr. VITTER (for himself and Mr. Casey) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4376. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4377. Mr. VITTER 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 4378. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4379. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4380. Mr. DeMINT proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SECTIONS PROPOSED TO BE ADDED

S A 4382. Mr. BOUCHER submitted an amendment intended to be proposed by Mr. Bouchet 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 58, line 24, insert after “family members” the following: “or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans’ dependency and indemnity compensation).”

SA 4386. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her 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 58, line 23, strike “family members,” and insert “family members; or veterans” and add the following: (4) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

SA 4287. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her 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:

At the end of title III, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), by the amount provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

SA 4288. Mrs. BOXER submitted an amendment intended to be proposed by her 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.
At the end of title III, add the following:

SEC. 4299. EXCLUSION OF EXTENSION OF THE $1,000 CHILD TAX CREDIT FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the $1,000 child tax credit under section 23 of the Internal Revenue Code of 1986.

At the end of title III, add the following:

SEC. 4300. EXCLUSION OF EXTENSION OF INDIVIDUAL FEDERAL INCOME TAX RATE REDUCTIONS FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of individual Federal income tax rates under section 1(i) of the Internal Revenue Code of 1986.

At the end of title III, add the following:

SEC. 4301. EXCLUSION OF MARRIAGE PENALTY RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of marriage penalty relief under the Internal Revenue Code of 1986.

At the end of title III, add the following:

SEC. 4302. EXCLUSION OF ESTATE TAX RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of estate tax relief under the Internal Revenue Code of 1986.

At the end of title III, add the following:

SEC. 4303. EXCLUSION OF TAX RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of tax relief included in the Economic Growth and Tax Relief Reconciliation Act of 2001, the Jobs and Growth Tax Relief Reconciliation Act of 2003, sections 101 and 102 of the Tax Improvement Act of 2006, and the Tax Increase Prevention and Reconciliation Act of 2005.

At the end of title III, add the following:

SEC. 4304. EXCLUSION OF EXTENSION OF 10 PERCENT FEDERAL INCOME TAX CREDIT FOR CHILDREN FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the 10 percent Federal income tax credit under section 32 of the Internal Revenue Code of 1986.
SEC. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocation aggregates and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would impose a new percentage as a rate of income generated by small businesses, farms or family ranches (within the meaning in the Rules of the Senate that it should not be in order to report 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:

SA 4298. Mr. THUNE 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:

 SEC. SENSE OF THE SENATE AGAINST LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that it should not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 7431 of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2232A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized).

(b) FEDERAL INCOME TAX RATE INCREASE.—For purposes of subsection (a), the term “Federal income tax rate increase” means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 1(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax assessed by or imposed by any such section, and the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 92 to 32 the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor and treat in 2009 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures. As a result, the levels in a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate’s strong support for passage of comprehensive importation legislation.

SEC. 4300. Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY) submitted an amendment intended to be proposed by her 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:

At the appropriate place, insert the following:

SEC. DEFICIT-NEUTRAL RESERVE FUND FOR A WIL HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, for the survivors of terrorist attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that the program will have no adverse impact on the United States economy and that it will reduce the budget deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4299. Mr. VITTER 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:

At the appropriate place, insert the following:

SEC. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGH-TAX INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINNIGAN.—The Senate makes the following findings:

(1) The United States is the world’s largest market for pharmaceuticals, yet consumers still pay the world’s highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacies. Before such programs can go into effect, the Secretary of Health and Human Services (HHS) must certify that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4301. Mr. SCHUMER (for himself and Mr. BINGGELI) 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:

At the end of title III, add the following:

SEC. DEFICIT-NEUTRAL RESERVE FUND FOR RECAPTURING EXCESS PROFITS AND INVESTING IN ROADS (REPAIR).

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would create a special temporary levy on the excess profits of United States oil companies (and foreign companies that do substantial business in the United States), in order to support the highway Trust Fund and raise additional funds for infrastructure investment, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4302. Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. CORNYN, Mr. BURR, Mr. DELMINT, Mr. ALEXANDER, Mr. MCCONNELL, Mr. BURR, Mr. THUNE, Mr. ALLARD, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, Mr. CORCKER, Mr. VITTER, Mrs. HUTCHISON, Mr. ISAKSON, Mr. ROBERTS, Mr. ENSIGN, Mr. CRAIG, Mr. GRASSLEY, Mr. BENNET, Mr. VANDENHURST, Mr. CRAPORTA, Mr. COLEMAN, Mr. INHOFE, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. SUNUNU, Mr. HATCH, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KOHL, and Mr. SALAZAR) 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:

At the appropriate place, insert the following:

SEC. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) promote choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans’ economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality.

If such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.
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:

At the appropriate place, insert the following:

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY AND VISAS FOR HIGHLY SKILLED WORKERS AND NURSES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing patients who are losing access to quality health care due to skyrocketing insurance premiums driven by frivolous lawsuits;
(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;
(3) protects the ability of injured patients to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;
(4) promotes the reduction of frivolous lawsuits and allows doctors to practice medicine in a manner that is patient-focused and not lawsuit-driven; and
(5) maintains State flexibility;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHY MOTHERS AND HEALTHY BABIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing women and children who are losing access to quality pre-natal and maternal care due to skyrocketing insurance premiums driven by frivolous lawsuits;
(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;
(3) protects the ability of injured families to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;
(4) allows doctors to practice medicine in a manner that is family-focused and not lawsuit-driven; and
(5) maintains State flexibility;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4305. Mr. GREGG 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 3, line 11, increase the amount by $258,000,000.

On page 3, line 12, decrease the amount by $1,538,000,000.

On page 3, line 13, decrease the amount by $17,675,000,000.

On page 3, line 14, decrease the amount by $20,049,000,000.

On page 3, line 15, decrease the amount by $40,875,000,000.

On page 3, line 20, increase the amount by $258,000,000.

On page 3, line 21, decrease the amount by $1,538,000,000.

On page 3, line 22, decrease the amount by $17,675,000,000.

On page 3, line 23, decrease the amount by $20,049,000,000.

On page 3, line 24, decrease the amount by $40,875,000,000.

On page 4, line 5, decrease the amount by $3,404,000.

On page 4, line 6, increase the amount by $23,386,000.

On page 4, line 7, increase the amount by $489,542,000.

On page 4, line 8, increase the amount by $1,435,229,000.

On page 4, line 9, increase the amount by $2,997,020,000.

On page 4, line 14, decrease the amount by $5,404,000.

On page 4, line 15, increase the amount by $23,386,000.

On page 4, line 16, increase the amount by $489,542,000.

On page 4, line 17, increase the amount by $1,435,229,000.

On page 4, line 18, increase the amount by $2,997,020,000.

On page 4, line 23, decrease the amount by $271,404,000.

On page 4, line 24, increase the amount by $1,561,386,000.

On page 4, line 25, increase the amount by $18,162,542,000.

On page 5, line 1, increase the amount by $21,491,229,000.

On page 5, line 2, increase the amount by $41,870,020,000.

On page 5, line 8, decrease the amount by $271,404,000.

On page 5, line 9, increase the amount by $1,289,980,000.

On page 5, line 10, increase the amount by $19,452,525,000.

On page 5, line 11, increase the amount by $40,936,754,000.

On page 5, line 12, decrease the amount by $23,386,000.

On page 5, line 16, decrease the amount by $271,404,000.

On page 5, line 17, increase the amount by $1,289,980,000.

On page 5, line 18, increase the amount by $19,452,525,000.

On page 5, line 19, increase the amount by $40,936,754,000.

On page 5, line 20, increase the amount by $41,870,020,000.

On page 6, line 16, decrease the amount by $3,404,000.

On page 6, line 17, decrease the amount by $3,404,000.

On page 6, line 20, increase the amount by $23,386,000.

On page 6, line 21, increase the amount by $23,386,000.

On page 6, line 24, increase the amount by $169,542,000.

On page 6, line 25, increase the amount by $489,542,000.

On page 7, line 3, increase the amount by $15,229,000.

On page 7, line 4, increase the amount by $1,435,229,000.

On page 7, line 7, increase the amount by $2,997,020,000.

On page 7, line 8, increase the amount by $2,997,020,000.

SA 4306. Mr. GREGG (for himself and Mr. CORNYN) 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:

At the end of title III, insert the following:

SA 4307. Mr. BUNNING (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Res. Con. 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 3, line 13, decrease the amount by $113,000,000.
On page 3, line 14, decrease the amount by $390,000,000.
On page 3, line 15, decrease the amount by $414,000,000.
On page 3, line 22, decrease the amount by $131,000,000.
On page 3, line 23, decrease the amount by $386,000,000.
On page 3, line 24, decrease the amount by $414,000,000.
On page 4, line 7, decrease the amount by $131,000,000.
On page 4, line 8, decrease the amount by $390,000,000.
On page 4, line 9, decrease the amount by $414,000,000.
On page 4, line 16, decrease the amount by $131,000,000.
On page 4, line 17, decrease the amount by $386,000,000.
On page 4, line 18, decrease the amount by $414,000,000.
On page 27, line 24, decrease the amount by $131,000,000.
On page 27, line 25, decrease the amount by $386,000,000.
On page 28, line 3, decrease the amount by $386,000,000.
On page 28, line 4, decrease the amount by $386,000,000.
On page 28, line 7, decrease the amount by $141,000,000.
On page 28, line 8, decrease the amount by $141,000,000.

SA 4308. Mr. VITTER 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 10, line 12, reduce the amount by $4,900,000.
On page 10, line 13, reduce the amount by $4,900,000.
On page 24, line 16, increase the amount by $4,900,000.
On page 24, line 17, increase the amount by $4,900,000.

SA 4309. Mr. VITTER (for himself and Mr. INHOFE) 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 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in implementing the effect of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), pro-

vided that such legislation would not in-
crease the deficit over—
(1) the 4-year period comprised of fiscal years 2008 through 2013; or
(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4310. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. AXELROD) 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:

At the end of Title III, insert the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR PATRIOT EMPLOYERS TAX CUT.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in implementing the effect of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), pro-

vided that such legislation would not in-
crease the deficit over—
(1) the 4-year period comprised of fiscal years 2008 through 2013; or
(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4311. Mr. ALEXANDER 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 $300,000,000.
On page 18, line 17, increase the amount by $300,000,000.
On page 18, line 21, increase the amount by $135,000,000.
On page 18, line 25, increase the amount by $205,000,000.
On page 19, line 4, increase the amount by $45,000,000.
On page 27, line 16, decrease the amount by $300,000,000.
On page 27, line 17, decrease the amount by $150,000,000.
On page 27, line 21, decrease the amount by $315,000,000.
On page 27, line 25, decrease the amount by $105,000,000.
On page 28, line 4, decrease the amount by $60,000,000.

SA 4312. Mr. CORNYN 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 lev-

els for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. 3. INCREASING THE NUMBER OF SENATORS NECESSARY TO WAIVE PAYGO POINT OF ORDER FROM 60 TO 100.

Section 201(b) of S. Con. Res. 21 (110th Congress) is amended by striking “three-fifths” and inserting “all.”

SA 4313. Mr. CORNYN 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:

At the end of title II, insert the following:

SEC. 3. SENATE POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT FAILS TO CONTROL GOVERNMENT SPENDING.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in gross outlays for any account if taking into consider-
ation the effect of the reconciliation bill on the total amount of mandatory outlays in each year over the period of the reconciliation bill will exceed the 30-year average, as a percentage of the United States Gross Domestic Product in any year over the period of the reconciliation bill.

(b) WAIVER.—Subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.
be determined on the basis of estimates provided by the Senate Committee on the Budget.

SA 4315. Mr. CORNYN 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:

At the appropriate place, insert the following:

SEC. 3. STOP GROWING THE DEBT.
(a) STOP GROWING THE DEBT.—The concurrent resolution on the budget for the budget year shall include spending and revenue levels that result in the gross debt for the budget year and any subsequent fiscal year covered by this concurrent resolution on the 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:

At the end of title III, insert the following:

SEC. 4. DEFICIT-NEUTRAL RESERVE FUND FOR LAW ENFORCEMENT RESOURCES RELATED TO UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for increased Federal, State, and local detention and prosecution of undocumented criminal aliens who are apprehended in the United States;

(2) provides for increased funding for the Federal, State, and local government enforcement agencies that handle immigration matters;

(3) creates real-time information sharing between Federal, State, and local government and law enforcement agencies and Federal law enforcement agencies that handle immigration matters;

(4) strengthens cooperation between Federal, State, and local law enforcement entities through enforcement initiatives that train, equip, and support border law enforcement officers and that fund costs associated with such activities at every level; and

(5) increases border-region personnel, including Federal prosecutors and judges, who handle criminal alien immigration cases and assist in the prosecution and removal of such aliens from the United States; by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4317. Mr. CORNYN 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:

At the end of title III, insert the following:

SEC. 4. DEFICIT-NEUTRAL RESERVE FUND FOR LAW ENFORCEMENT RESOURCES RELATED TO UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for increased Federal, State, and local detention and prosecution of undocumented criminal aliens who are apprehended in the United States;

(2) provides for increased funding for the Federal, State, and local government enforcement agencies that handle immigration matters;

(3) creates real-time information sharing between Federal, State, and local government and law enforcement agencies and Federal law enforcement agencies that handle immigration matters;

(4) strengthens cooperation between Federal, State, and local law enforcement entities through enforcement initiatives that train, equip, and support border law enforcement officers and that fund costs associated with such activities at every level; and

(5) increases border-region personnel, including Federal prosecutors and judges, who handle criminal alien immigration cases and assist in the prosecution and removal of such aliens from the United States; by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4319. Mr. WICKER 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 3, line 11, increase the amount by $3,000,000.
On page 3, line 12, decrease the amount by $2,000,000.
On page 3, line 13, decrease the amount by $2,000,000.
On page 3, line 20, decrease the amount by $3,000,000.
On page 3, line 21, decrease the amount by $2,000,000.
On page 3, line 22, decrease the amount by $2,000,000.
On page 4, line 5, increase the amount by $17,000,000.
On page 4, line 6, increase the amount by $15,000,000.
On page 4, line 7, increase the amount by $9,000,000.
On page 4, line 8, increase the amount by $3,000,000.
On page 4, line 9, increase the amount by $3,000,000.
On page 4, line 14, increase the amount by $17,000,000.
On page 4, line 15, increase the amount by $16,000,000.
On page 4, line 16, increase the amount by $9,000,000.
On page 4, line 17, increase the amount by $3,000,000.
On page 4, line 18, increase the amount by $3,000,000.
On page 4, line 23, increase the amount by $20,000,000.
On page 4, line 24, increase the amount by $18,000,000.
On page 4, line 25, increase the amount by $11,000,000.
On page 5, line 1, increase the amount by $3,000,000.
On page 5, line 2, increase the amount by $3,000,000.
On page 5, line 8, decrease the amount by $20,000,000.
On page 5, line 9, increase the amount by $38,000,000.
On page 5, line 10, increase the amount by $49,000,000.
On page 5, line 11, increase the amount by $52,000,000.
On page 5, line 12, increase the amount by $55,000,000.
On page 5, line 16, increase the amount by $20,000,000.
On page 5, line 17, increase the amount by $38,000,000.
On page 5, line 18, increase the amount by $52,000,000.
On page 5, line 19, increase the amount by $52,000,000.
On page 25, line 17, increase the amount by $229,000,000.
On page 25, line 16, increase the amount by $229,000,000.
On page 27, line 17, decrease the amount by $229,000,000.

SA 4324. Mr. BARRASSO 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 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO ENCOURAGE STATES TO VERIFY THE LEGAL STATUS OF ALL DRIVER’S LICENSE APPLICANTS.

(a) In General.—It shall not be in order for any conference report to the Senate to consider any bill, resolution, amendment, amendment between the Houses, motion, or conference report that provides appropriations for the Department of Homeland Security that does not fully fund the completion of the 700 miles of pedestrian fencing required under section 102(b)(1)

(b) SUPERMAJORITY WAIVER AND APPEAL.—
(1) Waiver may be waived or suspended in the Senate only by an affirmative vote of 2/3 of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 4327. Mr. GREGG (for himself and Mr. CORNYN) 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 2009 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY AND VISAS FOR HIGHLY SKILLED WORKERS AND NURSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee, subcommittee, aggregate, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide $750,000,000 for improvements to border security, including the construction of fencing along the international border between the United States and Mexico;

(2) provide for the recapture and use of visas that could have been issued to non-immigrants described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(15)(H)(i)(b)) in prior fiscal years;

(3) provide for the recapture and use of immigrant visas that could have been issued to employment-based immigrants described in section 203(b) of such Act (8 U.S.C. 1113(b)) in prior fiscal years;

(4) provide for the retention of an alien who—

(A) is employed in the United States; and

(B) is seeking an employment-based immigrant visa pursuant to such section 203(b);

(5) establish reasonable, additional enforcement relating to the use of visas for nonimmigrants described in such section 101(a)(15)(H)(i)(B); provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4329. Mr. NELSON of Florida (for himself, Mr. LAUTENBERG, Mr. SALAZAR, and Mr. MENENDEZ) 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:

At the end of title III, add the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4330. Mr. OBAMA (for himself, Mr. BOND, Mr. BROWN, and Mrs. CLINTON) 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 2009 through 2013; which was ordered to lie on the table; as follows:

On page 9, line 13, increase the amount by $5,000,000.

On page 9, line 14, increase the amount by $4,000,000.

On page 9, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

SA 4331. Mr. BAUCUS (for himself and Ms. SNOWE) 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:

At the end of the Title III, insert the following:

SEC. 4. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee, subcommittee, aggregate, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by the leaders of the health insurance industry on March 3, 2009, including prohibitions on cold calls and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products and other levels in this resolution as follows:

On page 44, line 1, insert “, including incentives or other supports for the adoption of electronic prescribing technology,” after “technology.”

SA 4332. Mr. KERRY (for himself, Ms. STABENOW, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN) 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; as follows:

On page 61, line 1, insert “, including incentives or other supports for the adoption of electronic prescribing technology,” after “technology.”

SA 4333. Mr. BAUCUS submitted an amendment intended to be proposed by
CONGRESSIONAL RECORD — SENATE
March 13, 2008

S2176

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 through 2013; which was ordered to lie on the table;

At the appropriate place, insert the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR SARBANES-OXLEY REFORM.

(a) In General.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2009 through 2013.

SA 4337. Mr. DE MINT 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 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR SARBANES-OXLEY REFORM.

(a) In General.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2009 through 2013.

SA 4338. Mr. DE MINT 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 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR SARBANES-OXLEY REFORM.

(a) In General.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2009 through 2013.

SA 4336. Mr. ENSIGN (for himself and Mr. DE MINT) submitted an amend-
subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4339. Mr. DE MINT 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:

At the end of title III, add the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR PURCHASING HEALTH INSURANCE OUTSIDE THE WORKPLACE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for individuals who do not receive health insurance coverage under their employer and who purchase such insurance on the private market, provided that such legislation would not increase taxes and would not increase the deficit as scored at the same level as scored in the report that would provide an above the line Federal income tax deduction for purchasing health insurance outside of the workplace.

SA 4340. Mr. DE MINT 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:

At the end of the resolution, insert the following:

SEC. 4. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(b) WAIVERS AND APPEALS.—

(1) WAIVER.—The Presiding Officer may by a ruling on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority leader of the Senate, or their designees.

SA 4341. Mr. DE MINT 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:

At the end of title III, add the following:

SEC. 5. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATING HEALTH INSURANCE OUT- SHUTDOWNS.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide an above the line Federal income tax deduction for purchasing health insurance outside of the workplace.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4342. Mr. DE MINT 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:

At the appropriate place, insert the following:

SEC. 6. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM WITHIN THE UNITED NATIONS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform within the United Nations, including increased accountabilities in United Nations accounting, to include an external audit of United Nations finances and the requirement of an annual financial report, streamlining of the United Nations bureaucracy, term limits for Secretaries General of the United Nations, and increased contributions to the budget of the United Nations by other leading member states by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4343. Mr. DE MINT 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:

At the end of title III, insert the following:

SEC. 7. DEFICIT REDUCTION PROTECTION POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations bill that does not include the following provision:

(b) ENFORCEMENT.—For purposes of enforcing allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, any amendment that transfers budget authority (and the outlays flowing therefrom) into the debt reduction account provided by subsection (a) shall be scored so that the budget and the debt reduction account is the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

SEC. 8. DEBATE.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4344. Mr. DE MINT 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:

At the appropriate place, insert the following:

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM WITHIN THE UNITED NATIONS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform within the United Nations, including increased accountabilities in United Nations accounting, to include an external audit of United Nations finances and the requirement of an annual financial report, streamlining of the United Nations bureaucracy, term limits for Secretaries General of the United Nations, and increased contributions to the budget of the United Nations by other leading member states by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4345. Mr. DE MINT 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:

At the end of title III, insert the following:

SEC. 10. DEFICIT REDUCTION PROTECTION POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations bill that does not include the following provision:

(b) ENFORCEMENT.—For purposes of enforcing allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, any amendment that transfers budget authority (and the outlays flowing therefrom) into the debt reduction account provided by subsection (a) shall be scored so that the budget and the debt reduction account is the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

SEC. 11. DEBATE.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).
Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 4331. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregate levels, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4346. Ms. SNOWE (for herself, Ms. COLLINS, and Mr. HATCH) submitted an amendment intended to be proposed by her 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:

At the end of title III, add the following:

SEC. 4346. DEFICIT-NEUTRAL RESERVE FUND FOR AN ABOVE-THE-LINE FEDERAL INCOME TAX DEDUCTION FOR THE PURCHASE OF HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for an above-the-line Federal income tax deduction for the purchase of health insurance by individuals ineligible for employer-provided coverage, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4347. Mr. DEMINT (for himself, Mr. MCDONALD, Mr. CUBAN, Mr. KYL, Mr. BURRES, Mr. GRAHAM, Mr. OBAMA, Mrs. CLINTON, Mr. CORNYN, Mr. BAYH, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, and Mr. INHOFE) 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 appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4347. FISCAL YEAR 2009 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.

(1) POINT OF ORDER.—It shall not be in order—

(A) to consider a bill or joint resolution offered by any Senator that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by a committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.

(1) POINT OF ORDER. — It shall not be in order to vote on the adoption of a report of conference committee if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR. — If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT. — It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES. —

(1) IN GENERAL. — It shall not be in order to consider an amendment between the Houses that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR. — If a point of order is sustained under this subsection, the amendment between the House shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER. — Any Senator may move to waive all or any points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS. — For the purpose of this section—

(1) the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term "limited tax benefit" means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEAR 2009. — The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal year 2009.

(h) APPLICATION. — This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 4348. Mr. KYL 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 3, line 10, decrease the amount by $3,692,000,000.
On page 3, line 11, decrease the amount by $10,346,000,000.
On page 3, line 12, decrease the amount by $8,659,000,000.
On page 3, line 13, decrease the amount by $2,396,000,000.
On page 3, line 14, decrease the amount by $1,855,000,000.
On page 3, line 15, decrease the amount by $1,696,000,000.
On page 3, line 19, decrease the amount by $3,692,000,000.
On page 3, line 20, decrease the amount by $10,346,000,000.
On page 3, line 21, decrease the amount by $8,659,000,000.
On page 3, line 22, decrease the amount by $2,396,000,000.
On page 3, line 23, decrease the amount by $1,855,000,000.
On page 3, line 24, decrease the amount by $1,696,000,000.
On page 4, line 4, increase the amount by $26,000,000.
On page 4, line 5, increase the amount by $223,000,000.
On page 4, line 6, increase the amount by $675,000,000.
On page 4, line 7, increase the amount by $1,068,000,000.
On page 4, line 8, increase the amount by $1,277,000,000.
On page 4, line 9, increase the amount by $1,446,000,000.
On page 4, line 13, increase the amount by $26,000,000.
On page 4, line 14, increase the amount by $223,000,000.
On page 4, line 15, increase the amount by $675,000,000.
On page 4, line 16, increase the amount by $1,068,000,000.
On page 4, line 17, increase the amount by $1,277,000,000.
On page 4, line 18, increase the amount by $1,446,000,000.
On page 4, line 22, increase the amount by $3,720,000,000.
On page 4, line 23, increase the amount by $10,569,000,000.
On page 4, line 24, increase the amount by $33,464,000,000.
On page 4, line 25, increase the amount by $3,464,000,000.
On page 5, line 1, increase the amount by $3,132,000,000.
On page 5, line 2, increase the amount by $3,142,000,000.
On page 5, line 7, increase the amount by $1,270,000,000.
On page 5, line 8, increase the amount by $14,289,000,000.
On page 5, line 9, increase the amount by $25,825,000,000.
On page 5, line 10, increase the amount by $27,087,000,000.
On page 5, line 11, increase the amount by $30,218,000,000.
On page 5, line 12, increase the amount by $33,360,000,000.
On page 5, line 15, increase the amount by $1,270,000,000.
On page 5, line 16, increase the amount by $14,289,000,000.
On page 5, line 17, increase the amount by $25,825,000,000.
On page 5, line 18, increase the amount by $27,087,000,000.
On page 5, line 19, increase the amount by $30,218,000,000.
On page 5, line 20, increase the amount by $33,360,000,000.
On page 26, line 12, increase the amount by $28,000,000.
On page 26, line 13, increase the amount by $28,000,000.
On page 26, line 16, increase the amount by $223,000,000.
On page 26, line 17, increase the amount by $223,000,000.
On page 26, line 20, increase the amount by $675,000,000.
On page 26, line 21, increase the amount by $675,000,000.
On page 26, line 24, increase the amount by $1,068,000,000.
On page 26, line 25, increase the amount by $1,068,000,000.
On page 26, line 3, increase the amount by $1,277,000,000.
On page 27, line 4, increase the amount by $1,277,000,000.
On page 27, line 7, increase the amount by $1,446,000,000.
On page 27, line 8, increase the amount by $1,446,000,000.

SA 4349. Mrs. Dole 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 17, line 14, increase the amount by $30,000,000.
On page 17, line 15, increase the amount by $2,700,000.
On page 17, line 18, increase the amount by $30,000,000.
On page 17, line 19, increase the amount by $11,400,000.
On page 17, line 22, increase the amount by $30,000,000.
On page 17, line 23, increase the amount by $18,900,000.
On page 18, line 2, increase the amount by $30,000,000.
On page 18, line 3, increase the amount by $22,800,000.
On page 18, line 6, increase the amount by $30,000,000.
On page 18, line 7, increase the amount by $25,800,000.
On page 17, line 16, decrease the amount by $30,000,000.
On page 17, line 17, decrease the amount by $2,700,000.
On page 17, line 20, decrease the amount by $30,000,000.
On page 17, line 21, decrease the amount by $11,400,000.
On page 17, line 24, decrease the amount by $30,000,000.
On page 17, line 25, decrease the amount by $18,900,000.
On page 28, line 3, decrease the amount by $30,000,000.
On page 28, line 4, decrease the amount by $22,800,000.
On page 28, line 7, decrease the amount by $30,000,000.
On page 28, line 8, decrease the amount by $25,800,000.

SA 4350. 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; as follows:

On page 18, line 16, increase the amount by $1,000,000.
On page 18, line 17, increase the amount by $1,000,000.
On page 27, line 16, decrease the amount by $1,000,000.
On page 27, line 17, decrease the amount by $1,000,000.

SA 4351. Mr. Obama 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 10, line 12, increase the amount by $10,000,000.
On page 10, line 13, increase the amount by $10,000,000.
On page 27, line 16, decrease the amount by $10,000,000.
On page 27, line 17, decrease the amount by $10,000,000.

SA 4352. Mr. Casey (for himself, Mr. Durbin, Mr. Brown, and Mr. Grassley) 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:

At the end of title III, insert the following:

SEC. 3. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on Appropriations may, if the Senate approves, reserve funds from the budget for the Food and Drug Administration, and the Departments of Agriculture and Health and Human Services as may be needed to fund food safety and nutrition programs. The Committee may provide for the establishment of food safety reserve funds in such amounts as may be necessary to fund food safety and nutrition programs for fiscal years 2008 through 2013. The funds provided under this section shall be used to support activities in the areas of food safety, food labeling, and food inspection.

SA 4353. Mrs. Boxer 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:

SEC. 4. SENSE OF SENATE ON FUNDING OF FAMILY ADVOCACY PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the 2007 American Psychological Association Presidential Task Force on Military Deployment Services for Youth, Families and Service Members—

(A) Members of the United States Armed Forces and their families face challenges and stressful conditions that are unprecedented in recent history, including unrelenting operational demands and recurring deployments in combat zones;

(B) Having a primary care provider deployed to a war zone for an indeterminate period is among the more stressful events a child can experience; and

(C) Hardships for military families may include marital problems, financial difficulties, destabilization of family relationships, potential infidelity, mental health issues, academic problems for their children, and substandard communications conditions during deployment.

(2) A study sponsored by the Army and published in the August 2007 Journal of the American Medical Association reports—

(A) that ‘‘among families of enlisted soldiers in the US Army with substantiated reports of child maltreatment, rates of maltreatment are greater when the soldiers are deployed on combat-related deployments. Enhanced support services may be needed for military families during periods of increased stress’’; and

(B) that ‘‘among Army families of enlisted soldiers with at least 1 substantiated report of child maltreatment who experienced deployments, the rate of child maltreatment was 42% greater during deployments compared with times when soldiers were not deployed’’.

(3) Increased numbers of members of the Armed Forces and their families are making use of nonmedical counseling services provided by the Family Advocacy Program of the Department of Defense. Programs such as the Family Advocacy Program directly affect military retention and are essential to the health and welfare of the members of the Armed Forces, their families, and the communities in which they live.

(b) SENSE OF SENATE.—It is the sense of the Senate that the funding levels in this resolution for fiscal year 2009 for national defense ($50) assume that not less than $401,000,000 should be made available for the Family Advocacy Program of the Department of Defense.

SA 4354. Mr. Gregg 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 50 after line 9 insert the following:

SEC. 2. BUDGET SCOPE OF CONFERENCE POINT OF ORDER.

(a) POINT OF ORDER.—It is not in order for the Senate to consider a bill reported pursuant to reconciliation directives in the most recently agreed to budget resolution (or a conference report on that measure) if the Senate did not originally commit reconciliation directives to the conference on the budget resolution.

(b) WAIVER.—Any Senator may move to waive the point of order by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the
Senate to sustain an appeal of the ruling of the Chair on the point of order raised under this section.

SA 4355. Mr. GREGG 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:

At the end of title II, insert the following:

SEC. 6. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) INTRODUCTION.—

(1) BILL.—The Committee on Appropriations may report a bill implementing the rescissions proposed in a special message transmitted by the President under part B of title X of the Impoundment Control Act of 1974 to be considered under the procedures provided in this section.

(2) MEMBER INTRODUCED.—If the President transmits a special message under part B of title X of the Impoundment Control Act of 1974 and a measure on Appropriations is introduced or reported under title X of the Impoundment Control Act of 1974, the Speaker of the House shall be notified that a bill has been introduced or reported under this section.

(b) PROCEDURES FOR EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—A vote on final passage of the bill introduced or reported under subsection (a) shall be taken in the Senate on the day the bill is reported on the floor of the Senate after the close of the 10th day of session of the House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to bring the bill in the House of Representatives to the floor shall be treated as though it were a motion to reconvene the House of Representatives and transmitted to the chair under section 1105(a) of title 31, United States Code, and transmitted to the chair relating to the application of the House of Representatives on the floor of the House of Representatives on or before the close of the next day of session of that House after the date the introduction of the bill in that House.

(b) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall be limited to not more than 4 hours, which shall be divided equally between those favoring and opposing the bill. A motion to further limit debate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) APPEALS.—Appeals from decisions of the chair relating to the application of the rules of the House of Representatives on the floor of the House shall be privileged and not debatable. An amendment to the text of the bills appropriated shall not be in order to move to reconsider the vote on any debatable motion or appeal in connection with this report. The matter shall be treated as though it were an appeal from the decision of the chair relating to the application of the rules of the House of Representatives on the floor of the House.

(d) FINAL PASSAGE.—A vote on final passage of the conference report shall be taken in the Senate and the House of Representatives on or before the close of the next day of session of that House after the date the conference report is submitted in that House. If the conference report is passed by the House of Representatives, the Conference Committee report shall be deemed to be the text of the bill passed by the Senate and the House of Representatives.

(e) ACTION OF SECOND HOUSE.—(1) IN GENERAL.—If the Senate votes, pursuant to paragraph (1)(C), the bill on the Senate companion bill shall be held pending receipt of the House conference report.

(f) ACTION OF FIRST HOUSE.—(1) IN GENERAL.—If the Senate has received the House companion bill and the Senate has not received the bill on the Senate conference report received from the House.

(g) AMENDMENTS AND DIVISIONS PROHIBITED.—
(1) **IN GENERAL.**—Except as provided in paragraph (2), no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives.

(2) **MOTION TO STRIKE.**—

(A) **SENATE.**—During consideration of a bill in the Senate, any Member of the Senate may move to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 11 other Members.

(B) **HOUSE.**—During consideration of a bill in the House of Representatives, any Member of the House of Representatives may move to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 49 other Members.

(3) **NO DIVISION.**—It shall not be in order to demand a division of any motions to strike in the Senate, or the division of the question in the House of Representatives (or in a Committee of the Whole).

(4) **NO SUSPENSION.**—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATION LAW.**—The term “appropriation law” means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

(2) **CALENDAR DAY.**—The term “calendar day” means a standard 24-hour period beginning at midnight.

(3) **DAYS OF SESSION.**—The term “days of session” means only those days on which both Houses of Congress are in session.

(4) **DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.**—The term “dollar amount of discretionary budget authority” means the dollar amount of budget authority and obligation limitations.

(A) specified in an appropriation law, or

(B) the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(B) **PRESENT IN CONGRESS.**—

(1) **APPOINTMENT.**—Representatives in the Senate from the House of Representatives shall be appointed to serve without pay as chairperson and members of committees.

(2) **QUALIFICATIONS.**—The qualifications of Members of the Senate committee are determined by the Rules Committee of the Senate.

(3) **APPOINTMENT OF CHAIRPERSON.**—The chairperson of the Senate committee shall be appointed by the President pro tempore of the Senate.

(4) **APPOINTMENT OF MEMBERS.**—Members of the Senate committee shall be appointed by a majority of the Senate given to the party or parties of the President pro tempore of the Senate.

(5) **OBJECTIVE.**—The purpose of this section is to provide for the prompt consideration of the budget of the United States Government and to reduce the amount of time required for its consideration.

(6) **PROCEDURE.**—Each provision of this section shall be considered in order to the extent provided for in the Rules of the Senate and House of Representatives.

(7) **OBSERVATIONS.**—It shall be in order for Members to make observations on the floor of the Senate without regard to the time involved.

(8) **PRESIDENT PRO TEMPORE.**—In the Senate, any motion to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 49 other Members shall be taken up immediately without a rule, debate, or amendment.

(b) **WAIVER.**—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

APPENDIX. App. of the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and considered in the House of Representatives, any Member of the House of Representatives may move to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 49 other Members.

(d) **DETERMINATION OF BUDGET LEVELS.**—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on Appropriations.

(e) **SUNSET.**—This section shall expire on September 30, 2017.

(f) **REPEAL.**—In the Senate, subsection (a) of section 305 of the Congressional Budget Act of 1974 shall no longer apply.

SA 4357. Mr. GREGG 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:

 SEC. 2. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) **APPLICABLE TIME PERIODS.**—For purposes of this subsection, the term “applicable time period” means any one of the following:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) **DIRECT-SPENDING LEGISLATION.**—For purposes of this subsection and except as provided in section 295 of the Balanced Budget and Emergency Deficit Control Act of 1985, any provision of legislation that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985, is not considered to be a direct spending legislation.

(b) **EXCLUSION.**—For purposes of this subsection, the term “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit of funds in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) **BASELINE.**—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in recent economic spending assumed by such resolution; and

(B) be calculated consistent with the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution.

(6) **PRIOR SURPLUS.**—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction are accounted for in the baseline under subsection (5)(A), in the most recently adopted concurrent resolution on the 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 30 after line 23 insert the following:

SEC. 2. SENATE POINT OF ORDER AGAINST SPECIFIC CONCILIATION DIRECTIVES THAT DO NOT PROVIDE FOR DE MINIMIS AMOUNT IN SAVINGS.

(a) In General.—It shall not be in order in the Senate to insert a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that provides reconciliation directives, pursuant to section 310 of the Congressional Budget Act of 1974, that do not instruct committees to achieve savings in their jurisdictions that total at least $290 billion over the period of the total of fiscal years 2008 through 2013, or that do not provide for paying down that national debt, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) Waiver.—(1) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) Determination of Budget Levels.—For purposes of this section, the levels of mandatory spending and reductions therefrom shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SA 4359. Mr. GREGG 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 30 after line 23, insert the following:

SEC. 3. POINT OF ORDER AGAINST TAX INCREASE MEASURES.

(a) In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, amendment between Houses, motion, or conference report thereon that includes a Federal income tax rate increase. In this paragraph the term ‘Federal income tax rate increase’ means any amendment to subsection (a), (b), (c), (d), or (e) of Section 1, or to Section 1(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) Effectiveness.—This section shall not apply with respect to budget resolution, amendment, motion, or conference report if the Congressional Budget Office and the Joint Committee on Taxation submit a report to the Chairman of the Budget Committee certifying that all of the $290 billion annual tax gap has been recovered by the United States Treasury.

(c) Waiver.—If no report referred to in section (b) is received, this section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, and decided between, and controlled by, the appellant and the manager of the bill, joint resolution, amendment, motion, or conference report, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4360. Mr. BAUCUS 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:

At the end of Title III, insert the following:

SEC. 4. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE MEDICARE ADVANTAGE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate and abusive marketing tactics by private health insurers and their agents offering Medicare Advantage plans, require Private Fee-For-Service plans that offer individual policies under the Medicare Advantage program to contract with a sufficient number of health care providers in all areas where the plan has a provider network in place, address issues related to Private Fee-For-Service plans sponsored by employers, require Private Fee-For-Service Plans to report appropriate quality measures, or make other such reforms that improve the quality and integrity of the Medicare Advantage program. The Senate shall calculate and study the portion of the national debt that resulted from President George W. Bush’s tax policies, including the tax cuts of 2001 and 2003 and the funding and operation of the war in Iraq, and to recommend equitable methods for paying down that portion of the national debt, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4363. Mr. SESSIONS 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 $1,000,000.

On page 18, line 17, increase the amount by $11,830,000.

On page 18, line 20, increase the amount by $13,000,000.

On page 18, line 21, increase the amount by $12,870,000.

On page 18, line 24, increase the amount by $13,000,000.

On page 18, line 25, increase the amount by $12,870,000.

On page 19, line 3, increase the amount by $13,000,000.

On page 19, line 4, increase the amount by $12,870,000.

On page 19, line 7, increase the amount by $13,000,000.

On page 19, line 8, increase the amount by $12,870,000.

On page 27, line 16, decrease the amount by $13,000,000.

On page 27, line 17, decrease the amount by $11,830,000.

On page 27, line 20, decrease the amount by $13,000,000.

On page 27, line 21, decrease the amount by $12,870,000.

On page 27, line 24, decrease the amount by $13,000,000.

On page 27, line 25, decrease the amount by $12,870,000.

On page 28, line 3, decrease the amount by $13,000,000.

On page 28, line 4, decrease the amount by $12,870,000.

On page 28, line 7, decrease the amount by $13,000,000.

On page 28, line 8, decrease the amount by $12,870,000.

SA 4364. Mr. SMITH (for himself and Mrs. CLINTON) 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; as follows:

At the appropriate place, insert the following:

SEC. 465. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE AUTOMATION PROJECT REGARDING MEDICARE COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other amounts in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i)(I) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(I)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4365. Mr. GRAHAM (for himself and Mrs. DOLCE) 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 49, strike line 24 and insert the following:

SEC. 225. ENERGY TAX EXTENDERS.

Section 201(a)(4) of S. Con. Res. 21 (110th Congress) is amended—

(1) in subparagraph (A), by striking “or” at the end and inserting “and” in place thereof;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) any provision of legislation that extends or modifies a tax provision that was amended in or enacted by subtitles A through E of title XIII of the Energy Policy Act of 2005 (42 U.S.C. 16001 et seq.) or any applicable appropriations bill for any fiscal year beginning after December 31, 2008.”.

SEC. 226. EXERCISE OF RULEMAKING POWERS.

SA 4366. Mr. ROBERTS 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 45, after line 25, insert the following:

SEC. 215. POINT OF ORDER LIMITING NEW EDUCATION LEGISLATION.

(a) Point of Order.—It shall not be in order in the Senate to consider a bill, resolution, amendment, motion, or conference report that establishes or contains an authorization for a Federal elementary or secondary education program that was not in existence on the day preceding the date of adoption of this resolution, until the amount appropriated to carry out part B of the Indi-
By the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4371. Mr. GRAHAM (for himself and Mr. DeMINT) 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:

At the appropriate place, insert:

SEC. 3.SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-thirds majority (300–32);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at the earliest opportunity.

SA 4372. Mr. KYL 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:

Page 62, between lines 3 and 4, insert the following:

MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest re-tirement savings, can obtain the assurance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation.

On page 4, line 24, increase the amount by $511,000,000.

On page 4, line 25, increase the amount by $19,999,000,000.

On page 5, line 1, increase the amount by $20,055,000,000.

On page 5, line 2, increase the amount by $22,368,000,000.

On page 5, line 9, increase the amount by $511,000,000.

On page 5, line 10, increase the amount by $20,509,000,000.

On page 5, line 11, increase the amount by $40,565,000,000.

On page 5, line 12, increase the amount by $62,930,000,000.

On page 5, line 17, increase the amount by $511,000,000.

On page 5, line 18, increase the amount by $20,509,000,000.

On page 5, line 19, increase the amount by $40,565,000,000.

On page 5, line 20, increase the amount by $62,930,000,000.

On page 26, line 20, increase the amount by $11,000,000.

On page 26, line 21, increase the amount by $11,000,000.

On page 26, line 24, increase the amount by $499,000,000.

On page 26, line 25, increase the amount by $499,000,000.

On page 27, line 3, increase the amount by $1,453,000,000.

On page 27, line 4, increase the amount by $1,453,000,000.

On page 27, line 7, increase the amount by $2,468,000,000.

On page 27, line 8, increase the amount by $2,468,000,000.

SA 4373. Mr. REID proposed an amendment 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; as follows:

Page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STUDIES OF CO-OPERATION WITH LOCAL LAW ENFORCEMENT.

(a) In General.—The Chairman of the Committee on the Budget of the Senate may revise the allocation of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety; or

(2) the total period comprised of fiscal years 2008 through 2013; or

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SA 4374. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S.
SA 4375. Mr. SPECTER (for himself and Mr. CASEY) 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:

At the appropriate place, insert the following:

Expressing the Sense of the Senate regarding extending the ‘Moving to Work Agreement’ between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.

Whereas, the current ‘Moving to Work Agreement’ between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008;

Whereas, Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income housing projects that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50 million dollars as a result of the agreement expiring;

Whereas, the U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions;

Whereas, the U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements;

Whereas, Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court;

Whereas, there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development’s refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions;

Whereas, it has been discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene:

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ‘‘Would you like me to make his life less happy? If so, how?’’

Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendricks wrote, ‘‘Take away all of his Federal dollars!’’

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ‘‘Let me look into that possibility.’’

Whereas, these emails were the subject of questioning by Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies;

Whereas, Philadelphia Housing Authority’s allegation of retaliation appears to be substantiated by these newly discovered emails;

Whereas, the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia; Now, therefore, be it:

Resolved, That it is the Sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its ‘‘Moving to Work Agreement’’ with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

SA 4376. Ms. SNOWE submitted an amendment intended to be proposed by her 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:

At the appropriate place, insert the following:

Resolved, That it is the Sense of the Senate that Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions; and by her 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:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR TOUGHER INSPECTION OF IMPORTED SEAFOOD AND TO ENFORCE U.S. TRADE LAWS SHRIMP, CRAWFISH, AND OTHER SEAFOOD.

(a) In GENERAL.—Subject to subsection (b), the Chairman of the Committee on Appropriations, or the appropriate subcommittee or committees, aggregates, and other levels in this resolution for one or more bills, resolutions, amendments, motions, or conference reports that—

(1) Would enforce tougher inspection requirements for imported seafood products to ensure that imported seafood products do not contain chemicals, antibiotics, or any treatments that are banned in the United States; or

(2) Would increase the enforcement of our trade laws, especially focusing on the problem of antidumping duties that are owed but are not collected, especially on crawfish from China and other seafood products.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over 10 years of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4377. Mr. VITTER 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; as follows:

On page 3, line 12, increase the amount by $4,297,000,000.

On page 3, line 13, decrease the amount by $655,000,000.

On page 3, line 14, decrease the amount by $2,645,000,000.

On page 3, line 15, decrease the amount by $1,030,000,000.

On page 3, line 21, increase the amount by $1,297,000,000.

On page 3, line 22, decrease the amount by $655,000,000.

On page 3, line 23, decrease the amount by $2,645,000,000.

On page 4, line 24, decrease the amount by $1,030,000,000.

On page 4, line 6, decrease the amount by $995,000,000.

On page 4, line 7, decrease the amount by $180,000,000.

On page 4, line 8, decrease the amount by $1,415,000,000.

On page 4, line 9, decrease the amount by $35,000,000.

On page 4, line 15, decrease the amount by $180,000,000.

On page 4, line 16, decrease the amount by $180,000,000.

On page 4, line 17, decrease the amount by $1,140,000,000.

On page 4, line 18, decrease the amount by $35,000,000.

On page 4, line 21, decrease the amount by $1,382,000,000.

On page 4, line 12, decrease the amount by $382,000,000.

On page 4, line 11, decrease the amount by $4,388,000,000.

On page 5, line 1, increase the amount by $2,531,000,000.

On page 5, line 2, increase the amount by $995,000,000.

On page 5, line 9, decrease the amount by $4,388,000,000.

On page 5, line 10, decrease the amount by $3,913,000,000.

On page 5, line 11, decrease the amount by $1,382,000,000.

On page 5, line 12, decrease the amount by $382,000,000.

On page 5, line 17, decrease the amount by $4,388,000,000.

On page 5, line 18, decrease the amount by $3,913,000,000.

On page 5, line 19, decrease the amount by $1,382,000,000.

On page 5, line 20, decrease the amount by $367,000,000.

On page 5, line 21, decrease the amount by $91,000,000.

On page 5, line 25, decrease the amount by $3,913,000,000.

On page 6, line 21, decrease the amount by $91,000,000.

On page 6, line 24, decrease the amount by $180,000,000.

On page 6, line 25, decrease the amount by $180,000,000.

On page 7, line 3, decrease the amount by $114,000,000.

On page 7, line 4, decrease the amount by $114,000,000.

On page 7, line 7, decrease the amount by $35,000,000.

On page 7, line 8, decrease the amount by $35,000,000.

SA 4379. Mrs. BOXER submitted an amendment intended to be proposed by her 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; as follows:

Expressing the Sense of the Senate regarding extending the ‘Moving to Work Agreement’ between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions; and by her 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:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR—

(a) In GENERAL.—Subject to subsection (b), the Chairman of the Committee on Appropriations may revise allocations, aggregates, and other levels in this resolution for one or more bills, resolutions, amendments, motions, or conference reports that—

(1) Would enforce tougher inspection requirements for imported seafood products to ensure that imported seafood products do not contain chemicals, antibiotics, or any treatments that are banned in the United States;

(2) Would increase the enforcement of our trade laws, especially focusing on the problem of antidumping duties that are owed but are not collected, especially on crawfish from China and other seafood products.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over 10 years of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.
Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 60, line 8, insert “or pregnant women” after “children”.

SA 4380. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of title III, insert the following:

SEC. 2. RESERVE FUND FOR BERKELEY RECONCILIATIONS AND FUNDING THE MARINE CORPS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would rescind any congressionally directed spending item for the City of Berkeley, California, and any entities located in such city, and transfer such funds to the Marine Corps, by the amounts provided in this legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

NOTICES OF HEARINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 3, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the influence of non-commercial, institutional investors on the price of oil.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, April 9, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of inducing the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, and for other purposes; S. 1993 and H.R. 2197, to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Pennsylvania, as a unit of the National Park System, and for other purposes; S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes; S. 2362, to authorize the Preserve America Program and Save America’s Treasures Program, and for other purposes; S. 2329 and H.R. 2827, to establish the Thomas Edison National Historical Park in the State of New Jersey, as the successor to the Edison National Historic Site; S. 2502 and H.R. 3332, to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; H.R. 3998, to authorize the Secretary of the Interior to conduct special resource studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures. Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 2 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS
Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to receive testimony on “Customs Reauthorization: Strengthening U.S. Economic Interests and Security”.

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

COMMITTEE ON FINANCE
Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 10:15 a.m., to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS
Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, March 13, 2008, in executive session to consider the following:

Bills:


Nominations:

National Board for Education Sciences: Jonathan Baron; Frank Handy; Sally Shaywitz.

National Foundation on the Arts and Humanities: Jamsheed Choksy; Gary Garboczi; David Hertz; Marvin Scott; Carol Swain.

National Museum and Library Science Board: Julia Bland; Jan
March 13, 2008

CONGRESSIONAL RECORD—SENATE
S2187

Cellucci; William Hagenah; Mark Herr.

Truman Scholarship Foundation: Javaid Anwar.

Assistant Secretary of Labor ODEP: Neil Ramano.

Medical Director in the Regular Corps of the Public Health Service and to be an Assistant Secretary of Health and Human Services: Joxel Garcia.

Member of the Federal Mine Safety and Health Review Commission: Robert Cohen; Michael Duffy.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, March 13, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Agenda

Bills: S. 2136, Helping Families Save Their Homes in Bankruptcy Act of 2007


Resolution: S. Res. 468, designating April 2008 as “National 9-1-1 Education Month” [Clinton, Stevens].

Nominations: Catharina Haynes to be United States Circuit Court Judge for the Fifth Circuit, and Rebecca Ann Gregory to be United States Attorney for the Eastern District of Texas.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 13, 2008, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 13, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding old-growth forest science, policy and management in the Pacific Northwest region.

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

REMOVAL OF INJUNCTION OF SECURITy—TREATY DOCUMENT NO. 110-15

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 13, 2008, by the President of the United States:


I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President’s message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the “proposed Protocol”). The proposed Protocol would amend the existing income tax Convention between the United States and Canada that was concluded in 1980, as amended by prior protocols (the “existing Treaty”). Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Protocol.

The proposed Protocol would eliminate withholding taxes on cross-border interest payments. In addition, the proposed Protocol would coordinate the tax treatment of contributions to and other benefits of, pension funds for cross-border workers. The proposed Protocol also includes provisions related to the taxation of permanent establishments, so-called dual-resident corporations, income derived through a temporary or transient presence of another U.S. citizen and long-term residents. The proposed Protocol further strengthens the existing Treaty’s provisions that prevent the Treaty’s inappropriate use by third-country residents. The proposed Protocol also provides for mandatory resolution of certain cases before the competent authorities.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

George W. Bush.


PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent that the Senate proceed to H. Con. Res. 316, the adjournment resolution.

The PRESIDING OFFICER. Without objection, the resolution will be stated by title.

The legislative clerk read as follows:

H. Con. Res. 316. Providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The concurrent resolution (H. Con. Res. 316) was considered and agreed to, as follows:

H. CON. RES. 316

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 13, 2008, or Friday, March 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, March 31, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 13, 2008, through Friday, March 28, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 31, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SNC 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. REID. I ask unanimous consent the motion to reconsider be laid on the table.

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

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 71

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael E. DeBakey, M.D.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table, and that any statements be printed in the RECORD.
The concurrent resolution (S. Con. Res. 71) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 486

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that the United States moves toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and allies of the United States;

Whereas continued reliance on the use of greenhouse gas intensive-fuel may have significant economic and political impacts as the effects of global climate change take hold;

Whereas the transportation sector is heavily dependent on oil, which makes the people of the United States vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas many promising technologies exist that could lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change; and

Whereas the Automotive X PRIZE will award a multi-million dollar purse to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 miles per gallon of fuel or an equivalent:

(1) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on the innovative and constructive efforts of the foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 487.

The concurrent resolution, with its preamble, reads as follows:

S. Res. 487

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors Association of Virginia (RCVA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVER), the National Rehabilitation Education Council (OREC) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate—

(1) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on the innovative and constructive efforts of the foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of the greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

NATIONAL SAFE PLACE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488.

The concurrent resolution, with its preamble, reads as follows:

S. Res. 488

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolved by the Senate (the House of Representatives concurring),

IT RESOLVES

That it is the sense of the Senate—

(1) designates March 22, 2008, as National Rehabilitation Counselors Appreciation Day; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

NATIONAL SAFE PLACE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488.

The concurrent resolution, with its preamble, reads as follows:

S. Res. 488

(1) designates March 22, 2008, as National Safe Place Week; and

(2) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition;

(3) congratulates the X PRIZE Foundation on the innovative and constructive efforts of the foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(4) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

NATIONAL SAFE PLACE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488.

The concurrent resolution, with its preamble, reads as follows:

S. Res. 488

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;
there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 488

Whereas the youths of the United States will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation’s most valuable asset, by offering short term safe places at neighborly locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 900 communities in 41 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 youths have gone to Safe Place locations to get help when faced with crisis situations and have received advice and counsel as a result of Safe Place information the youths received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program encourages more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—
1. designates the week of March 16 through March 22, 2008, as “National Safe Place Week”; and
2. calls upon the people of the United States and interested groups to—
   (A) promote awareness of, and volunteer involvement in, the Safe Place program; and
   (B) observe the week with appropriate ceremonies and activities.

PUBLIC RADIO RECOGNITION MONTH

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 489.

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

The legislative clerk read as follows:

A resolution (S. Res. 489) designating April 2008 as Public Radio Recognition Month.

The resolution, with its preamble, reads as follows:

S. Res. 489

Whereas the mission of public radio is to create a more informed public—one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and culture;

Whereas the programming and content created and distributed by public radio is based upon three core values—qualities of mind, qualities of heart and qualities of craft—and exemplifies the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community;

Whereas public radio is known for distinctive, award-winning programming including Morning Edition, All Things Considered, A Prairie Home Companion, Marketplace, Speaking of Faith, and This American Life;

Whereas the United States’ more than 800 public radio stations serve every State and every congressional district with news, information, cultural, and music programming that is unique to free radio;

Whereas some 33 million Americans listen each week to public radio programming;

Whereas the public radio audience has doubled in the past decade and has increased by some 70 percent in the past decade;

Whereas public radio stations are licensed by community foundations, colleges, universities, schools, libraries, and other local non-profit entities;

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and that programming meets the needs of local audiences;

Whereas public radio stations receive, on average, more than 85 percent of their annual funding from local sources;

Whereas public radio’s public service also finds expression through a deep, rich music heritage, education and enrichment experiences—both for its audience and for performers, singer-songwriters, musicians, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history—jazz, classical, folk, blue grass, the blues, Celtic—and regards these formats as the priceless family treasures of public radio’s musical foundations;

Whereas public radio is responding to its audience and for performers, singer-songwriters, musicians, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio’s public service also finds expression through a deep, rich music heritage, education and enrichment experiences—both for its audience and for performers, singer-songwriters, musicians, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

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

Mr. REID. I ask unanimous consent that Senator SHERROD BROWN be added as an original cosponsor of the resolution.

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

Mr. FEINGOLD. Mr. President, Senator Howard Metzenbaum was a progressive visionary whose strong support for America’s workers and consumers left a lasting mark on our Nation. His determination to stand for a more just America in the Senate was an inspiration to me and everyone with whom he served. His influence and the example he set still resound strongly in the Senate chamber today.

I deeply appreciate how much support and guidance Senator Metzenbaum gave to me when I came to the Senate in 1993. He had a wonderful way of bringing progressives in Congress together, and I will always be very grateful for that.

He was a force to be reckoned with on the Senate floor—earning the nickname “Senator No” through ingenious tactics to stop legislation that threatening to hurt American workers and consumers. He was known for never backing down from a Senate floor fight, and his opposition spelled trouble for almost any bill.

America’s workers had no better friend and ally in Congress than Senator Metzenbaum, who sponsored the law requiring 60 days advance notice for a plant closing. Whenever Congress acts to help those American workers struggling in a difficult economy, we are building on Senator Metzenbaum’s legacy.

He also took on Washington’s most powerful interests in an unrelenting
push to stop the wasteful spending that destroys the public’s trust in elected officials. In this way, former Senator Metzenbaum laid the ground work for those of us who continue the fight to rein in wasteful government spending. His later service as the chairman of the Consumer Federation of America was a testament to his strong commitment to consumer advocacy.

Howard Metzenbaum was such a distinguished Member of this body, both because he served the people of Ohio so well, and because he set such an outstanding example of courage and commitment to those of us who had the privilege to serve with him. I join my colleagues, the State of Ohio, and the entire Nation in paying tribute to this great American.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 485) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 485

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate the actions of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

NOMINATIONS

Mr. REID. Mr. President, I have spent a lot of time today with the President’s Chief of Staff, Josh Bolten. I have said before, he is a very pleasant man. We worked for a long time today trying to work ourselves through the nominations. I think we made great progress. I think we have left things up to do even more when we come back after 2 weeks.

To show my good faith, when Mr. Bolten said he wanted to work with us, I approved Mr. Filip, who the Attorney General said was very important to him. Judge Filip left a Federal judgeship and is now acting as the Attorney General’s Chief of Staff, for lack of a better word.

So we have made progress. And even through this that we have done today, I, in good faith, threw in some people I thought were important, even though we did not have them done—and that was not part of the original deal—and that was not the head of the Internal Revenue Service. But we have done that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. So, Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations: 401, 402, 404, 428, 429, 430, 431, 440, 441, 450, 452, 460, 461, 463, 464, 465, 467, 468, 469, 470, 475, 480, 481 through 489, 490 through 507, 509, 511 through 515, and all nominations on the Secretary’s desk; that the nominations be confirmed en bloc, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

TENNESSEE VALLEY AUTHORITY

Thomas C. Carpenter, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of 5 years.

DEPARTMENT OF JUSTICE

Ondray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. John C. Harvey, Jr.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Ana M. Guavara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

DEPARTMENT OF STATE

Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

UNITED STATES TRADE AND DEVELOPMENT AGENCY

Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency.

DEPARTMENT OF STATE

David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Jeffrey J. Gricco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

James Francis Moriarty, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People’s Republic of Bangladesh.

Margaret Scooby, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

William Joseph Have, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

DEPARTMENT OF THE TREASURY

Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the
grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Vern M. Findley, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Stephen R. Lorenz

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general


The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general


IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Martin E. Dempsey

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Rear Adm. Derwood C. Curtis

Rear Adm. Edward D. Kurtis

Rear Adm. John W. Miller

Rear Adm. Michael S. O'Brien

Rear Adm. Frank C. Pandolfe

Rear Adm. Davis L. Philman

Rear Adm. Brian C. Prindle

Rear Adm. Donald P. Quinn

Rear Adm. Walter M. Skinner

Rear Adm. James P. Wisecup

DEPARTMENT OF LABOR

Neil Romano, of Maryland to be an Assistant Secretary of Labor.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Dawn Ho Delbanco, of New York, to be a Member of the National Museum and Library Services Board for a term expiring January 26, 2014.

Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Janelle C. Williams, of Florida, to be a Member of the Board of Directors of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard in the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Amir H. Grewal

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under section 50:

To be vice admiral

Rear Adm. David P. Pekoske

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

RDML (select) Daniel R. May

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to be an assistant Secretary of Health and Human Services.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Jan Celucci, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

The following named officer for appointment as Assistant Secretary of Health and Human Services:

E. Bates, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

CAROL M. SWAIN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

C. ZERNZACH, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

The following officer for appointment as Deputy Secretary of Commerce:

John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

IN THE COAST GUARD

The following named officer for appointment as Chief of Staff of the Coast Guard and to the grade indicated under title 14, U.S.C., section 50a:

To be vice admiral

Rear Adm. Clifford I. Pearson

The following officer for appointment as Deputy Administrator of the Federal Mine Safety and Health Review Commission:

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring November 28, 2011.

Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring November 28, 2011.

The following officer for appointment as Assistant Administrator of the Federal Mine Safety and Health Review Commission:

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

The following officer for appointment to the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

The following officer for appointment to the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.
IN THE ARMY
PN1389 ARMY nomination of Samuel H. Williams, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1390 ARMY nomination of Michael R. Brooks, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1391 ARMY nomination of James E. Davis, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1392 ARMY nomination of Michael G. Ryder, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1393 ARMY nominations (51) beginning NICOLAS AGUILAR, and ending DOUGLAS M. MCKINNEN, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1394 ARMY nominations (144) beginning DORENE R. AGUAYO, and ending GEORGE J. ZECKLER, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1395 ARMY nominations (64) beginning ROY W. McGILL, and ending JOHN T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1396 ARMY nomination of Richard E. Michael, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.
PN1397 ARMY nomination of Michael E. McCowan, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.
PN1398 ARMY nomination of Michael P. Szymaniak, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.
PN1399 ARMY nomination of Barbara T. Embry, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.
PN1400 ARMY nomination of Wendell L. King, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.
PN1401 ARMY nominations (2) beginning PAUL C. FERLIK, and ending KEITH MOORE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

IN THE COAST GUARD
PN1387 COAST GUARD nomination of Kimberly J. Avsec, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.
PN1388 COAST GUARD nominations (2) beginning ANTHONY K. PALMER, and ending PATRICK J. ST. JOHN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

IN THE FOREIGN SERVICE
PN1305 FOREIGN SERVICE nominations (16) beginning Allan P. Mustard, and ending KENNETH L. KELSEY, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2008.

IN THE MARINE CORPS
PN1249 MARINE CORPS nominations (123) beginning JUAN A. ALVARADO, and ending ROGER W. SCAMBELL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.
PN1300 MARINE CORPS nominations (856) beginning BERCH H. ABBOTT, and ending RAYMOND J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1301 MARINE CORPS nomination of Phillip J. Woodward, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.
PN1302 MARINE CORPS nominations (3) beginning ANTHONY J. GIOVENCO JR., which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.
PN1303 MARINE CORPS nominations (3) beginning BRIAN J. CORRIS, and ending LARRY MIYAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.
The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote and our rights against discrimination. That hearing was the seventh the committee has held since last September’s confirmations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator’s Specter and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration’s warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts the committee has passed both sides of the aisle who care about federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignation of Attorney General Gonzales and many high-ranking Department officials.

The partisan accusations of “slow walking” nominations that the President engaged in at the White House recently, in which he used Republican Senators and nominees as political props, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales’ resignation to supposed “unfair treatment” and having “his good name . . . dragged through the mud for political reasons.” The U.S. Attorney firing scandal was of the administration’s own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are “slow-walking” nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the committee was holding eight hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many other senior officials that we also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last few months, we have confirmed 25 high-ranking Department of Justice nominees in the Senate, by unanimous consent and held hearings for several other high-ranking Justice Department spots, and voted them out of the Judiciary Committee. Today we continue that progress with three more executive nominations and other high-ranking Justice Department nominations as well as judicial nominations.

We could have made progress even sooner, had the Republican members of the Judiciary Committee not effectively boycotted our business meetings in February and obstructed our ability to report the O’Connor nominations and other high-ranking Justice Department nominations as well as judicial nominations. I adjourned both our February 14 and February 28 meetings for lack of a quorum.

What we need to do is to ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing this month with FBI Director Mueller. These are more steps forward in our efforts to lift the veil of White House secrecy, restore checks and balances to our government, and repair the damage inflicted on the Department, our Constitution, and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people’s right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding in reliance on the advice of the Department of Justice; the destruction of White House emails required by law to be preserved; and the CIA’s destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously refuse to appear when summoned by congressional subpoena.

In spite of the administration’s lack of cooperation, the Senate is moving forward with the confirmation of these executive nominations. With the confirmations today, we will have confirmed 26 executive nominations, including the confirmations of 9 U.S. attorneys, 5 U.S. marshals, and the top 2 positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House
sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of Federal law enforcement. There are now 19 districts across the country with acting or interim U.S. attorneys. The President's budget shows record annual deficits, with Osama bin Laden still at large, when gas prices rise well beyond $3 a gallon, when we lost 63,000 jobs last month, and when a mortgage crisis grips many parts of the country. Both the President and the Nation are best served by a Justice Department that is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that is a disaster for the American people.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible actions without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration. I am disappointed but not surprised to see the administration return to tired political attacks. What better time than right now, when the economy is slipping farther off the tracks, when the President's budget shows record annual deficits, with Osama bin Laden still at large, when gas prices rise well beyond $3 a gallon, when we lost 63,000 jobs last month, and when a mortgage crisis grips many parts of the country, when the President would put aside his partisan playbook and work with us to address the priorities of ordinary Americans.

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THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

MISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2012.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

TO BE lieutenant general


THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINES CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE lieutenant general

Maj. Gen. Dennis J. Hejlik

LT. Gen. Richard P. Natonski

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINES CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE lieutenant general

Maj. Gen. Duane D. Thiessen

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 13, 2008: CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

John S. Breeland, of New Jersey, to be a member of the Chemical Safety and Hazard Investigation Board for a term of five years.

John B. candy, of New Jersey, to be chairperson of the Chemical, Safety and Hazard Investigation Board, for a term of five years.

TENNESSEE VALLEY AUTHORITY

Thomas C. Gallilaud, of Georgia, to be a member of the board of directors of the Tennessee Valley Authority, to serve pursuant to Title 14, U.S.C., section 53, for a term of five years.

NUCLEAR REGULATORY COMMISSION

Kristin L. Svinski, of Virginia, to be a member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

George A. Kelly, of the district of Columbia, to be a member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.

REFORM BOARD (AMTRAK)

Thomas C. Carpenter, of Illinois, to be a member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Napp, of New York, to be a member of the Reform Board (Amtrak) for a term of five years.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

John E. Ossoren, of Delaware, to be a member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

William J. Hybl, of Colorado, to be a member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Elizabeth F. Paege, of the district of Columbia, to be a member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Ana M. Guevara, of Florida, to be an assistant secretary of state for democracy, human rights, and labor.

UNITED STATES ADVISORY COMMITTEE ON NATIONAL MUSEUMS AND LIBRARY SERVICES

Larry Woodrow Walther, of Arkansas, to be a member of the United States Advisory Committee on National Museums and Library Services.

DEPARTMENT OF STATE

David J. Kramer, of Massachusetts, to be an assistant secretary of state for international organizations.

J. Jeffrey Gruecko, of Virginia, to be an ambassador extraordinary and plenipotentiary of the United States of America to the people’s republic of Bangladesh.

Margaret Scovett, of Tennessee, a career member of the senior foreign service, to be ambassador at large.

Douglas W. Shulman, of the district of Columbia, to be commissioner of internal revenue for a term prescribed by law.

DEPARTMENT OF LABOR

Neil Romano, of Maryland, to be an assistant secretary of labor.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Michael F. Duffy, of the district of Columbia, to be an administrator of the Federal Mine Safety and Health Review Commission for a term of five years expiring August 30, 2012.

Robert F. Cohen, Jr., of West Virginia, to be a member of the Federal Mine Safety and Health Review Commission for a term of five years expiring August 30, 2012.

Harry S. Truman Scholarship Foundation

Javaid Anvar, of Nevada, to be a member of the board of trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 28, 2009.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

James K. Chory, of Indiana, to be a member of the National Foundation on the Arts and Humanities for a term expiring December 1, 2007.

JAMIESON C. HOCHSCHILD, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPiring SEPTEMBER 1, 2008.

Dawn Ho delanco, of New York, to be a member of the National Council on the Humanities for a term expiring January 31, 2012.

Gary D. Glad, of Indiana, to be a member of the National Council on the Humanities for a term expiring January 31, 2012.

David Herz, of Indiana, to be a member of the National Council on the Humanities for a term expiring January 31, 2012.

Carol M. Swain, of Tennessee, to be a member of the National Council on the Humanities for a term expiring January 31, 2012.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Joxe Garcia, of Connecticu, to be a medical director in the regular corps of the Public Health Service for an additional term of three years, to serve pursuant to law and regulations.

INSTITUTE OF MUSUM AND LIBRARY SERVICES

Jan Cezcling, of Massachusetts, to be a member of the National Museum and Library Services Board for a term expiring July 1, 2009.

William J. Hagenh, of Illinois, to be a member of the National Museum and Library Services Board for a term expiring December 2, 2012.

Mark V. Herring, of South Carolina, to be a member of the National Museum and Library Services Board for a term expiring December 2, 2012.

Julia A. Brand, of Louisiana, to be a member of the National Museum and Library Services Board for a term expiring December 2, 2012.

NATIONAL BOARD FOR EDUCATION SCIENCES

Sally Epstein Shavitz, of Connecticut, to be a member of the board of directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Frank Philip Randy, of Florida, to be a member of the board of directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Jonathan Baro, of Maryland, to be a member of the board of directors of the National Board for Education Sciences for a term expiring November 28, 2011.

DEPARTMENT OF COMMERCE

John J. Sullivan, of Maryland, to be a deputy secretary of commerce.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COAST GUARD COMMANDER OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 90:

TO be vice admiral

Rear Adm. Clifford I. Pearson

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 90:

TO be vice admiral

Vice Adm. Robert J. Papp

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESEARCH CENTER AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 90:

TO be rear admiral (lower half)

RDM. (Select) Daniel R. May

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Javaid Anvar, of Nevada, to be a member of the board of trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 28, 2009.

NATIONAL BOARD FOR EDUCATION SCIENCES

Jonathan H. Edelman, of New Jersey, to be a director, community relations service, for a term of four years.

David W. Hage, of Texas, to be director of the National Institute of Justice.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO be vice admiral

Vice Adm. John C. Havry, Jr.

DEPARTMENT OF JUSTICE

William Joseph Hare, of Washington, to be United States attorney of the District of Columbia for a term of four years.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO be rear admiral (lower half)

RDM. (Select) Daniel R. May
CONGRESSIONAL RECORD — SENATE

March 13, 2008

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ALLAN F. MUSTARD AND ENDING WITH KEVIN N. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2008.

MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JU\n
LIAN D. ALFORD AND ENDING WITH PHILIP J. ZIMM\n

MARINE CORPS NOMINATIONS BEGINNING WITH B\n
AMIDIEL J. ABOGUIN AND ENDING WITH JAY K. ZOGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH RICH\n
E H. ABBOTT AND ENDING WITH MARK D. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH PHIL\n
IPP J. WOOD-\n
WARD AND ENDING WITH MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH JER\n

MARINE CORPS NOMINATIONS BEGINNING WITH BRI\n
ADLE R. ABIGAIL AND ENDING WITH JAMES J. TOW\n
NEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

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MARINE CORPS NOMINATIONS BEGINNING WITH DON\n
ALD V. DAWES AND ENDING WITH ROY D. ZUPPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHR\n
ISTOPHER J. COX AND ENDING WITH JOSHUA M. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH RO\n
BERT A. DILL AND ENDING WITH EDWARD T. SEIFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

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ILLY D. DUNBAR AND ENDING WITH MARK A. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

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CONGRESSIONAL RECORD — SENATE

March 13, 2008

WITHDRAWALS

Executive message transmitted by the President to the Senate on March 13, 2008 withdrawing from further Senate consideration the following nominations:

CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA, WHICH WAS SENT TO THE SENATE ON NOVEMBER 7, 2007.

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTED, RESIGNED, WHICH WAS SENT TO THE SENATE ON DECEMBER 3, 2007.

IN THE NAVY

NAVY NOMINATION OF RODERICK A. BACHO, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JEFFREY H. NARD AND ENDING WITH DANIEL J. TRUEBA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATIONS BEGINNING WITH ANDREW S. LOMAX AND ENDING WITH RUPERT L. HUSSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID R. COUGHLIN AND ENDING WITH TIMOTHY S. STYLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATION OF KEITH L. FERGUSON, TO BE LIEUTENANT-COMMANDER.
HIGHLIGHTS

Senate agreed to S. Con. Res. 70, Budget Resolution.

Senate agreed to H. Con. Res. 316, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S2033–S2197

Measures Introduced: Thirty-three bills and eleven resolutions were introduced, as follows: S. 2754–2786, S.J. Res. 30, S. Res. 481–489, and S. Con. Res. 71. Pages S2132–34

Measures Reported:

S. 694, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, with an amendment in the nature of a substitute. (S. Rept. No. 110–275)


S. 352, to provide for media coverage of Federal court proceedings, with amendments. Page S2130

Measures Passed:

Budget Resolution: By 51 yeas to 44 nays (Vote No. 85), Senate agreed to 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, after taking action on the following amendments proposed there to:

Adopted:

By 95 yeas to 4 nays (Vote No. 53), Gregg (for Lincoln) Amendment No. 4198, to increase the Indian Health Service by $1,000,000,000 in fiscal year 2009.

By 56 yeas to 43 nays (Vote No. 55), Nelson (FL) Amendment No. 4329, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

Kennedy Amendment No. 4151, to add a deficit-neutral reserve fund for increasing federal student loan limits to protect students against disruptions in the private credit markets.

Murray (for Lincoln) Amendment No. 4194, to provide the Veterans Benefits Administration with additional resources to more effectively meet their increasing workload and to better address the unacceptably large claims backlog.
Sununu Amendment No. 4221, to save lives, promote overall health care efficiency, and lower the cost for the delivery of health care services by facilitating the deployment and use of electronic prescribing technologies by physicians.

By 95 yeas to 2 nays (Vote No. 57), Kennedy Amendment No. 4350, to increase funding for the Department of Education’s English Literacy-Civics Education State Grant program, with an offset.

By 54 yeas to 44 nays (Vote No. 58), Alexander Amendment No. 4222, to take $670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead use the money to teach English to adults through the Department of Education’s English Literacy/Civics Education State Grant program.

By 53 yeas to 45 nays (Vote No. 59), Menendez Amendment No. 4259, to establish a reserve fund for immigration reform and enforcement.

By 61 yeas to 37 nays (Vote No. 60), Sessions Amendment No. 4231, to establish a deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.

Conrad (for Pryor) Amendment No. 4181, to add a deficit-neutral reserve fund for Science Parks.

Nelson Modified Amendment No. 4212, to create additional jobs and make a lasting investment in our national infrastructure by increasing fiscal year 2008 infrastructure stimulus funding by designating $3.5 billion in existing stimulus funding in the resolution as discretionary funding.

Reed Modified Amendment No. 4154, to reduce the energy burden of low-income families, seniors, and individuals with disabilities by increasing funding for the Low-Income Home Energy Assistance Program (LIHEAP) by $1.6 billion in fiscal year 2009.

Biden Modified Amendment No. 4164, to increase 2009 funding for the COPS program to $1.15 billion, with an offset.

Dole Amendment No. 4208, to increase amounts budgeted for States and local governments for expenses related to immigration enforcement training and support under section 287 (g) of the Immigration and Nationality Act, with an offset.

Conrad (for Enzi) Amendment No. 4214, to establish a deficit-neutral reserve fund to terminate certain deductions from mineral revenue payments made to States.

Conrad (for Roberts) Amendment No. 4244, to ensure the viability of small businesses by helping them provide to their employees access to quality child care.

Conrad (for Martinez) Amendment No. 4229, to provide a deficit-neutral reserve fund to provide for State disclosure, through a publicly accessible Internet site, of information relating to payments made under the State Medicaid program to hospitals, nursing facilities, outpatient surgery centers, intermediate care facilities for the mentally retarded, institutions for mental disease, or other institutional providers and the number of patients treated by such providers.

Conrad (for Thune) Amendment No. 4269, to provide for a total of $99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act.

Conrad (for Hatch) Amendment No. 4297, to provide for a reserve fund for legislation that funds the traumatic brain injury program.

Conrad (for Coleman) Amendment No. 4264, to deny funding for the United Nations Durban II Anti-Racism Conference, which has been used as a platform to advance anti-Semitism and for this reason opposed by the United States and 45 other members of the United Nations General Assembly during a vote on December 22, 2007 and direct the savings to veterans.
Conrad (for Dole) Amendment No. 4349, to provide the Secretary of Agriculture with the necessary funding to effectively address the critical community facility infrastructure needs of our rural areas across the United States.

Conrad (for Barrasso) Amendment No. 4248, to provide for a deficit-neutral reserve fund that preserves and promotes Medicare payment polices that support rural health care providers.

Conrad (for Grassley/McCaskill) Amendment No. 4261, to reduce waste in Department of Defense contracting.

Conrad (for Vitter) Amendment No. 4243, to fully fund authorized amounts to implement the Adam Walsh Act that will increase enforcement to catch and detain child predators, combat child pornography, and make the Internet safer for our children.

Conrad (for Burr) Amendment No. 4153, to develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner.

Conrad (for Enzi/Barrasso) Amendment No. 4215, to establish a deficit-neutral reserve fund to improve the animal health and disease program.

Conrad (for Klobuchar) Amendment No. 4287, to establish a deficit-neutral reserve fund for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.

Conrad (for Kennedy) Amendment No. 4148, to increase by $71 million the resources available to the Food and Drug Administration in fiscal year 2009 for food and drug safety.

Conrad (for Biden) Amendment No. 4166, to increase fiscal year 2009 funding for Violence Against Women Act (VAWA) by $100 million, with an offset.

Conrad (for Feinstein) Amendment No. 4225, to provide for a total of $950,000,000 in outlays for the State Criminal Alien Assistance Program in fiscal year 2009.

Conrad (for Dodd) Amendment No. 4253, to increase spending for the Maternal and Child Health Block Grant by $184,000,000 in fiscal year 2009, with offset.

Conrad (for Klobucharch) Amendment No. 4286, to provide in the deficit-neutral reserve fund for America’s veterans and wounded servicemembers and for a post 9/11 GI bill for access of rural veterans to health care and other services.

Conrad (for Pryor/Kennedy) Amendment No. 4183, to add a deficit-neutral reserve fund to improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce.

Conrad (for Lautenberg/Kerry) Amendment No. 4210, to include rail (including high-speed passenger rail), airport, and seaport projects in the eligibility requirements of the Deficit Neutral Reserve Fund for Investments in America’s Infrastructure.

Conrad (for Dorgan) Amendment No. 4199, to provide for the use of the deficit-neutral reserve fund for tax relief to reinstate and expand the charitable IRA rollover.

Conrad (for Dorgan) Amendment No. 4249, to increase the number of organ donations by funding the programs authorized by the Organ Donation and Recovery Improvement Act of 2004.

Conrad (for Nelson (FL)) Amendment No. 4285, to make funds available to ensure that Survivor Benefit Plan annuities are not reduced by the amount of veterans’ dependency and indemnity compensation received by military families.

Conrad (for Reid) Amendment No. 4162, to establish a deficit-neutral reserve fund to provide for the acceleration of the phased-in eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans’ disability compensation.

Conrad (for Lieberman/Collins) Amendment No. 4211, to increase funding for operations and management of the Federal Emergency Management Agency, with an offset.
Conrad (for Carper/Coburn) Amendment No. 4176, to provide for a deficit-neutral reserve fund for the increased use of recovery audits.  

Conrad (for Casey) Amendment No. 4172, to include in the deficit-neutral reserve funds for America’s veterans and wounded servicemembers and for a post 9/11 GI bill provision for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to were such members not retired or separated.  

Conrad (for Stabenow/Voinovich) Amendment No. 4219, to provide for the use of the deficit-neutral reserve fund for tax relief to encourage struggling companies to invest in new equipment and stimulate the United States economy by allowing the use of accumulated alternative minimum tax and research and development credits in lieu of bonus depreciation.  

Conrad (for Clinton/Warner) Amendment No. 4227, to increase funding for the Administration on Aging by the authorized level of $53,000,000 in fiscal year 2009 for the Lifespan Respite Care Act, which provides much-needed respite care to our Nation’s dedicated family caregivers for the elderly and disabled.  

Conrad (for Casey) Amendment No. 4352, to add a deficit-neutral reserve fund for the protection and safety of the Nation’s food supply.  

Conrad (for Smith/Clinton) Amendment No. 4364, to provide a deficit-neutral reserve fund to provide for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.  

Conrad (for Lincoln/Snowe) Amendment No. 4195, to provide for a deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit to $10,000 for taxable years 2009 and 2010 with no inflation adjustment to ensure that low-income working families receive the benefit of such credit.  

By 90 yeas to 5 nays (Vote No. 70), Boxer Modified Amendment No. 4368, to increase funding for the Department of Justice for the vigorous enforcement of laws protecting children.  

Conrad (for Brown) Amendment No. 4252, to increase Federal assistance to food banks.  

Conrad (for Chambliss) Amendment No. 4230, to provide an additional $5 million to the military department’s respective Boards for Correction of Military Records to expedite review of cases in which servicemembers with combat-related psychological injuries (such as PTSD) or closed head injuries (such as TBIs) were administered discharges for personality disorders or other discharges resulting in a loss of benefits or care and seek a correction of records or upgraded discharge.  

Conrad (for Thune) Modified Amendment No. 4268, to provide $20,000,000 in fiscal year 2009 to improve safety by increasing funds for tribal justice and law enforcement, with an offset.  

Conrad (for Bunning/Enzi) Amendment No. 4186, to provide a point of order against any budget resolution that fails to achieve an on-budget balance within 5 years.  

Conrad (for Alexander) Amendment No. 4311, to improve education in the United States by providing $300,000,000 for the Teacher Incentive Fund to support State and local school district efforts to reward outstanding teaching and school leadership by improving compensation programs for teachers who have a demonstrated record of improving student academic achievement, teachers who teach in high need subjects such as mathematics and science, and teachers who teach in high need, low income schools.  

Conrad (for Gregg) Amendment No. 4357, to create a point of order against using reconciliation to create new mandatory programs and to place a 20% limit on new direct spending in reconciliation legislation.  

Conrad (for Clinton) Amendment No. 4361, to increase funding for the Department of Agriculture by $1,000,000 in fiscal year 2009 to provide public access to information about the sources of foods distributed through the school lunch program and other nutrition programs under the jurisdiction of the Secretary of Agriculture.  

Conrad (for Bingaman) Amendment No. 4370, to provide for a deficit-neutral reserve fund to make improvements to ensure access to the Medicare program for low-income senior citizens and other low-income Medicare beneficiaries.  

Conrad (for Dorgan) Amendment No. 4200, to provide for the use of the deficit-neutral reserve fund to invest in clean energy and preserve the environment for the 5-year extension of energy tax incentives.  

Conrad (for Smith/Lincoln) Amendment No. 4334, to increase the funding levels for programs carried out under the Older Americans Act of 1965.
by $184,000,000 to keep pace with inflation and increasing numbers of older Americans, and comply with minimum wage requirements for the programs.

Conrad (for Snowe) Modified Amendment No. 4376, to provide the use of the deficit-neutral reserve fund for tax relief for cafeteria plans.

Conrad (for Allard) Amendment No. 4159, to ensure that the Secretary of Health and Human Services has continued authority to prevent fraud and protect the integrity of the Medicaid program and SCHIP and to reduce inappropriate spending under those programs.

Conrad (for Baucus) Amendment No. 4333, to express the sense of the Senate that Medicaid administrative regulations should not undermine Medicaid’s role in our Nation’s health care system, cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, or undermine the Federal guarantee of health insurance coverage Medicaid provides.

Conrad (for Kohl) Amendment No. 4255, to increase fiscal year 2009 funding for Juvenile Justice Programs to $560 million, with an offset.

Conrad (for Hatch) Amendment No. 4283, to express the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the USPTO shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

Conrad (for DeMint) Amendment No. 4345, to provide for a deficit-neutral reserve fund for education reform.

Conrad (for Cardin) Amendment No. 4220, to increase funding for water quality research programs at the United States Geological Survey, with an offset.

By 70 yeas to 27 nays (Vote No. 80), Boxer Amendment No. 4379, to facilitate coverage of pregnant women in SCHIP.

Conrad (for Leahy) Modified Amendment No. 4270, to add a deficit-neutral reserve fund for legislation that improves the participation of naturalized citizens in the United States political process, strengthens national security by improving and expediting FBI security name checks, and reduces the backlog of naturalization applications for individuals seeking to become naturalized citizens.

Conrad (for Gregg) Amendment No. 4502, to provide for a reserve fund for legislation to provide access, coverage, and choice for every American to quality and affordable care.

Conrad (for Clinton) Amendment No. 4300, to provide for a reserve fund for legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks.

Conrad (for Baucus) Amendment No. 4331, to add a deficit-neutral reserve fund to ban abusive and inappropriate sales and marketing tactics used by private insurers offering Medicare Advantage and prescription drug plans.

Conrad (for Collins) Modified Amendment No. 4209, to provide for renewable energy and energy efficiency tax credits with offsets.

Conrad (for Specter/Casey) Amendment No. 4375, to express the sense of the Senate regarding Philadelphia Housing Authority’s “Moving to Work Agreement” with the U.S. Department of Housing and Urban Development.

Conrad (for Bunning) Amendment No. 4307, to permanently extend the adoption tax credit and the exclusion for adoption assistance programs included in the Economic Growth and Tax Relief Reconciliation Act of 2001.

Conrad (for Graham/DeMint) Amendment No. 4371, to express the sense of the Senate regarding a Balanced Budget Amendment to the Constitution of the United States.

By 73 yeas to 23 nays (Vote No. 83), Biden Amendment No. 4245, to restore full funding for the international affairs budget, in support of the reconstruction of Iraq and Afghanistan, nuclear proliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset.

By 73 yeas to 23 nays (Vote No. 84), Vitter Amendment No. 4299, expressing the sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

Conrad (for Barrasso) Amendment No. 4206, to provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973.

Rejected:

By 47 yeas to 52 nays (Vote No. 43), Graham Modified Amendment No. 4170, to protect families, family farms and small businesses by extending the income tax rate structure, raising the death tax exemption to $5,000,000 and reducing the maximum death tax rate to no more than 35 percent; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher
By 49 yeas to 50 nays (Vote No. 45), Gregg (for Specter/Craig) Amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto.

By 49 yeas to 51 nays (Vote No. 46), Senate failed to table the motion to reconsider the vote by which Gregg (for Specter/Craig) Amendment No. 4189 (listed above) was rejected by 49 yeas to 50 nays.

By 49 yeas to 51 nays (Vote No. 48), Gregg (for Specter/Craig) Amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto, upon reconsideration.

By 38 yeas to 62 nays (Vote No. 49), Conrad (for Salazar) Modified Amendment No. 4196, to reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax.

By 50 yeas to 50 nays (Vote No. 50), Kyl Amendment No. 4191, to protect small businesses, family ranches and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35 percent.

By 47 yeas to 55 nays (Vote No. 52), Bunning Modified Amendment No. 4192, to repeal the tax increase on Social Security benefits imposed by the Omnibus Budget Reconciliation Act of 1993.

By 47 yeas to 51 nays (Vote No. 56), Alexander Modified Amendment No. 4207, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

By a unanimous vote of 97 nays (Vote No. 62), Allard Amendment No. 4246, to raise taxes by an unprecedented $1.4 trillion for the purpose of fully funding 111 new or expanded federal spending programs.

By 42 yeas to 56 nays (Vote No. 63), Ensign Amendment No. 4240, to require wealthy Medicare beneficiaries to pay a greater share of their Medicare Part D premiums.

By 43 yeas to 55 nays (Vote No 64), Sanders Amendment No. 4218, to put children ahead of millionaires and billionaires by restoring the pre-2001 top income tax rate for people earning over $1 million, and use this revenue to invest in LIHEAP, IDEA, Head Start, Child Care, nutrition, school construction, and deficit reduction.

By 40 yeas to 58 nays (Vote No. 65), DeMint Amendment No. 4328, to provide for a deficit-neutral reserve fund for Social Security reform.

By 29 yeas to 68 nays (Vote No. 66), DeMint (for Allard) Amendment No. 4232, to pay down the Federal debt and eliminate government waste by reducing spending 5 percent on programs rated (as mandated under the Government Performance and Results Act (Public Law 103–62)) ineffective by the Office of Management and Budget Program Assessment Rating Tool.

Vitter/Inhofe Amendment No. 4309, to create a reserve fund to ensure that Federal assistance does not go to sanctuary cities that ignore the immigration laws of the United States and create safe havens for illegal aliens and potential terrorists. (By 58 yeas to 40 nays (Vote No. 69), Senate tabled the amendment.)

By 49 yeas to 49 nays (Vote No. 71), Ensign Amendment No. 4335, to increase funding for the Department of Justice for the vigorous enforcement of a prohibition against taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions consistent with the Child Custody Protection Act, which passed the Senate by a bipartisan vote of 65–34, with an offset.

By 49 yeas to 50 nays (Vote No. 74), Kyl Amendment No. 4348, to provide certainty to taxpayers by extending expiring tax provisions such as the R&D Tax Credit that helps U.S. companies innovate, the combat pay exclusion for our soldiers in the field, the education deduction to make colleges more affordable and the alternative energy incentives to make the environment cleaner through the end of 2009.

By 23 yeas to 77 nays (Vote No. 76), Landrieu Amendment No. 4378, to protect family businesses and farmers without increasing our nation’s debt by providing for an estate tax that sets the exemption at $5 million and the rate at 35 percent, with the benefits of the exemption recaptured for estates over $100 million, paid for by closing tax loopholes that allow offshore deferral of compensation and transactions entered into solely for the purpose of avoiding taxation.

By 48 yeas to 50 nays (Vote No. 77), Kyl Amendment No. 4372, to protect small businesses, family ranches and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%.
By 47 yeas to 51 nays (Vote No. 78), Grassley Modified Amendment No. 4276, to exempt from pay-as-you-go enforcement modifications to the individual alternative minimum tax (AMT) that prevent millions of additional taxpayers from having to pay the AMT.

By 41 yeas to 57 nays (Vote No. 79), DeMint Amendment No. 4380, to provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA earmarks to the Marine Corps.

By 46 yeas to 52 nays (Vote No. 81), Allard Amendment No. 4233, to require that legislation to reauthorize SCHIP include provisions codifying the unborn child regulation.

By 45 yeas to 51 nays (Vote No. 82), DeMint Amendment No. 4339, to provide for a deficit-neutral reserve fund for providing an above the line Federal income tax deduction for individuals purchasing health insurance outside the workplace.

Withdrawn:

Inhofe Amendment No. 4239, to express the sense of the Senate on funding for national defense in future fiscal years.

During consideration of this measure today, the Senate also took the following action:

By 58 yeas to 40 nays (Vote No. 61), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904(c) of the Congressional Budget Act of 1974, with respect to Cornyn Amendment No. 4242, to protect the family budget by providing for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students. Subsequently, the point of order that the amendment was in violation of section 305(b)(2) of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

A unanimous-consent agreement was reached providing that the enrolling clerk be authorized to make technical and conforming changes to the levels in Title 1 of S. Con. Res. 70 at the direction of the Committee on Budget majority staff, to reflect the effects of amendments agreed to by the Senate.

Adjournment Resolution: Senate agreed to H. Con. Res. 316, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Authorizing Use of the Rotunda: Senate agreed to S. Con. Res. 71, authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

Congratulating X PRIZE Foundation: Senate agreed to S. Res. 486, to congratulate the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition.

National Rehabilitation Counselors Appreciation Day: Senate agreed to S. Res. 487, designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day.

National Safe Place Week: Senate agreed to S. Res. 488, designating the week beginning March 16, 2008, as “National Safe Place Week.”

Public Radio Recognition Month: Senate agreed to S. Res. 489, designating April 2008 as Public Radio Recognition Month.
Death of former Senator Howard Metzenbaum: Senate agreed to S. Res. 485, relative to the death of Howard Metzenbaum, former United States Senator for the State of Ohio. Pages S2189–90

Measures Considered:


Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. Page S2190

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess of the Senate, committees be authorized to file legislative and executive matters on Thursday, March 27, 2008, from 10:00 a.m. until 12:00 noon. Page S2194

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:
The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. Page S2187

Nominations Confirmed: Senate confirmed the following nominations:

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Onray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

John S. Bresland, of New Jersey, to be Chairman of the Chemical Safety and Hazard Investigation Board for a term of five years.

Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

James Francis Moriarty, of Massachusetts, to be Ambassador to the People’s Republic of Bangladesh.

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency.

Neil Romano, of Maryland, to be an Assistant Secretary of Labor.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.
John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to be an Assistant Secretary of Health and Human Services.

Jan Cellucci, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt.

1 Marine Corps nomination in the rank of general.

2 Army nominations in the rank of general.

4 Coast Guard nominations in the rank of admiral.

Nominations Received: Senate received the following nominations:

1. David R. Hill, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency.

2. Barbara McConnell Barrett, of Arizona, to be Ambassador to the Republic of Finland.

3. T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

4. G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

5. 24 Air Force nominations in the rank of general.

4. 4 Marine Corps nominations in the rank of general.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

1. Charles A. Gargano, of New York, to be Ambassador to the Arab Republic of Egypt, which was sent to the Senate on November 7, 2007.

2. David R. Hill, of Missouri, to be an Assistant Administrator of the Environmental Protection Agency, which was sent to the Senate on December 3, 2007.

Messages from the House: Page S2128

Enrolled Bills Presented: Page S2128

Executive Communications: Pages S2128–29

Petitions and Memorials: Pages S2129–30

Executive Reports of Committees: Pages S2130–32

Additional Cosponsors: Pages S2134–38

Statements on Introduced Bills/Resolutions: Pages S2138–67

Additional Statements: Pages S2166–28

Amendments Submitted: Pages S2167–86
NOTICES OF HEARINGS/MEETINGS:

Authorities for Committees to Meet:

Adjournment: Senate convened at 10:15 a.m. and recessed, as a further mark of respect to the memory of the late former Senator Howard Metzenbaum, in accordance with S. Res. 485, at 2:36 a.m., until 12:00 noon on Tuesday, March 18, 2008. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S2194.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Housing and Urban Development, after receiving testimony from Alphonso Jackson, Secretary of Housing and Urban Development.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 2,614 nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce, and Simon Charles Gros, of New Jersey, to be Assistant Secretary of Transportation for Governmental Affairs, and promotion lists in the United States Coast Guard and the National Oceanic and Atmospheric Administration Commissioned Corps.

Prior to this action, committee concluded a hearing to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce, after the nominee testified and answered questions in his own behalf.

FOREST MANAGEMENT IN THE PACIFIC NORTHWEST REGION

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine old-growth forest science, focusing on policy and management in the Pacific Northwest region, after receiving testimony from Linda Goodman, Regional Forest, Pacific Northwest Region, United States Department of Agriculture Forest Service; James Caswell, Director, Bureau of Land Management, Department of the Interior; Marvin D. Brown, Oregon Department of Forestry, Salem; David A. Perry, and John Tappeiner, both of Oregon State University Department of Forest Engineering, Corvallis; Paul H. Beck, Herbert Lumber Company, Riddle, Oregon; and Randi Spivak, American Lands Alliance, Washington, D.C.

U.S. ECONOMIC INTERESTS AND SECURITY

Committee on Finance: Committee concluded a hearing to examine customs reauthorization relative to the activity of the U.S. Customs and Border Protection agency and the U.S. Immigration and Customs Enforcement agency, both of the Department of Homeland Security, focusing on strengthening United States economic interests and security, after receiving testimony from Samuel H. Banks, Sandler and Travis Trade Advisory Services, Inc., Washington, D.C.; Charlene N. Stocker, Procter and Gamble Distributing, LLC, Cincinnati, Ohio, on behalf of the American Association of Exporters and Importers; Greg P. Brown, Ford Global Technologies, Dearborn, Michigan; and Antoinette M. Tease, Antoinette M. Tease, P.L.L.C., Billings, Montana.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following:

S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, with amendments; and

The nominations of William Raymond Steiger, of Wisconsin, to be Ambassador to the Republic of Mozambique, Department of State, and a promotion list in the Foreign Service.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following:

S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, with an amendment in the nature of a substitute;

S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, with an amendment in the nature of a substitute;

S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, with an amendment in the nature of a substitute;
S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, with an amendment in the nature of a substitute;

S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, with an amendment in the nature of a substitute; and

The nominations of Jan Cellucci, of Massachusetts, William J. Hagenah, of Illinois, Mark Y. Herring, of South Carolina, and Julia W. Bland, of Louisiana, each to be a Member of the National Museum and Library Services Board, Jamsheed K. Choksy, of Indiana, Gary D. Glenn, of Illinois, David Hertz, of Indiana, Marvin Bailey Scott, of Indiana, Carol M. Swain, of Tennessee, and Dawn Ho Delbanco, of New York, each to be a Member of the National Council on the Humanities, Jonathan Baron, of Maryland, Sally Epstein Shaywitz, of Connecticut, and Frank Philip Handy, of Florida, each to be a Member of the Board of Directors of the National Board for Education Sciences, Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Neil Romano, of Maryland, to be an Assistant Secretary of Labor, Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service and to be an Assistant Secretary of Health and Human Services, and Robert F. Cohen, Jr., of West Virginia, and Michael F. Duffy, of the District of Columbia, each to be a Member of the Federal Mine Safety and Health Review Commission.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 38 public bills, H.R. 5602–5639; 8 resolutions, H.J. Res. 78–79; and H. Res. 1045–1050 were introduced.

Pages H1700–02

Additional Cosponsors: Pages H1702–03

Reports Filed: There were no reports filed today.

Page H1621

Journal: The House agreed to the Speaker’s approval of the Journal by a yea–and–nay vote of 222 yeas to 183 nays, with 1 voting “present”, Roll No. 136.

Pages H1621, H1626–27

Moment of Silence: The House observed a moment of silence in honor of all those serving in the military, past and present, during the war in Iraq.

Page H1621

Privileged Resolution—Intent To Offer: Representative Price (GA) announced his intention to offer a privileged resolution.

Pages H1624–25

Question of Privilege: The Chair ruled that the resolution offered by Representative Price (GA) did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea–and–nay vote of 222 yeas to 192 nays, Roll No. 135.

Pages H1625–26


Pages H1627–59, H1661–84

Rejected:

Kilpatrick amendment in the nature of a substitute (No. 1 printed in H. Rept. 110–548), submitted on behalf of the Congressional Black Caucus, that sought an alternative budget that would balance the budget in FY 2012. The CBC budget would have funded programs and services in the areas of health care, education, veterans benefits and services for low-income families. It also provided for additional services for the administration of justice and funded the recommendations of the House Committee on Homeland Security (by a recorded vote of 126 ayes to 292 noes, Roll No. 137); Pages H1633–46

Lee amendment in the nature of a substitute (No. 2 printed in H. Rept. 110–548), submitted on behalf of the Congressional Progressive Caucus, that sought to provide at least $551.7 billion for domestic, non-military discretionary spending in FY09; provide a $118.9 billion economic stimulus package; extend unemployment insurance, food stamp benefits, and Medicaid payments to states; and, spend $468.3 billion on defense. The Progressive Caucus budget balances by FY12 and rebalances again in FY18, upon completion of the Reinvest and Rebuild
America Initiative (by a recorded vote of 98 ayes to 322 noes, Roll No. 138); and

Ryan (WI) amendment in the nature of a substitute (No. 3 printed in H. Rept. 110–548) that sought to balance the budget by 2012, retain provisions enacted in 2001/2003, prevent expansion of the AMT for the next 3 years, and achieve full repeal in 2013. Provides total discretionary budget authority of $1.04 trillion in fiscal year 2009, a 4.3-percent increase from 2008 enacted level. It imposes a moratorium on congressional earmarks for the balance of the 110th Congress; requires a separate vote on increasing the public debt; requires cost estimates on conference reports and unreported bills; prohibits domestic add-ons to emergency war spending bills; limits long-term spending commitments; prevents use of reconciliation to increase spending; limits “advance appropriations” to $23.565 billion in 2010; provides a $7.3-billion domestic emergency reserve fund; provides for contingency war funds; incorporates bipartisan Legislative Line Item Veto. Calls for 1 percent decrease in entitlement program spending (by a recorded vote of 157 ayes to 263 noes, Roll No. 140).

H. Res. 1036, the rule providing for consideration of the concurrent resolution, was agreed to on Wednesday, March 12th.

Oath of Office—Seventh Congressional District of Indiana: Representative-elect André Carson presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Matthew Tusing, Deputy Secretary of State, Office of the Indiana Secretary of State, indicating that, according to the unofficial results of the Special Election held on March 11, 2008, the Honorable André Carson was elected Representative to Congress for the Seventh Congressional District, State of Indiana.

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Indiana, Mr. André Carson, the whole number of the House is adjusted to 431.

Call of the House: The Speaker called the House to order and ascertained the presence of a quorum (384 present, Roll No. 139).

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, March 12th:

Recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror: H. Res. 991, recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror, by a 2/3 yea-and-nay vote of 406 yeas with none voting “nay”, Roll No. 142.

Pension Protection Technical Corrections Act of 2007: Agreed by unanimous consent that the Clerk be authorized to engross H.R. 3361, to make technical corrections related to the Pension Protection Act of 2006, in the form of the bill placed at the desk.

Order of Procedure: Agreed by unanimous consent that it be in order, on the legislative day of March 13, 2008, at a time to be determined by the Speaker, that the House resolve itself into a secret session as though pursuant to clause 9, rule XVII; that debate held in secret session continue for not to exceed one hour, equally divided and controlled; and at the conclusion of that debate, the secret session shall be dissolved.

Agreed by unanimous consent that when the secret session of the House is dissolved pursuant to the previous order of the House, the House stand adjourned.

Recess: The House recessed at 7:33 p.m. and at 10:11 p.m., the House began proceedings held in secret session.

Quorum Calls—Votes: Four yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H1626, H1626–27, H1645–46, H1659, H1680, H1683–84, and H1684. One quorum call (Roll No. 139) developed during the proceedings of today and appears on pages H1660–61

Adjournment: The House met at 10:30 a.m. and adjourned at 11:09 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FNCS Budget. Testimony was heard from Nancy Montanez Johner, Under Secretary, Food, Nutrition and Consumer Services, USDA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Navy Posture. Testimony was heard from the following officials of the Department of the Navy: Donald C. Winter, Secretary; ADM Gary Roughead, USN, Chief of Naval Operations;
and LTG James T. Conway, USMC, Deputy Commandant of the Marine Corps.

The Subcommittee also met in executive session to hold a hearing on Navy Acquisition. Testimony was heard from the following officials of the Department of the Navy: John S. Thackrah, Assistant Secretary; VADM Barry McCullough, USN, Deputy Chief of Naval Operations for Integration of Capabilities and Resources (N8); and LTG James F. Amos, USMC, Deputy Commandant, Combat Development and Integration.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on DOE—Science Research. Testimony was heard from Raymond L. Orbach, Under Secretary, Science, Department of Energy.

FINANCIAL SERVICES, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, and General Government held a hearing on Supreme Court. Testimony was heard from the following officials of the Supreme Court of the United States: Anthony Kennedy; and Clarence Thomas, both Associate Justices.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Federal Emergency Management Agency—Is the agency on the right track? Testimony was heard from the following officials of the Department of Homeland Security: David R. Paulison, Administrator, FEMA; and Matt Jadacki, Deputy Inspector General; and public witnesses.

INTERIOR, ENVIRONMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

LABOR, HHS, EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing U.S. House of Representatives Budget. Testimony was heard from the following officers of the House of Representatives: Daniel Beard, CAO; Lorraine Miller, Clerk; and Wilson Livingood, Sergeant-at-Arms.

MILITARY CONSTRUCTION, VETERANS' AFFAIRS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies on Air Force Budget. Testimony was heard from GEN T. Michael Moseley, USAF, Chief of Staff, U.S. Air Force.

The Subcommittee also continued appropriation hearings. Testimony was heard from public witnesses.

EUROPEAN, SOUTHERN AND AFRICA COMMAND BUDGET


DEFENSE DEPARTMENT ENERGY POSTURE

Committee on Armed Services: Subcommittee on Readiness held a hearing on Department of Defense Energy Posture. Testimony was heard from the following officials of the Department of Defense: Wayne Arny, Deputy Under Secretary, Installations and Environment; Chris DiPetto, Deputy Director, Systems and Software Engineering (Development Test and Evaluation), Office of the Under Secretary (Acquisition and Technology); and GEN Michael P. C. Carns, USAF (Ret.), Chairman, Defense Science Board Task Force on Energy Strategy; and David M. Walker, Comptroller General, GAO.

IRREGULAR WARFARE THREAT ENVIRONMENT

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Fiscal Year 2009 National Defense Authorization Budget Request—Department of Defense Science and Technology: Responding to the 21st Century Irregular Warfare Threat Environment. Testimony was heard from the following officials of the Department of Defense: Allan Shaffer, Principle Deputy Director, Defense Research and Engineering; Thomas H. Killison, Deputy Assistant Secretary, Research and Technology, Department of the Army; RADM William Landay, III, USN, Chief of Naval
Research, Assistant Deputy Commandant of the Marine Corps for Science, Technology and Engineering, Director, Test, Evaluation and Technology Requirements; Terry Jaggers, Deputy Assistant Secretary of the Air Force for Science, Technology and Engineering, Office of the Assistant Secretary for Acquisition; and Anthony J. Tether, Director, Defense Advanced Research Projects Agency.

BLACK COLLEGES OUTLOOK

Committee on Education and Labor: Held a hearing on America’s Black Colleges and Universities: Models of Excellence and Challenges for the Future. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES


COMMERCE BUDGET

Committee on Energy and Commerce: Held a hearing entitled “Department of Commerce Budget for Fiscal Year 2009.” Testimony was heard from Carlos M. Gutierrez, Secretary of Commerce.

CREDIT CARDHOLDERS’ BILL OF RIGHTS

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on The Credit Cardholders’ Bill of Rights: Providing New Protections for Consumers. Testimony was heard from public witnesses.

REDUCING GLOBAL CHILD MORTALITY

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Child Survival: The Unfinished Agenda to Reduce Global Child Mortality. Testimony was heard from Kent R. Hill, Assistant Administrator, Bureau for Global Health, U.S. Agency for International Development, Department of State; former Senator William H. Frist of Tennessee; and public witnesses.

WAR POWERS—CONGRESSIONAL PERSPECTIVE

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on War Powers for the 21st Century: The Congressional Perspective. Testimony was heard from Representatives Jones of North Carolina; and former Representatives Mickey Edwards of Oklahoma; and David E. Skaggs of Colorado.

THREAT ASSESSMENT AND COORDINATION GROUP

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled “Making Homeland Security Intelligence Work for State, Local, and Tribal Partners: An Interagency Threat Assessment Coordination Group (ITACG) Progress Report.” Testimony was heard from Thomas E. McNamara, Program Manager, Information Sharing Environment, Office of the Director of National Intelligence; Michael E. Leiter, Acting Director, National Counterterrorism Center; Charles E. Allen, Under Secretary, Intelligence and Analysis, Department of Homeland Security; and Wayne Murphy, Assistant Director, Directorate of Intelligence, FBI, Department of Justice.

ORPHAN WORKS

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on Promoting the Use of Orphan Works: Balancing the Interests of Copyright Owners and Users. Testimony was heard from Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Library of Congress; and public witnesses.

OVERSIGHT—OFF-ROAD VEHICLES ON FEDERAL LAND

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held an oversight hearing on the Impacts of Unmanaged Off-Road Vehicles on Federal Land. Testimony was heard from Henri Bisson, Deputy Director, Bureau of Land Management, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 317, Arkansas Valley Conduit Act; H.R. 4841, Soboba Band of Luiseno Indians Settlement Act; and H.R. 5293, Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act. Testimony was heard from the following officials of the Department of the Interior: Majel Russell, Principal Deputy Assistant Secretary, Indian Affairs; the following officials of the Bureau of Reclamation: Karl Wirkus, Deputy Commissioner for Operations; and Robert Johnson, Commissioner; and public witnesses.
MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: S. 550, To preserve existing judgeships on the Superior Court of the District of Columbia; H.R. 5551, To amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts; H.R. 4106, amended, Telework Improvements Act if 2007; H.R. 2780, to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service; H.R. 4881, Contracting and Tax Accountability Act of 2007; H.R. 3033, amended, Contractors and Federal Spending Accountability Act of 2007; H.R. 3928, as amended, Government Contractor Accountability Act of 2007; H.R. 5548, amended, Plain Language in Government Communications Act of 2007; H. Con. Res. 310, Expressing support for a national day of remembrance for Harriet Ross Tubman; H. Res. 578, Expressing the sense of the House of Representatives that there should be established a National Watermelon Month; H. Res. 886, amended, Expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado; H. Res. 892, amended, Expressing support for designation of March 11, 2008, as “National Funeral Directors and Mortician Recognition Day”; H. Res. 952, Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States; H. Res. 994, amended, Expressing support for the designation of a National Glanzmann’s Thrombasthenia Awareness Day; H. Res. 1005, amended, Supporting the goals and ideals of Borderline Personality Awareness Month; H. Res. 1016, amended, Expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr; H. Res. 1021, amended, Supporting the goals, ideals, and history of National Women’s History Month; H.R. 4185, To designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the “Marisol Heredia Post Office Building;” H.R. 5395, To designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the “William “Bill” Clay Post Office Building;” H.R. 5472, To designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the “Julia M. Carson Post Office Building;” H.R. 5479, To designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the “Alonzo Woodruff Post Office Building;” H.R. 5483, To designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the “Private First Class David H. Sharrett II Post Office Building;” H.R. 5489, to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the “Congresswoman Jo Ann S. Davis Post Office;” H.R. 5517, to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the “Texas Military Veterans Post Office;” and H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the “Rocky Marciano Post Office Building.”

GENETICALLY ENGINEERED PLANT CONTAMINATION COSTS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Is USDA Accounting for Costs to Farmers Caused by Contamination from Genetically Engineered Plants? Testimony was heard from Cindy Smith, Administrator, Animal and Plant Inspection Service, USDA; and public witnesses.

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2007

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Services and the District of Columbia held a hearing on a hearing on H.R. 3268, Government Accountability Office Act of 2007. Testimony was heard from the following officials of the GAO: Gene Dodaro, Acting Comptroller General; Paul Coran, Chairman, and Anne Wagner, General Counsel, both with the Personnel Appeals Board; and Shirley Jones, Employee Advisory Counsel; Curtis Copeland, Specialist in American National Government, CRS, Library of Congress; and public witnesses.

EPA LIBRARY CLOSURES

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on EPA Library Closures: Better Access for a Broader Audience? Testimony was heard from John Stephenson, Director, Natural Resources and Environment, GAO; and public witnesses.

NASA SCIENCE PROGRAMS BUDGET

Committee on Science and Technology: Subcommittee on Space and Aeronautics held a hearing on NASA’s Science Programs: Fiscal Year 2009 Budget Request and Issues. Testimony was heard from S. Alan Stern,
Associate Administrator, Science Mission Directorate, NASA; and public witnesses.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM
Committee on Small Business: Held a hearing entitled “Legislation to Reauthorize the Small Business Innovation Research (SBIR) Program. Testimony was heard from Steven C. Preston, Administrator, SBA; and public witnesses.

U.S. PARALYMPIC MILITARY PROGRAM
Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on U.S. Paralympic Military Program. Testimony was heard from Danny D. Scott, M.D., Physical and Rehabilitation Service, Denver VA Medical Center, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

VA POST IN-PATIENT CARE
Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations, hearing on Care of Seriously Wounded After In-Patient Care. Testimony was heard from Madhulika Agarwal, M.D., Chief Patient Care Services Officer, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

IRS BUDGET/TAX SEASON
Committee on Ways and Means: Subcommittee on Oversight held a hearing on 2008 tax return filing season, IRS operations the fiscal Year 2009 budget proposals, and National Taxpayer Advocate’s Annual Report. Testimony was heard from the following officials of the IRS, Department of the Treasury: Linda Stiff, Acting Commissioner; and Nina E. Olson, National Taxpayer Advocate.

OVERHEAD ARCHITECTURE
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Overhead Architecture. Testimony was heard from departmental witnesses.

BRIEFINGS—HOT SPOTS AND SOUTHWEST BORDER SECURITY
Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counter-intelligence, met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

The Subcommittee also met in executive session to receive a briefing on Southwest Border Security. The Subcommittee was briefed by departmental witnesses.

EPA—IMPLICATIONS OF SUPREME COURT DECISION
Select Committee on Energy Independence and Global Warming: Held a hearing entitled “Massachusetts v U.S. EPA Part II: Implications of the Supreme Court Decision.” Testimony was heard from Stephen L. Johnson, Administrator, EPA; from the following officials of the State of Kansas: Josh Svaty, member of the House; and Roderick Bermby, Secretary, Department of Health and Environment; and public witnesses.

Joint Meetings
MUSEUM OF THE HISTORY OF POLISH JEWS

COMMITTEE MEETINGS FOR FRIDAY, MARCH 14, 2008
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine ways to reform the District of Columbia Public Schools (DCPS) system, 10 a.m., SD–342.

House

Committee on Armed Services, Subcommittee on Military Personnel, hearing on Mental Health Overview, 9 a.m., 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, hearing on Fiscal Year 2009 National Defense Authorization Budget Request for Navy Shipbuilding, 10 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on Ensuring the Availability of Federal Student Loans, 9 a.m., 2175 Rayburn.

Committee on the Judiciary, hearing on the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, 10 a.m., 2141 Rayburn.
Final Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

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<tr>
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<td>Senate bills</td>
<td>102</td>
<td>44</td>
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<tr>
<td>House bills</td>
<td>147</td>
<td>516</td>
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<td>Senate joint resolutions</td>
<td>5</td>
<td>3</td>
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<td>House joint resolutions</td>
<td>6</td>
<td>8</td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>28</td>
<td>9</td>
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<td>House concurrent resolutions</td>
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<td>Simple resolutions</td>
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<td>Simple resolutions</td>
<td>73</td>
<td>149</td>
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<td>Special reports</td>
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<td>Bills</td>
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<td>Simple resolutions</td>
<td>418</td>
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<td>Quorum calls</td>
<td>6</td>
<td>9</td>
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<td>Yea-and-nay votes</td>
<td>442</td>
<td>648</td>
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<td>Recorded votes</td>
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<tr>
<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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### DISPOSITION OF EXECUTIVE NOMINATIONS

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<tr>
<th>Nomination Type</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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<tr>
<td>Civilian Nominations, totaling 490, disposed of as follows:</td>
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<td></td>
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<tr>
<td>Confirmed</td>
<td>276</td>
<td>276</td>
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<tr>
<td>Unconfirmed</td>
<td>180</td>
<td>180</td>
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<td>Withdrawn</td>
<td>31</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Other Civilian Nominations, totaling 3,807, disposed of as follows:</td>
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<td></td>
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<tr>
<td>Confirmed</td>
<td>3,799</td>
<td>3,799</td>
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</tr>
<tr>
<td>Unconfirmed</td>
<td>8</td>
<td>8</td>
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<tr>
<td>Air Force Nominations, totaling 6,096, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<td>6,090</td>
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<tr>
<td>Unconfirmed</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Army Nominations, totaling 6,721, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>6,698</td>
<td>6,698</td>
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<tr>
<td>Unconfirmed</td>
<td>19</td>
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<tr>
<td>Returned to White House</td>
<td>4</td>
<td>4</td>
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<tr>
<td>Navy Nominations, totaling 4,691, disposed of as follows:</td>
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<td>Confirmed</td>
<td>4,688</td>
<td>4,688</td>
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<tr>
<td>Unconfirmed</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Marine Corps Nominations, totaling 1,342, disposed of as follows:</td>
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<td></td>
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</tr>
<tr>
<td>Confirmed</td>
<td>1,341</td>
<td>1,341</td>
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</tr>
<tr>
<td>Unconfirmed</td>
<td>1</td>
<td>1</td>
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</tr>
</tbody>
</table>

Summary

Total nominations carried over from the First Session | 0
Total nominations received this Session | 23,147
Total confirmed | 22,892
Total unconfirmed | 216
Total withdrawn | 31
Total returned to the White House | 8
HISTORY OF BILLS ENACTED INTO PUBLIC LAW
(110th Cong., 1st Sess.)
BILLS ENACTED INTO PUBLIC LAW (110TH, 1ST SESSION)

DAILY DIGEST

March 13, 2008

BILLS VETOED


S. 5, to amend the Public Health Service Act to provide for human embryonic stem cell research. Vetoed June 20, 2007.


H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. Vetoed Nov. 2, 2007. Veto overridden and became Public Law 110-149, Nov. 9, 2007.


H.R. 1585, to authorize appropriations for fiscal year 2008 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. Vetoed Dec. 28, 2007.
<table>
<thead>
<tr>
<th>Title</th>
<th>Bill No.</th>
<th>Date introduced</th>
<th>Committee</th>
<th>Date Reported</th>
<th>Report No.</th>
<th>Date of passage</th>
<th>Public Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>To redesignate the White Rocks National Recreation Area in the State of Vermont as the &quot;Robert T. Stafford White Rocks National Recreation Area&quot;.</td>
<td>S. 159</td>
<td>Jan. 4, 2007</td>
<td>NR</td>
<td></td>
<td></td>
<td>Jan. 5, 2007</td>
<td>1</td>
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<tr>
<td>To revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.</td>
<td>H.R. 475</td>
<td>Jan. 16, 2007</td>
<td>HA</td>
<td></td>
<td></td>
<td>Jan. 19, 2007</td>
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<tr>
<td>To provide a new effective date for the applicability of certain provisions of law to Public Law 105-331.</td>
<td>H.R. 188</td>
<td>Jan. 4, 2007</td>
<td>FS BHUA</td>
<td></td>
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<td>Jan. 16, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 1500 North Frontage Road West in Vail, Colorado, as the &quot;Gerald R. Ford, Jr. Post Office Building&quot;.</td>
<td>H.R. 49 (S. 194)</td>
<td>Jan. 4, 2007</td>
<td>OGR HS&amp;GA</td>
<td></td>
<td></td>
<td>Jan. 29, 2007</td>
<td>7</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the &quot;Gerald R. Ford, Jr. Post Office Building&quot;.</td>
<td>H.R. 335 (S. 219)</td>
<td>Jan. 9, 2007</td>
<td>OGR HS&amp;GA</td>
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<td>Jan. 29, 2007</td>
<td>8</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the &quot;Scipio A. Jones Post Office Building&quot;.</td>
<td>H.R. 433</td>
<td>Jan. 12, 2007</td>
<td>OGR HS&amp;GA</td>
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<td></td>
<td>Feb. 5, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the &quot;Sergeant Lea Robert Mills Brookville Aviation Branch Post Office&quot;.</td>
<td>H.R. 514</td>
<td>Jan. 17, 2007</td>
<td>OGR HS&amp;GA</td>
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<td></td>
<td>Feb. 5, 2007</td>
<td>10</td>
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<tr>
<td>To designate the United States courthouse located at 5903 South Congress Avenue in Austin, Texas, as the &quot;Sergeant Henry Ybarra III Post Office Building&quot;.</td>
<td>H.R. 521 (S. 412)</td>
<td>Jan. 17, 2007</td>
<td>OGR HS&amp;GA</td>
<td></td>
<td></td>
<td>Jan. 29, 2007</td>
<td>12</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the &quot;Lane Evans Post Office Building&quot;.</td>
<td>H.R. 342</td>
<td>Jan. 9, 2007</td>
<td>TI EPW</td>
<td>Feb. 12, 2007</td>
<td>10</td>
<td>Feb. 12, 2007</td>
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<tr>
<td>Title</td>
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</tr>
<tr>
<td>To endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.</td>
<td>S. 494</td>
<td>Feb. 6, 2007</td>
<td>FR</td>
<td>Mar. 9, 2007</td>
<td>34</td>
<td>Mar. 26, 2007</td>
<td>April 9, 2007</td>
</tr>
<tr>
<td>To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.</td>
<td>H.R. 1132</td>
<td>Feb. 16, 2007</td>
<td>EC</td>
<td>Mar. 27, 2007</td>
<td>76</td>
<td>Mar. 27, 2007</td>
<td>April 20, 2007</td>
</tr>
<tr>
<td>To amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.</td>
<td>H.R. 727</td>
<td>Jan. 30, 2007</td>
<td>EC</td>
<td>Mar. 27, 2007</td>
<td>77</td>
<td>Mar. 27, 2007</td>
<td>May 3, 2007</td>
</tr>
<tr>
<td>To amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.</td>
<td>H.R. 521</td>
<td>Feb. 7, 2007</td>
<td>TI</td>
<td>Mar. 29, 2007</td>
<td></td>
<td>April 23, 2007</td>
<td>May 8, 2007</td>
</tr>
<tr>
<td>To endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.</td>
<td>S. 494</td>
<td>Feb. 6, 2007</td>
<td>FR</td>
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<td>To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.</td>
<td>H.R. 1132</td>
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<td>EC</td>
<td>Mar. 27, 2007</td>
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<tr>
<td>To amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of that individual or a family member of that individual, and for other purposes.</td>
<td>H.R. 727</td>
<td>Jan. 30, 2007</td>
<td>EC</td>
<td>Mar. 27, 2007</td>
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<td>Mar. 27, 2007</td>
<td>May 3, 2007</td>
</tr>
<tr>
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<td>H.R. 521</td>
<td>Feb. 7, 2007</td>
<td>TI</td>
<td>Mar. 29, 2007</td>
<td></td>
<td>April 23, 2007</td>
<td>May 8, 2007</td>
</tr>
<tr>
<td>To endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.</td>
<td>S. 494</td>
<td>Feb. 6, 2007</td>
<td>FR</td>
<td>Mar. 9, 2007</td>
<td>34</td>
<td>Mar. 26, 2007</td>
<td>April 9, 2007</td>
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<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
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<td>To designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the “Lieutenant Todd Jason Bryant Post Office”.</td>
<td>H.R. 988</td>
<td>Feb. 12, 2007</td>
<td>OGR HS&amp;GA</td>
<td>May 22, 2007</td>
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<td>April 16, 2007</td>
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<td>To designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the “Miguel Angel Garcia Mendez Post Office”.</td>
<td>H.R. 414</td>
<td>Jan. 11, 2007</td>
<td>OGR HS&amp;GA</td>
<td>May 22, 2007</td>
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<td>Feb. 12, 2007</td>
<td>June 1, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the “Atanacio Han-Marin Post Office”.</td>
<td>H.R. 625</td>
<td>Jan. 22, 2007</td>
<td>OGR HS&amp;GA</td>
<td>May 22, 2007</td>
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<td>April 23, 2007</td>
<td>June 1, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 320 South LeConto Highway in Lecanto, Florida, as the “Sergeant Dennis J. Flanagan LeConto Post Office Building”.</td>
<td>H.R. 1402</td>
<td>Mar. 8, 2007</td>
<td>OGR HS&amp;GA</td>
<td>May 22, 2007</td>
<td>0</td>
<td>April 23, 2007</td>
<td>June 1, 2007</td>
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<td>To amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.</td>
<td>H.R. 2080</td>
<td>May 1, 2007</td>
<td>OGR</td>
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<td></td>
<td>May 8, 2007</td>
<td>June 1, 2007</td>
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<td>To suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.</td>
<td>H.R. 1675</td>
<td>Mar. 26, 2007</td>
<td>FS BHUA</td>
<td>April 23, 2007</td>
<td>106</td>
<td>April 24, 2007</td>
<td>June 15, 2007</td>
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<tr>
<td>To increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.</td>
<td>S. 1104</td>
<td>April 12, 2007</td>
<td>Jud</td>
<td>May 21, 2007</td>
<td>158</td>
<td>May 22, 2007</td>
<td>June 15, 2007</td>
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<tr>
<td>To reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.</td>
<td>H.R. 1676</td>
<td>Mar. 26, 2007</td>
<td>FS BHUA</td>
<td>April 20, 2007</td>
<td>102</td>
<td>April 24, 2007</td>
<td>June 18, 2007</td>
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<tr>
<td>To authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.</td>
<td>S. 1573</td>
<td>May 25, 2007</td>
<td>NR ENR</td>
<td>Feb. 15, 2007</td>
<td>19</td>
<td>June 6, 2007</td>
<td>June 26, 1907</td>
</tr>
<tr>
<td>To provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.</td>
<td>H.R. 57</td>
<td>Jan. 4, 2007</td>
<td>NR ENR</td>
<td>Feb. 15, 2007</td>
<td>19</td>
<td>Jan. 17, 2007</td>
<td>June 26, 1907</td>
</tr>
<tr>
<td>To increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.</td>
<td>S. 676</td>
<td>Feb. 17, 2007</td>
<td>FA FR</td>
<td>Mar. 9, 2007</td>
<td>35</td>
<td>June 11, 2007</td>
<td>June 21, 2007</td>
</tr>
<tr>
<td>To authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center.</td>
<td>S. 1573</td>
<td>May 25, 2007</td>
<td>NR ENR</td>
<td>Feb. 15, 2007</td>
<td>19</td>
<td>Jan. 17, 2007</td>
<td>June 26, 1907</td>
</tr>
<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
<td>Public Law</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td>To amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.</td>
<td>H.R. 692</td>
<td>Jan. 24, 2007</td>
<td>Jud</td>
<td>May 9, 2007</td>
<td>House 110-139 0</td>
<td>May 15, 2007</td>
<td>June 14, 2007</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the &quot;Dr. Francis Townsend Post Office Building&quot;.</td>
<td>S. 1352</td>
<td>May 10, 2007</td>
<td>OGR</td>
<td>June 27, 2007</td>
<td>Senate 110-42 0</td>
<td>June 27, 2007</td>
<td>July 3, 2007</td>
</tr>
<tr>
<td>To reclassify a Federal building in Albuquerque, New Mexico, as the &quot;Raymond G. Murphy Department of Veterans Affairs Medical Center&quot;.</td>
<td>S. 229</td>
<td>Jan. 9, 2007</td>
<td>VA</td>
<td>June 25, 2007</td>
<td>Senate 110-44 0</td>
<td>June 25, 2007</td>
<td>July 5, 2007</td>
</tr>
<tr>
<td>To modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.</td>
<td>S. 277</td>
<td>Jan. 12, 2007</td>
<td>NR</td>
<td>June 27, 2007</td>
<td>Senate 110-47 0</td>
<td>June 27, 2007</td>
<td>July 13, 2007</td>
</tr>
<tr>
<td>To provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.</td>
<td>S. 1701</td>
<td>June 27, 2007</td>
<td></td>
<td>July 11, 2007</td>
<td>Senate 110-48 0</td>
<td>July 18, 2007</td>
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<td>To ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.</td>
<td>H.R. 556 (S. 1610)</td>
<td>Jan. 18, 2007</td>
<td>FS</td>
<td>Feb. 28, 2007</td>
<td>Senate 110-49 0</td>
<td>July 26, 2007</td>
<td></td>
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<tr>
<td>To enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.</td>
<td>S. 966</td>
<td>Mar. 22, 2007</td>
<td>FA</td>
<td>July 16, 2007</td>
<td>Senate 110-50 0</td>
<td>July 30, 2007</td>
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<td>To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.</td>
<td>S. 1868</td>
<td>July 24, 2007</td>
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<td>July 24, 2007</td>
<td>Senate 110-51 0</td>
<td>July 31, 2007</td>
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<td>To provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.</td>
<td>H.R. 1</td>
<td>Jan. 5, 2007</td>
<td>HS</td>
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<td>Jan. 9, 2007</td>
<td>Aug. 3, 2007</td>
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<td>To amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.</td>
<td>H.R. 2429</td>
<td>May 22, 2007</td>
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<td>To amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.</td>
<td>S. 1927</td>
<td>Aug. 1, 2007</td>
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<td>Aug. 4, 2007</td>
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<td>To authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.</td>
<td>H.R. 3311</td>
<td>Aug. 2, 2007</td>
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<td>Aug. 3, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the &quot;S/Sgt Lewis G. Watkins Post Office Building&quot;.</td>
<td>H.R. 1335</td>
<td>Mar. 6, 2007</td>
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<td>Aug. 1, 2007</td>
<td>0</td>
<td>May 14, 2007</td>
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<td>To designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the &quot;Buck Owens Post Office&quot;.</td>
<td>H.R. 1384</td>
<td>Mar. 7, 2007</td>
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<td>July 30, 2007</td>
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<td>To designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the &quot;S/Sgt Marvin &quot;Rex&quot; Young Post Office Building&quot;.</td>
<td>H.R. 1425</td>
<td>Mar. 9, 2007</td>
<td>OGR</td>
<td>Aug. 1, 2007</td>
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<td>To designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the &quot;Harriett F. Woods Post Office Building&quot;.</td>
<td>H.R. 1617</td>
<td>Mar. 21, 2007</td>
<td>OGR</td>
<td>Aug. 1, 2007</td>
<td>0</td>
<td>May 14, 2007</td>
<td>Aug. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 2800 State Route 125 in Blue Creek, Ohio, as the &quot;George B. Lewis Post Office Building&quot;.</td>
<td>H.R. 2077</td>
<td>April 30, 2007</td>
<td>OGR</td>
<td>Aug. 1, 2007</td>
<td>0</td>
<td>May 21, 2007</td>
<td>Aug. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the &quot;Staff Sergeant Omer T. &quot;O.T.&quot; Hawkins Post Office&quot;.</td>
<td>H.R. 2078</td>
<td>April 30, 2007</td>
<td>OGR</td>
<td>Aug. 1, 2007</td>
<td>0</td>
<td>May 21, 2007</td>
<td>Aug. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the &quot;Clem Rogers McSpadden Post Office Building&quot;.</td>
<td>H.R. 2127</td>
<td>May 3, 2007</td>
<td>OGR</td>
<td>Aug. 1, 2007</td>
<td>0</td>
<td>June 18, 2007</td>
<td>Aug. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the &quot;Frank G. Lumpkin, Jr. Post Office Building&quot;.</td>
<td>H.R. 2272</td>
<td>May 10, 2007</td>
<td>Sci</td>
<td>May 21, 2007</td>
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<td>July 19, 2007</td>
<td>Aug. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the &quot;Dr. Karl E. Carson Post Office Building&quot;.</td>
<td>H.R. 2563</td>
<td>June 5, 2007</td>
<td>OGR</td>
<td>June 18, 2007</td>
<td>Aug. 3, 2007</td>
<td>Aug. 9, 2007</td>
<td>Aug. 9, 2007</td>
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<td>To improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.</td>
<td>H.R. 3006</td>
<td>July 11, 2007</td>
<td>Agr NR</td>
<td></td>
<td></td>
<td>July 30, 2007</td>
<td>Aug. 3, 2007</td>
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<tr>
<td>To provide greater transparency in the legislative process.</td>
<td>S. 1</td>
<td>Jan. 4, 2007</td>
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<td></td>
<td>July 31, 2007</td>
<td>Jan. 18, 2007</td>
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<tr>
<td>To require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.</td>
<td>H.R. 2358</td>
<td>May 17, 2007</td>
<td>FS BHUA</td>
<td>June 12, 2007</td>
<td></td>
<td>Aug. 3, 2007</td>
<td>Sept. 20, 2007</td>
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<tr>
<td>To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.</td>
<td>H.R. 3580</td>
<td>Sept. 19, 2007</td>
<td>EC</td>
<td>Sept. 19, 2007</td>
<td></td>
<td>Sept. 20, 2007</td>
<td>Sept. 27, 2007</td>
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<tr>
<td>To provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.</td>
<td>H.R. 3528</td>
<td>Sept. 14, 2007</td>
<td>FA</td>
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<td>Sept. 17, 2007</td>
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<td>To provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.</td>
<td>H.R. 3668</td>
<td>Sept. 26, 2007</td>
<td>EC</td>
<td>House</td>
<td>Sept. 26, 2007</td>
<td>Sept. 29, 2007</td>
<td>90</td>
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<td>To make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.</td>
<td>H.R. 1124</td>
<td>Feb. 16, 2007</td>
<td>OGR</td>
<td>Senate</td>
<td>Sept. 26, 2007</td>
<td>Sept. 29, 2007</td>
<td>93</td>
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<tr>
<td>To amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees, and for other purposes.</td>
<td>S. 1983</td>
<td>Aug. 2, 2007</td>
<td>Agr</td>
<td>Senate</td>
<td>Sept. 24, 2007</td>
<td>Aug. 2, 2007</td>
<td>94</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the &quot;Frank J. Guarini Post Office Building&quot;.</td>
<td>H.R. 2587</td>
<td>June 6, 2007</td>
<td>OGR</td>
<td>House</td>
<td>Sept. 26, 2007</td>
<td>Sept. 29, 2007</td>
<td>97</td>
</tr>
<tr>
<td>To designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the &quot;Eleanor McGovern Post Office Building&quot;.</td>
<td>H.R. 2765</td>
<td>June 18, 2007</td>
<td>OGR</td>
<td>House</td>
<td>Sept. 26, 2007</td>
<td>Sept. 29, 2007</td>
<td>99</td>
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<td>To designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the &quot;Owen Lovejoy Princeton Post Office Building&quot;.</td>
<td>H.R. 2825</td>
<td>June 21, 2007</td>
<td>OGR</td>
<td>House</td>
<td>Sept. 26, 2007</td>
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<td>To amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce</td>
<td>H.R. 1284</td>
<td>Mar. 1, 2007</td>
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<td>Mar. 20, 2007</td>
<td>56</td>
<td>Mar. 21, 2007</td>
<td>Nov. 5, 2007</td>
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<tr>
<td>To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.</td>
<td>H.R. 327 Jan. 9, 2007</td>
<td>VA</td>
<td>VA</td>
<td>Mar. 20, 2007</td>
<td>55</td>
<td>Mar. 21, 2007</td>
<td>Nov. 5, 2007</td>
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<tr>
<td>To increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.</td>
<td>H.R. 1808</td>
<td>Mar. 29, 2007</td>
<td>VA</td>
<td>Mar. 20, 2007</td>
<td>56</td>
<td>Mar. 21, 2007</td>
<td>Nov. 5, 2007</td>
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<tr>
<td>To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ‘Charlie Norwood Department of Veterans Affairs Medical Center’</td>
<td>H.R. 1495</td>
<td>Mar. 13, 2007</td>
<td>TI</td>
<td>Mar. 29, 2007</td>
<td>80</td>
<td>Apr. 19, 2007</td>
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Notes:

- **House**: House Committee
- **Senate**: Senate Committee
- **Date Reported**: Date the bill was reported
- **Report No.**: Report number
- **Date of passage**: Date the bill was passed by Congress
- **Public Law**: Date the bill was signed into law

**abbreviations**:
- OGR = Oversight and Government Reform Committee
- HS&GA = Energy and Commerce Committee
- NR = Resources Committee
- ENR = Energy and Commerce Committee
- Jud = Judiciary Committee
- TI = Transportation and Infrastructure Committee
- AS-H = Armed Services Committee
- App = Appropriations Committee
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<td>To designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the &quot;Chief Warrant Officer Aaron Weaver Post Office Building&quot;.</td>
<td>H.R. 3530</td>
<td>Sept. 14, 2007</td>
<td>OGR HS&amp;GA</td>
<td>Nov. 14, 2007</td>
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<td>Oct. 9, 2007</td>
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<tr>
<td>To designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the &quot;Wallace S. Harrfield Post Office Building&quot;.</td>
<td>H.R. 3572</td>
<td>Sept. 18, 2007</td>
<td>OGR HS&amp;GA</td>
<td>Nov. 14, 2007</td>
<td>0</td>
<td>Oct. 15, 2007</td>
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<td>To provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.</td>
<td>H.R. 3315</td>
<td>Aug. 2, 2007</td>
<td>TI</td>
<td>Nov. 8, 2007</td>
<td>436</td>
<td>Nov. 13, 2007</td>
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<tr>
<td>To move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.</td>
<td>H.R. 6</td>
<td>Jan. 12, 2007</td>
<td>WM NR</td>
<td>Jan. 18, 2007</td>
<td>8</td>
<td>June 21, 2007</td>
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<td>To amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.</td>
<td>H.R. 710</td>
<td>Jan. 29, 2007</td>
<td>EC</td>
<td>Mar. 7, 2007</td>
<td>8</td>
<td>July 9, 2007</td>
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<td>To designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the &quot;Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic&quot;.</td>
<td>H.R. 2408</td>
<td>May 21, 2007</td>
<td>VA</td>
<td>VA</td>
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<td>Oct. 23, 2007</td>
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<tr>
<td>To amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying workstudy activities, and to authorize the provision of bronze representation of the letter &quot;V&quot; for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers.</td>
<td>H.R. 797</td>
<td>Feb. 5, 2007</td>
<td>VA</td>
<td>VA</td>
<td>Mar. 20, 2007</td>
<td>57</td>
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<tr>
<td>Bill No.</td>
<td>Date Introduced</td>
<td>Committee</td>
<td>Title</td>
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<tr>
<td>1061</td>
<td>Feb. 14, 2007</td>
<td>TI</td>
<td>To designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the Neal Smith Federal Building.</td>
<td></td>
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<tr>
<td>H.R. 2761</td>
<td>June 18, 2007</td>
<td>FS BHUA</td>
<td>To extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.</td>
<td></td>
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<tr>
<td>H.R. 2764</td>
<td>June 18, 2007</td>
<td>App</td>
<td>Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.</td>
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<tr>
<td>H.R. 3470</td>
<td>Sept. 4, 2007</td>
<td>OGR HS&amp;GA</td>
<td>To designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the John Sidney &quot;Sid&quot; Flowers Post Office Building.</td>
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<tr>
<td>H.R. 3569</td>
<td>Sept. 18, 2007</td>
<td>OGR HS&amp;GA</td>
<td>To designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the Beatrice E. Watson Post Office Building.</td>
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<tr>
<td>H.R. 3571</td>
<td>Sept. 18, 2007</td>
<td>HA HS&amp;GA</td>
<td>To amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.</td>
<td></td>
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<tr>
<td>H.R. 3974</td>
<td>Oct. 25, 2007</td>
<td>OGR</td>
<td>To designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the Marine Corps Corporal Steven P. Gill Post Office Building.</td>
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<tr>
<td>H.R. 3996</td>
<td>Oct. 30, 2007</td>
<td>WM</td>
<td>To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.</td>
<td></td>
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<tr>
<td>S. 1396</td>
<td>May 15, 2007</td>
<td>VA</td>
<td>To designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the Major General John F. Maclean Post Office Building.</td>
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<tr>
<td>S. 1896</td>
<td>July 30, 2007</td>
<td>VA</td>
<td>To designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the Major General John F. Maclean Post Office Building.</td>
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<tr>
<td>S. 1916</td>
<td>Aug. 1, 2007</td>
<td>VA</td>
<td>To amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.</td>
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<tr>
<td>Title</td>
<td>Bill No.</td>
<td>Date introduced</td>
<td>Committee</td>
<td>Date Reported</td>
<td>Report No.</td>
<td>Date of passage</td>
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<td>To amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.</td>
<td>H.R. 4839</td>
<td>Dec. 19, 2007</td>
<td>WM</td>
<td></td>
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<tr>
<td>To amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.</td>
<td>S. 2499</td>
<td>Dec. 18, 2007</td>
<td></td>
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<tr>
<td>To promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.</td>
<td>S. 2488</td>
<td>Dec. 14, 2007</td>
<td>OGR</td>
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<td>To amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.</td>
<td>S. 2436</td>
<td>Dec. 10, 2007</td>
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**TABLE OF COMMITTEE ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Committee Name</th>
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<tbody>
<tr>
<td>AG</td>
<td>Aging</td>
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<tr>
<td>Agr</td>
<td>Agriculture</td>
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<td>Agriculture, Nutrition, and Forestry</td>
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<tr>
<td>App</td>
<td>Appropriations</td>
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<td>AS-H</td>
<td>Armed Services (House)</td>
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<td>AS-S</td>
<td>Armed Services (Senate)</td>
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<td>BHUA</td>
<td>Banking, Housing, and Urban Affairs</td>
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<td>Bud</td>
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<td>CST</td>
<td>Commerce, Science, and Transportation</td>
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<tr>
<td>E&amp;L</td>
<td>Education and Labor</td>
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<td>EC</td>
<td>Energy and Commerce</td>
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<td>ENR</td>
<td>Energy and Natural Resources</td>
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<td>Environment and Public Works</td>
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<td>HEL&amp;P</td>
<td>Health, Education, Labor and Pensions</td>
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<td>HS</td>
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<td>H&amp;S&amp;GA</td>
<td>Homeland Security and Governmental Affairs</td>
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<td>HA</td>
<td>House Administration</td>
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<td>HK</td>
<td>Hurricane Katrina</td>
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<td>Oversight and Government Reform</td>
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<td>Veterans' Affairs</td>
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<td>WM</td>
<td>Ways and Means</td>
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</table>

**Note.** - The bill in parentheses is a companion measure.
Next Meeting of the SENATE
12 noon, Tuesday, March 18

Senate Chamber
Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Friday, March 14

House Chamber
Program for Friday: Consideration of the Senate amendment to H.R. 3773—FISA Amendments Act of 2008.